

STATE OF MAINE

—
IN THE YEAR OF OUR LORD
TWO THOUSAND TWENTY-FIVE

—
S.P. 472 - L.D. 1141

**An Act to Increase the Procurement of Maine Foods by Certain State
Institutions**

Emergency preamble. Whereas, acts and resolves of the Legislature do not become effective until 90 days after adjournment unless enacted as emergencies; and

Whereas, the people of Maine take enormous pride in the local food producers that support their communities and keep alive time-honored traditions that make Maine a unique place to live; and

Whereas, state agencies are some of the largest customers of local food producers, and state purchasing practices have an enormous impact on the communities that rely on local food producers; and

Whereas, many local food producers have developed strong and long-standing relationships with state agencies to sell high-quality food and food products at a significant discount, supporting local Maine businesses and families in the process; and

Whereas, it is critically important that the state agencies are able to continue and expand such procurement practices as soon as practicable and in perpetuity to support the people of Maine and protect the viability of the local food-producing communities; and

Whereas, in the judgment of the Legislature, these facts create an emergency within the meaning of the Constitution of Maine and require the following legislation as immediately necessary for the preservation of the public peace, health and safety; now, therefore,

Be it enacted by the People of the State of Maine as follows:

Sec. 1. 7 MRSA §211, as amended by PL 2019, c. 677, §1, is repealed and the following enacted in its place:

§211. Statement of policy

It is the policy of the State to encourage food self-sufficiency for the State. All state institutions must purchase Maine food and food products in accordance with this subchapter to increase the viability of Maine farms and food businesses, enhance rural

economic development and increase the environmental and social wealth of rural communities.

Sec. 2. 7 MRSA §212, sub-§4 is enacted to read:

4. Opportunity buying. "Opportunity buying" means the purchasing of food and food products from Maine food producers that are only available for a short period of time before the food or food products become unavailable for purchase.

Sec. 3. 7 MRSA §212, sub-§5 is enacted to read:

5. State institutions. "State institutions" means the Department of Corrections; the Dorothea Dix Psychiatric Center and the Riverview Psychiatric Center within the Department of Health and Human Services; and the Maine Veterans' Homes.

Sec. 4. 7 MRSA §214-A, as enacted by PL 2019, c. 677, §7, is repealed and the following enacted in its place:

§214-A. Maine food and food products procurement program

In accordance with this section, the commissioner shall implement and promote a Maine food and food products procurement program. State institutions may not be prohibited from procuring food and food products directly from Maine food producers, taking advantage of opportunity buying, coordinating dietary requirements and establishing healthy menus consistently throughout state institutions. The program must measurably improve the quality of food and food products for state institutions with the goal that, no later than 2030, at least 30% of all food and food products procured by state institutions are Maine food or food products.

1. Institutional food procurement coordinator. The commissioner shall designate an employee of the department as an institutional food procurement coordinator, referred to in this section as "the coordinator," to assist in the coordination of food procurement for all state institutions. In order to achieve the procurement goal set forth in this section, the coordinator shall:

A. Implement and oversee a strategy to strengthen connections between Maine food producers, distributors and state institutions for off-contract purchase agreements pursuant to subsection 2;

B. Assist the Department of Administrative and Financial Services, Bureau of General Services in the solicitation and review of bids from distributors and Maine food producers throughout the procurement process;

C. Identify Maine food producers throughout the State who can provide food and food products directly to state institutions for off-contract purchase agreements pursuant to subsection 2;

D. Establish and promote guidelines to assist state institutions in procuring Maine food and food products directly from Maine food producers, including, but not limited to, guidelines for opportunity buying and other off-contract purchase agreements pursuant to subsection 2;

E. To the extent practicable and within existing resources, convene an annual meeting to explore opportunities for cooperation to increase the purchase of Maine food and food products by state institutions. The coordinator may invite representatives from

appropriate state agencies and quasi-governmental entities, Maine food producers and food service professionals, for-profit and nonprofit organizations and other relevant stakeholders outside of State Government to participate in the annual meeting; and

F. Perform other duties as determined by the commissioner.

2. Off-contract purchases directly from Maine food producers. Notwithstanding any provision of law to the contrary, state institutions may negotiate directly with Maine food producers and execute agreements for off-contract purchases of food or food products by commodity type, including, but not limited to, vegetables, fruit, eggs, grain or grain products, herbs, seasonings or spices, milk or milk products, meat or meat products, poultry or poultry products, fish or fish products, seafood or seafood products, cider or juice, canned or frozen foods, honey, maple products and condiments. Food or food products purchased under this subsection may be priced up to 15% higher than the same food or food product available under contract.

4. Advisory committee. The commissioner may establish an advisory committee to assist the coordinator in advancing strategies for increasing purchases of Maine food and food products by state institutions. The commissioner may invite representatives from appropriate state agencies and quasi-governmental entities, Maine food producers and food service professionals, for-profit and nonprofit organizations and other relevant stakeholders outside of State Government to serve on the advisory committee. To the extent practicable, the advisory committee membership must reflect the diversity of the State, including, but not limited to, diversity in geographic location, background and professional experience.

5. Report. The commissioner shall include a description of the progress toward reaching the procurement goal under this section in the biennial report submitted to the Legislature pursuant to section 2, subsection 5.

Sec. 5. 7 MRSA §215-A, as enacted by PL 2019, c. 677, §9, is repealed and the following enacted in its place:

§215-A. Rules

The commissioner shall adopt rules necessary to carry out the provisions of this subchapter.

The rules must establish guidelines for off-contract purchase agreements pursuant to section 214-A, subsection 2. The rules must establish a method and baseline to determine the percentage of Maine food or food products procured by state institutions based on dollars spent for different commodity types. The rules must establish reasonable and measurable benchmarks to achieve the overall procurement goal under this subchapter.

Rules adopted pursuant to this section are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A.

Emergency clause. In view of the emergency cited in the preamble, this legislation takes effect when approved.