

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

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Sec. 1. 7 MRSA §211, as amended by PL 2019, c. 677, §1, is repealed and the following enacted in its place: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 vendors at a significant discount that is 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 Department of Health and Human Services, Dorothea Dix Psychiatric and Riverview Psychiatric Centers 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Sec. 4. 7 MRSA §214-A, as enacted by PL 2019, c. 677, §7, is repealed and the following enacted in its place: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 foods procurement program

In accordance with this section, the commissioner shall implement and promote a Maine foods and food products procurement program. The program must allow state institutions to procure food directly from Maine food producers, take advantage of opportunity buying, coordinate dietary requirements and establish healthy menus consistently throughout state institutions. The program must measurably improve the quality and reduce the cost 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 and other institutional stakeholders outside of State Government;

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

C. Establish and promote guidelines to assist state institutions to assess their ability to procure Maine foods and food products directly from Maine food producers while minimizing costs for that procurement, including, but not limited to, guidelines for utilizing opportunity buying for off-contract purchases;

D. 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.

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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

E. Perform other duties as determined by the commissioner.

4. **Advisory Committee.** The commissioner may establish an advisory committee to assist the coordinator in advancing strategies for increasing purchases of Maine foods 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.

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

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

SUMMARY

This bill clarifies existing state policy governing food procurement by state institutions to require rather than encourage the procurement of Maine foods and food products by state institutions. The bill creates a definition for "opportunity buying," which is defined as the purchasing of food and food products from vendors at a significant discount that is only available for a short period of time before the food or food products become unavailable for purchase. The bill creates a definition for "state institutions," which is defined as the Department of Corrections, the Department of Health and Human Services, Dorothea Dix and Riverview Psychiatric Centers and the Maine Veterans' Homes.

Current law requires the Commissioner of Agriculture, Conservation and Forestry to establish a Maine foods and food products procurement program with the goal that 20% of food procured by state institutions is Maine food and food products. The bill adjusts the program goal with a requirement that, by 2030, that percentage must be 30%. The bill also requires the commissioner to designate an employee of the department as an institutional food procurement coordinator to coordinate food procurement for all state institutions and to implement and oversee a strategy to strengthen connections between Maine food producers, distributors and other institutional stakeholders outside of State Government to achieve the procurement goal established. The bill requires that the food procurement program measurably improve the quality and reduce the cost of food and food products for state institutions. The bill gives permission for the State to engage in off-contract purchasing, outlines requirements for the convening of an annual meeting and an advisory committee to assist the coordinator in advancing strategies for increasing purchases of Maine foods and food products by state institutions and requires the inclusion of the progress toward the procurement goal in the commissioner's biennial report.