

MAINE STATE LEGISLATURE

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2 Date: 6/11/25

L.D. 1141
(Filing No. S-352)

3 **AGRICULTURE, CONSERVATION AND FORESTRY**

4 Reproduced and distributed under the direction of the Secretary of the Senate.

5 **STATE OF MAINE**
6 **SENATE**
7 **132ND LEGISLATURE**
8 **FIRST SPECIAL SESSION**

9 COMMITTEE AMENDMENT "A" to S.P. 472, L.D. 1141, "An Act to Increase the
10 Procurement of Maine Foods by State-funded Institutions"

11 Amend the bill by striking out the title and substituting the following:

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

13 Amend the bill by striking out everything after the enacting clause and before the
14 emergency clause and inserting the following:

15 **'Sec. 1. 7 MRSA §211, as amended by PL 2019, c. 677, §1, is repealed and the**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

17 **§211. Statement of policy**

18 It is the policy of the State to encourage food self-sufficiency for the State. All state
19 institutions must purchase Maine food and food products in accordance with this
20 subchapter to increase the viability of Maine farms and food businesses, enhance rural
21 economic development and increase the environmental and social wealth of rural
22 communities.

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

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

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

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

31 **Sec. 4. 7 MRSA §214-A, as enacted by PL 2019, c. 677, §7, is repealed and the**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

33 **§214-A. Maine food and food products procurement program**

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

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

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

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

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

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

27 E. To the extent practicable and within existing resources, convene an annual meeting
28 to explore opportunities for cooperation to increase the purchase of Maine food and
29 food products by state institutions. The coordinator may invite representatives from
30 appropriate state agencies and quasi-governmental entities, Maine food producers and
31 food service professionals, for-profit and nonprofit organizations and other relevant
32 stakeholders outside of State Government to participate in the annual meeting; and

33 F. Perform other duties as determined by the commissioner.

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

43 **4. Advisory committee.** The commissioner may establish an advisory committee to
44 assist the coordinator in advancing strategies for increasing purchases of Maine food and

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

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

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

12 **§215-A. Rules**

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

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

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

22 Amend the bill by relettering or renumbering any nonconsecutive Part letter or section
23 number to read consecutively.

24 **SUMMARY**

25 This amendment revises the definition of "opportunity buying" to mean the purchasing
26 of food and food products from Maine food producers, rather than from vendors at a
27 significant discount as proposed in the bill, that are only available for a short period of time
28 before the food or food products become unavailable for purchase. The amendment defines
29 "state institutions" as the Department of Corrections; the Dorothea Dix Psychiatric Center
30 and the Riverview Psychiatric Center within the Department of Health and Human
31 Services; and the Maine Veterans' Homes for the purpose of the Maine foods procurement
32 program proposed in the bill. The amendment specifies the responsibilities of the
33 institutional food procurement coordinator within the Department of Agriculture,
34 Conservation and Forestry.

35 The amendment also provides that state institutions may negotiate directly with Maine
36 food producers and execute agreements for off-contract purchases of food by commodity
37 type and provides that food or food products purchased under an off-contract purchase
38 agreement may be priced up to 15% higher than the same food or food product available
39 under contract.

40 The amendment removes from the bill the requirement that the coordinator convene an
41 annual meeting. Instead, the amendment authorizes the coordinator to convene an annual
42 meeting to the extent practicable and within existing resources.

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COMMITTEE AMENDMENT "A" to S.P. 472, L.D. 1141 (5352)

1 The amendment authorizes, rather than requires as proposed in the bill, the
2 Commissioner of Agriculture, Conservation and Forestry to establish an advisory
3 committee. The amendment revises the makeup of the advisory committee charged with
4 assisting the coordinator in advancing strategies for increasing purchases of Maine food
5 and food products by state institutions. The amendment provides that rules adopted under
6 the Maine Revised Statutes, Title 7, chapter 8-A, subchapter 1 are routine technical rules
7 rather than major substantive rules as proposed in the bill.

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FISCAL NOTE REQUIRED
(See attached)

COMMITTEE AMENDMENT



132nd MAINE LEGISLATURE

LD 1141

LR 938(02)

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

Fiscal Note for Bill as Amended by Committee Amendment "A" (S-352)
Committee: Agriculture, Conservation and Forestry
Fiscal Note Required: Yes

Fiscal Note

Potential current biennium cost increase - General Fund

Fiscal Detail and Notes

This bill authorizes the Department of Corrections, the Dorothea Dix Psychiatric Center and Riverview Psychiatric Center within the Department of Health and Human Services and the Maine Veterans' Homes to make off-contract purchases of food and food products from Maine food producers at prices up to 15% higher than the same food or food product available under contract. This will potentially increase expenditures on food and food products by the Department of Corrections, the Department of Health and Human Services and the Maine Veterans' Homes. A more precise estimate of the fiscal impact is not possible because it is unknown whether and to what extent these departments would exercise this option and the actual price differential.

Any additional costs to the Department of Agriculture, Conservation and Forestry from the provisions of this bill are expected to be minor and can be absorbed within existing budgeted resources.