

MAINE STATE LEGISLATURE

The following document is provided by the
LAW AND LEGISLATIVE DIGITAL LIBRARY
at the Maine State Law and Legislative Reference Library
<http://legislature.maine.gov/lawlib>



Reproduced from electronic originals
(may include minor formatting differences from printed original)



132nd MAINE LEGISLATURE

FIRST REGULAR SESSION-2025

Legislative Document

No. 1141

S.P. 472

In Senate, March 18, 2025

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

(EMERGENCY)

Reference to the Committee on Agriculture, Conservation and Forestry suggested and ordered printed.

A handwritten signature in black ink, appearing to read 'D M Grant'.

DAREK M. GRANT
Secretary of the Senate

Presented by Senator HICKMAN of Kennebec.
Cosponsored by Representative SALISBURY of Westbrook and
Senators: BALDACCI of Penobscot, BLACK of Franklin, GUERIN of Penobscot,
INGWERSEN of York, TALBOT ROSS of Cumberland, TIMBERLAKE of Androscoggin,
Representatives: PLUECKER of Warren, QUINT of Hodgdon.

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

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

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

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

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

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

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

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

22 **§211. Statement of policy**

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

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

29 **4. Opportunity buying.** "Opportunity buying" means the purchasing of food and
30 food products from vendors at a significant discount that is only available for a short period
31 of time before the food or food products become unavailable for purchase.

32 **Sec. 3. 7 MRSA §214-A,** as enacted by PL 2019, c. 677, §7, is repealed and the
33 following enacted in its place:

34 **§214-A. Maine foods procurement program**

35 In accordance with this section, the commissioner shall implement and promote a
36 Maine foods and food products procurement program that consolidates food commodity
37 purchases by centralizing the control and purchase of food to stabilize state institution food
38 budgets. The program must allow state institutions to take advantage of opportunity buying,
39 coordinate dietary requirements and establish healthy menus consistently throughout state
40 institutions. The program must measurably improve the quality and reduce the cost of food

1 and food products for state institutions with the goal that, no later than 2030, at least 30%
2 of all food and food products procured by state institutions are Maine food or food products.

3 **1. Institutional food procurement coordinator.** The commissioner shall designate
4 an employee of the department as an institutional food procurement coordinator, referred
5 to in this section as "the coordinator," to coordinate food procurement for all state
6 institutions. Notwithstanding any provision of law to the contrary, all state institutions that
7 enter into food procurement contracts, including, but not limited to, the department, the
8 Department of Administrative and Financial Services, the Department of Corrections, the
9 Department of Education, the Department of Health and Human Services, the Department
10 of Labor, the Department of Marine Resources, Maine Veterans' Homes, the University of
11 Maine System and the Maine Community College System, must consult with the
12 coordinator before executing any food procurement contract or any amendment to or
13 renewal of a food procurement contract. The coordinator shall implement and oversee a
14 strategy to strengthen connections between Maine food producers, distributors and other
15 institutional stakeholders outside of State Government to achieve the procurement goal set
16 forth in this section.

17 **2. Food procurement contract.** Notwithstanding any provision of law to the contrary,
18 to enhance the ability of all state institutions to increase the procurement of Maine foods
19 and food products while minimizing costs for that procurement, all state institution food
20 procurement contracts must contain the following provision: "OFF-CONTRACT
21 PURCHASING. If items can be located from other vendors at a 20% or more cost savings,
22 the State reserves the right to purchase off contract."

23 **3. Annual meeting.** The coordinator shall convene an annual meeting to explore
24 opportunities for cooperation to increase the purchase of Maine foods and food products
25 by state institutions, and the meeting may coincide with any renewal periods for state
26 institution food procurement contracts. The coordinator shall invite representatives from
27 each of the state agencies set forth in subsection 1 to the meeting. The coordinator may
28 invite representatives of other appropriate state agencies and quasi-governmental entities,
29 Maine food producers and food service professionals and other institutional stakeholders
30 outside of State Government.

31 **4. Advisory committee.** The commissioner shall establish an advisory committee to
32 assist the coordinator in advancing strategies for increasing purchases of Maine foods and
33 food products by state institutions. The commissioner shall invite at least one representative
34 from each of the state agencies set forth in subsection 1 to serve on the advisory committee.
35 The commissioner may invite representatives from other appropriate state agencies and
36 quasi-governmental entities, for-profit and nonprofit organizations and other relevant
37 stakeholders to serve on the advisory committee.

38 **5. Report.** In the biennial report submitted to the Legislature pursuant to section 2,
39 subsection 5, the commissioner shall include a description of the progress toward reaching
40 the procurement goal set forth in this section and any program benchmarks set forth in rules
41 adopted pursuant to section 215-A.

42 **Sec. 4. 7 MRSA §215-A,** as enacted by PL 2019, c. 677, §9, is repealed and the
43 following enacted in its place:

44 **§215-A. Rules**

