

MAINE STATE LEGISLATURE

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1 FIRST REGULAR SESSION
2

3 ONE HUNDRED AND ELEVENTH LEGISLATURE
4

5 Legislative Document

No. 901

6
7 H.P. 710

House of Representatives, February 28, 1983

8 Referred to the Committee on Agriculture. Sent up for concurrence and
9 ordered printed.

10 EDWIN H. PERT, Clerk

Presented by Representative Michael of Auburn.

Cosponsors: Senator Carpenter of Aroostook, Representative Sherburne
11 of Dexter and Representative McCollister of Canton.

12 STATE OF MAINE
13

14 IN THE YEAR OF OUR LORD
15 NINETEEN HUNDRED AND EIGHTY-THREE
16

17 AN ACT to Extend and Amend the Statute
18 entitled Purchase of Foodstuffs from
19 Maine Concerns.
20

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

23 Sec. 1. 5 MRSA §1811, sub-§8, as enacted by PL
24 1967, c. 492, is amended to read:

25 8. Municipal purchasing. To permit any political
26 subdivision or School Administrative District in the
27 State of Maine to make purchases of foodstuffs, mate-
28 rials, equipment and supplies through the State
29 Bureau of Purchases, subject to such procedures,
30 rules and regulations as may be prescribed by the
31 State Purchasing Agent. This subsection shall apply
32 to a municipality notwithstanding any provision in
33 its municipal charter to the contrary.

1 Sec. 2. 7 MRSA c. 8-A is enacted to read:

2 CHAPTER 8-A

3 PURCHASE OF FOODSTUFFS FROM MAINE CONCERNS

4 §211. Statement of policy

5 It is the policy of the State to encourage food
6 self-sufficiency for the State. State institutions
7 and school districts in the State shall purchase food
8 produced by Maine farmers or fishermen, provided that
9 food is available in adequate quantity and meets ac-
10 ceptable quality standards.

11 §212. Definitions

12 1. Brokers or wholesalers. "Brokers or whole-
13 salers" means any person representing an enterprise,
14 either for profit or nonprofit, whose objective is to
15 purchase or collect available supplies of food from
16 Maine food producers for subsequent distribution to
17 state institutions, school districts and other food
18 businesses.

19 2. Maine food producer. "Maine food producer"
20 means any person who is a resident farmer or
21 fisherman, or an association of farmers or fishermen
22 in a cooperative or producer group.

23 3. State or school purchaser. "State or school
24 purchaser" means any person who purchases foodstuffs
25 for any state institution or agency, the
26 vocational-technical institutes or the school dis-
27 tricts of this State.

28 §213. Implementation of state policy to purchase
29 foodstuffs from Maine concerns

30 Notwithstanding any other provision of law and
31 assuming reasonable similarity in quality, quantity
32 and availability with other foodstuffs offered for
33 sale, state or school purchasers shall buy without
34 competitive bidding meat, fish, dairy products,
35 excluding milk and eggs, and species of fruits and
36 fresh vegetables, directly from Maine food producers
37 or from food brokers who assist in the distribution

1 of foodstuffs produced or harvested by Maine food
2 producers.

3 1. Amounts to be expended by institutional
4 facilities. The total amount that must be expended
5 by any institutional facility in Maine in any fiscal
6 year pursuant to this section shall not exceed an
7 amount equal to 30¢ multiplied by 365, multiplied by
8 the average number of persons served in that institu-
9 tional facility's feeding program during the pre-
10 ceding fiscal year, provided foodstuffs produced by
11 Maine food producers is available in adequate supply
12 and meets quality standards. If the state purchaser
13 can reduce his meal costs as a result of purchasing
14 foodstuffs from Maine food producers, then savings
15 realized will revert back to the institution's food
16 service account, and those savings may be used to
17 improve the facility's food service department,
18 including the acquisition of necessary equipment and
19 the hiring of food service personnel. The state pur-
20 chaser shall seek the approval of the administrator
21 in charge of his facility before using savings for
22 improvements.

23 2. Amounts to be expended by a school district.
24 The amount that may be expended by a school district
25 in any fiscal year pursuant to this section shall not
26 exceed an amount equal to 7¢ multiplied by the total
27 number of days in the school year multiplied by the
28 total enrollment of that school district participat-
29 ing in the school meal programs, provided foodstuffs
30 produced by Maine food producers is available in ade-
31 quate quantity and acceptable quality. If the school
32 purchaser can realize savings in unit meal costs as a
33 result of buying foodstuffs from Maine food pro-
34 ducers, then savings will remain in the school dis-
35 trict's food service account and shall be used for
36 the same purposes specified in subsection 1. The
37 school purchaser will seek the approval of superin-
38 tendent before using savings in the food service ac-
39 count for improvements.

40 §214. Coordination of purchases of foodstuffs from
41 Maine concerns

42 There is established in the Bureau of Purchases
43 the position of coordinator who shall be responsible

1 to assist in the development of connections between
2 state and school purchasers, Maine food producers and
3 brokers and wholesalers of food.

4 §215. Standards

5 1. Quality standards to be established. Quality
6 standards for meat, fish, dairy products, excluding
7 milk and eggs, and species of fresh fruits and vege-
8 tables shall be established in writing and copies of
9 these standards shall be made available to all Maine
10 food producers and brokers and wholesalers who are
11 interested in selling food to institutions and
12 schools in Maine.

13 2. Coordination of development of quality stan-
14 dards. The Bureau of Purchases will coordinate the
15 development of quality standards with state insti-
16 tutions and the Department of Educational and Cul-
17 tural Services. The coordinator will collaborate
18 with the state purchasing agent in assisting state
19 and school purchasers in formulating consistent,
20 although not necessarily uniform, quality standards.
21 In the event there are differences of opinion about
22 the quality of foodstuffs supplied institutions or
23 schools, final authority for resolution rests with
24 the state purchasing agent.

25 3. Certification of food of Maine origin. Food
26 brokers and wholesalers or any person who sells
27 directly to the state institutions and schools of
28 Maine shall certify to purchasing agents that ship-
29 ments of food intended to be of Maine origin are pro-
30 duced or harvested by Maine food producers.

31 4. Split shipments of food. Food brokers and
32 wholesalers or any person selling directly to the
33 state institutions or schools may supply split ship-
34 ments of food, mixing food items of Maine origin with
35 the same food items from outside Maine, provided the
36 consolidated order is of comparable quality and the
37 broker specifies the percentage of the mixed shipment
38 that is of Maine origin

39 Sec. 3. Appropriation. The following funds are
40 appropriated from the General Fund to carry out the
41 purposes of this Act.

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1983-84

FINANCE AND ADMINISTRATION,
DEPARTMENT OF

Bureau of Purchases

Positions (1)
Personal Services \$18,000

These funds are to be used for the position of coordinator within the Bureau of Purchases. These funds shall not lapse but shall be carried forward from year to year to carry out the purposes of this Act.

STATEMENT OF FACT

This bill extends the life of a public law commonly called the "Institutional Marketing" statute. This bill amends the expired law significantly by:

1. Mandating purchases by state institutions and school districts of food produced or harvested by Maine food producers; and

2. Establishing a coordination position within the Bureau of Purchases to develop commercial connections between purchasing agents in institutions and schools, Maine food producers and brokers and wholesalers.

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