

MAINE STATE LEGISLATURE

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125th MAINE LEGISLATURE

FIRST REGULAR SESSION-2011

Legislative Document

No. 1446

H.P. 1060

House of Representatives, April 11, 2011

An Act To Establish the Maine Farm and Fish to School Program

Reference to the Committee on Education and Cultural Affairs suggested and ordered printed.

A handwritten signature in cursive script that reads "Heather J.R. Priest".

HEATHER J.R. PRIEST
Clerk

Presented by Representative McCABE of Skowhegan.

Cosponsored by Senator LANGLEY of Hancock and

Representatives: BEAVERS of South Berwick, BECK of Waterville, BERRY of Bowdoinham, BLACK of Wilton, BOLAND of Sanford, BRIGGS of Mexico, BRYANT of Windham, CAIN of Orono, CAREY of Lewiston, CHAPMAN of Brooksville, CHIPMAN of Portland, CORNELL du HOUX of Brunswick, CRAY of Palmyra, CROCKETT of Bethel, DILL of Cape Elizabeth, DILL of Old Town, DOW of Waldoboro, EDGECOMB of Caribou, EVES of North Berwick, FLEMINGS of Bar Harbor, FOSSEL of Alna, FOSTER of Augusta, GIFFORD of Lincoln, GILBERT of Jay, GOODE of Bangor, GRAHAM of North Yarmouth, HARLOW of Portland, HARMON of Palermo, HARVELL of Farmington, HERBIG of Belfast, HINCK of Portland, HOGAN of Old Orchard Beach, HUNT of Buxton, INNES of Yarmouth, KENT of Woolwich, KRUGER of Thomaston, KUMIEGA of Deer Isle, LOVEJOY of Portland, LUCHINI of Ellsworth, MAZUREK of Rockland, McKANE of Newcastle, MITCHELL of the Penobscot Nation, MORRISON of South Portland, NELSON of Falmouth, O'BRIEN of Lincolnville, RANKIN of Hiram, RICHARDSON of Warren, ROCHELO of Biddeford, ROTUNDO of Lewiston, RUSSELL of Portland, SANBORN of Gorham, SHAW of Standish, STEVENS of Bangor, STUCKEY of Portland, TIMBERLAKE of Turner, TREAT of Hallowell, WAGNER of Lewiston, WEBSTER of Freeport, WELSH of Rockport, Senators: ALFOND of Cumberland, GOODALL of Sagadahoc.

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

2 **Sec. 1. 7 MRSA §212, sub-§2-A** is enacted to read:

3 **2-A. Minimally processed.** "Minimally processed" means, with respect to food
4 items, processed only by washing, cleaning, trimming, drying, sorting, freezing or
5 packaging or by a combination of those activities.

6 **Sec. 2. 7 MRSA §213,** as amended by PL 2005, c. 382, Pt. C, §1, is further
7 amended by adding after the first paragraph a new paragraph to read:

8 Beginning with the 2015-2016 school year, each school district shall expend a
9 minimum of 10% of total school food purchases on purchases from Maine food
10 producers. Beginning with the 2020-2021 school year, each school district shall expend
11 a minimum of 20% of total school food purchases on purchases from Maine food
12 producers. Beginning with the 2025-2026 school year, each school district shall expend a
13 minimum of 30% of total school food purchases on purchases from Maine food
14 producers.

15 **Sec. 3. 7 MRSA §215-A** is enacted to read:

16 **§215-A. Maine Farm and Fish to School Program**

17 **1. Program established.** The Maine Farm and Fish to School Program, referred to
18 in this section as "the program," is established within the department to promote, market
19 and facilitate the sale of food grown or raised and fish raised or caught by Maine food
20 producers to primary and secondary schools and postsecondary educational institutions.
21 The commissioner shall administer the program in consultation with the Department of
22 Education and the Department of Health and Human Services, Maine Center for Disease
23 Control and Prevention. For the purposes of this section, "departments" means the
24 Department of Agriculture, Food and Rural Resources, the Department of Education and
25 the Department of Health and Human Services, Maine Center for Disease Control and
26 Prevention.

27 **2. Program objectives.** To implement the program, the departments shall share
28 information and work collaboratively with the Maine Food Policy Council established
29 under section 216 and the Maine Agriculture in the Classroom Council established under
30 section 242 to:

31 A. Develop, implement and support food procurement strategies for schools that
32 recognize the benefits of, and result in, increased purchasing from Maine food
33 producers;

34 B. Provide or coordinate technical assistance and training to school personnel as
35 needed to facilitate meal preparation using whole, fresh and minimally processed
36 foods from Maine food producers;

37 C. Connect Maine food producers with state and local purchasers and maintain an
38 interactive website created for this purpose; and

1 D. Maximize funding received under the National School Lunch Program under 7
2 Code of Federal Regulations, Part 210 (2007) and the federal School Breakfast
3 Program under 7 Code of Federal Regulations, Part 220 (2007).

4 **3. Farm and Fish to School Fund established.** The Farm and Fish to School Fund,
5 referred to in this section as "the fund," is established within the department. The
6 commissioner may accept funds from public and private sources for deposit in the fund.
7 The fund must be held separate and apart from all other money, funds and accounts. Any
8 balance remaining in the fund at the end of the fiscal year does not lapse and must be
9 carried forward to the next fiscal year. The fund may be used:

10 A. To support activities of the departments to advance program objectives under
11 subsection 2;

12 B. To contract for services to advance program objectives under subsection 2; and

13 C. To fund planning and implementation grants to schools and Maine food producers
14 under subsection 4.

15 **4. Grants.** The Department of Education shall award grants from the fund to school
16 districts to support nutrition education programs and purchases from Maine food
17 producers for school lunch and breakfast programs. The Department of Agriculture,
18 Food and Rural Resources shall award grants to Maine food producers to support the
19 aggregation, packaging, storage and transportation of their products to school districts.

20 **Sec. 4. 20-A MRSA §6602, sub-§12,** as enacted by PL 2001, c. 447, §1, is
21 amended to read:

22 **12. Local Food Procurement Fund.** The Local ~~Produce~~ Food Procurement Fund is
23 established within the Department of Education. The fund is authorized to receive
24 revenue from public and private sources. The fund must be held separate and apart from
25 all other money, funds and accounts. Any balance remaining in the fund at the end of the
26 fiscal year must be carried forward to the next fiscal year. The fund must be used to
27 match \$1 for every \$3 a school administrative unit pays for produce, meat, fish, eggs,
28 dairy products or minimally processed foods purchased directly from a farmer or a
29 farmers' cooperative or a fisherman or a fishermen's cooperative in the State, ~~to a~~
30 ~~maximum state contribution of \$1,000.~~ A school administrative unit shall provide the
31 department with an invoice each month that funding is sought. At the end of the fiscal
32 year, the school administrative unit ~~may~~ shall provide the department with receipts
33 documenting purchases pursuant to this subsection during that year. For purposes of this
34 subsection, "minimally processed" means only the washing, cleaning, trimming, drying,
35 sorting, freezing and packaging of food items or a combination of those activities.
36 Reimbursement or partial reimbursement to school administrative units may only be
37 made up to the amount available in the fund. Failure to reimburse does not constitute an
38 obligation on behalf of the State to a school administrative unit.

39 **Sec. 5. Departments to work toward full implementation of**
40 **recommendations to strengthen farm-to-school efforts.** The Commissioner of
41 Agriculture, Food and Rural Resources, the Commissioner of Education and the
42 Commissioner of Health and Human Services shall review the report submitted to the

1 Joint Standing Committee on Agriculture, Conservation and Forestry, the Joint Standing
2 Committee on Education and Cultural Affairs and the Joint Standing Committee on
3 Health and Human Services on February 5, 2010 in response to Resolve 2009, chapter
4 106. The commissioners shall determine actions not yet taken to implement the
5 recommendations in that report, the statutory requirements of this Act and local wellness
6 policies in compliance with the United States Child Nutrition WIC Reauthorization Act
7 of 2004, Public Law 108-265, Section 204, adopted June 30, 2004.

8 No later than January 4, 2012, the commissioners shall report to the Joint Standing
9 Committee on Agriculture, Conservation and Forestry, the Joint Standing Committee on
10 Education and Cultural Affairs and the Joint Standing Committee on Health and Human
11 Services with a list prioritizing actions necessary to advance the State's food policy
12 established in the Maine Revised Statutes, Title 7, chapter 8-A and this Act. The
13 commissioners within their existing authority shall adopt or revise rules and agency
14 policies to support the State's food policy, the Maine Food Policy Council established in
15 Title 7, section 216 and the Maine Agriculture in the Classroom Council established in
16 Title 7, section 242. The commissioners shall prepare and submit any legislation and
17 request all resources necessary to fully implement the State's food policy.

18 SUMMARY

19 This bill establishes the Maine Farm and Fish to School Program to increase the
20 purchasing by schools of food raised, grown or harvested by Maine farmers and
21 fishermen. It establishes a fund to implement the program. It establishes a minimum
22 percentage of school food budgets to be spent on food purchased from Maine producers
23 and increases that percentage in 3 steps to 30% in the 2025-2026 school year. It revises
24 the Local Produce Fund in the Department of Education to include meat and fish,
25 removes the maximum contribution of the State set in statute and renames it the Local
26 Food Procurement Fund.

27 The bill requires the Commissioner of Agriculture, Food and Rural Resources, the
28 Commissioner of Education and the Commissioner of Health and Human Services to
29 determine actions needed to fully implement the State's food policy and to take steps and
30 request resources to do so.