

# MAINE STATE LEGISLATURE

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# 127th MAINE LEGISLATURE

## FIRST REGULAR SESSION-2015

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Legislative Document

No. 1193

S.P. 420

In Senate, April 1, 2015

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**An Act To Encourage Good Nutrition and Healthy Choices in the  
Supplemental Nutrition Assistance Program**

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Reference to the Committee on Health and Human Services suggested and ordered printed.

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

HEATHER J.R. PRIEST  
Secretary of the Senate

Presented by Senator JOHNSON of Lincoln.  
Cosponsored by Representative GATTINE of Westbrook and  
Senators: BREEN of Cumberland, DIAMOND of Cumberland, DUTREMBLE of York,  
HASKELL of Cumberland, KATZ of Kennebec, LIBBY of Androscoggin, MIRAMANT of  
Knox, VALENTINO of York.

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

2 **Sec. 1. 22 MRSA §3109** is enacted to read:

3 **§3109. Healthy Local Foods Initiative Program**

4 **1. Healthy Local Foods Initiative Program.** The Healthy Local Foods Initiative  
5 Program, referred to in this section as "the program," is established within the department  
6 to engage in efforts to seek out and support, sustain or assist eligible applicants in  
7 submitting proposals for federal grants or funding to establish pilot projects designed to  
8 improve the diets of low-income persons enrolled in a statewide food supplement  
9 program administered as part of the federal supplemental nutrition assistance program  
10 under section 3104, referred to in this section as "project participants." For the purpose of  
11 this section, "eligible applicant" means an applicant that meets the eligibility standards of  
12 the United States Department of Agriculture for accepting federal grants and funding  
13 through the federal supplemental nutrition assistance program under section 3104.

14 **2. Working group.** The department shall convene a working group of 9 members,  
15 referred to in this section as "the working group," to assist the department in carrying out  
16 the purposes of the program. The commissioner shall appoint the members of the working  
17 group, which must include:

18 A. A representative of the department;

19 B. A representative of Healthy Maine Partnerships;

20 C. A representative from a local food access network administered by a statewide  
21 land trust organization that works to protect farmland;

22 D. A food retailer;

23 E. A person with expertise in nutrition policy;

24 F. A person with an advanced degree and expertise in food policy;

25 G. A person engaged in the production and sale of local fruits or vegetables;

26 H. An anti-hunger advocate; and

27 I. A participant in the program.

28 The department's staff shall support the working group. The working group shall make  
29 recommendations to the department regarding the best practices and criteria for  
30 evaluating proposals and ensuring qualification for federal grants or funding for pilot  
31 projects under subsection 3 and to assist the department in identifying one or more  
32 applicants that the working group determines are eligible applicants and are qualified to  
33 conduct a pilot project.

34 **3. Pilot project criteria.** Evaluation criteria developed by the working group must  
35 provide for objective assessment of the extent to which a proposed pilot project by an  
36 eligible applicant under subsection 1 will improve the diets of project participants and  
37 households, reduce obesity and support farmers and businesses in the State by increasing  
38 purchases of fruits and vegetables by project participants and promoting effective and

1 efficient use of program benefits. Criteria must provide a basis for weighing the extent to  
2 which a pilot project explores ways to make locally produced fruits and vegetables  
3 without added sugars, fats or oils more affordable at the point of purchase and provide  
4 incentives to enable households of participants enrolled in a project to obtain additional  
5 fruits and vegetables when purchasing such produce at a local retail store or farmers'  
6 market or through a community supported agriculture or fisheries enterprise. Any  
7 application seeking department support must ensure that a project participant be informed  
8 of any educational services provided by the statewide food supplement program under  
9 section 3104 available in the participant's area promoting healthy food choices and related  
10 practical food preparation techniques for a person living within a limited budget.

11 **4. Department support; assistance.** The department shall consider working group  
12 criteria and recommendations in determining which pilot project applications to support  
13 for federal approval. The department may support more than one proposal for a pilot  
14 project under subsection 3 to implement the program. Upon determining proposals  
15 receiving support of the department, the department shall assist an eligible applicant  
16 receiving support in obtaining funding from the United States Department of Agriculture,  
17 Food Insecurity Nutrition Incentive Grant Program or another appropriate funding source  
18 and contribute, within the limits of available funds, the matching funds required of the  
19 eligible applicant for obtaining funding pursuant to subsection 5. The department may  
20 require that an eligible applicant receiving a grant match a contribution provided by the  
21 department to the extent the applicant is able.

22 **5. Healthy Local Foods Incentive Fund.** The Healthy Local Foods Incentive Fund,  
23 referred to in this subsection as "the fund," is a revolving, nonlapsing fund administered  
24 by the department to carry out the purposes of the program. The fund includes:

25 A. At least 50% of any funds received in any fiscal year from the United States  
26 Department of Agriculture as a bonus payment for the performance of the department  
27 in administering the statewide food supplement program under section 3104 that are  
28 allowed by federal law to be used for the purposes of this section;

29 B. At least 50% of any funds received in any fiscal year from the United States  
30 Department of Agriculture as a bonus payment for the performance of the department  
31 in administering the statewide food supplement program under section 3104 that are  
32 not allowed by federal law to be used for the purposes of this section to the extent  
33 that the funds may be substituted for General Fund expenditures for the statewide  
34 food supplement program with the effect of making the General Fund funds  
35 available;

36 C. Notwithstanding section 3104, subsection 11, 50% of the State's portion of funds  
37 recouped from the collection of overpayment claims received in fiscal year 2014  
38 under section 3104, subsection 11; and

39 D. Funds received from a hospital organization in the State pursuant to the  
40 implementation strategy to meet the community's health needs identified through a  
41 community health needs assessment under Section 501(r) of the United States  
42 Internal Revenue Code of 1985, as amended.

