

# MAINE STATE LEGISLATURE

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**LAWS**  
OF THE  
**STATE OF MAINE**

AS PASSED BY THE  
ONE HUNDRED AND ELEVENTH LEGISLATURE

**SECOND SPECIAL SESSION**

November 18, 1983

AND AT THE

**SECOND REGULAR SESSION**

January 4, 1984 to April 25, 1984

AND AT THE

**THIRD SPECIAL SESSION**

September 4, 1984 to September 11, 1984

PUBLISHED BY THE DIRECTOR OF LEGISLATIVE RESEARCH  
IN ACCORDANCE WITH MAINE REVISED STATUTES  
ANNOTATED, TITLE 3, SECTION 164, SUBSECTION 6.

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J.S. McCarthy Co., Inc.  
Augusta, Maine  
1986

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**PUBLIC LAWS**  
OF THE  
**STATE OF MAINE**

AS PASSED AT THE  
SECOND REGULAR SESSION  
of the  
ONE HUNDRED AND ELEVENTH LEGISLATURE  
JANUARY 4, 1984 TO APRIL 25, 1984

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## CHAPTER 608

H.P. 710 - L.D. 901

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

Emergency preamble. Whereas, Acts of the Legislature do not become effective until 90 days after adjournment unless enacted as emergencies; and

Whereas, it is imperative to provide the authority to increase institutional and school purchases of food produced and harvested in Maine; and

Whereas, it is necessary to establish an administrative capability within State Government to accomplish this purpose in advance of the year's growing season; and

Whereas, this bill advances the objectives which are promulgated in a proposed food policy for the State; and

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

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

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

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

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

### CHAPTER 8-A

#### PURCHASE OF FOODSTUFFS FROM MAINE CONCERNS

§211. Statement of policy

It is the policy of the State to encourage food self-sufficiency for the State. State institutions and school districts in the State shall purchase food produced by Maine farmers or fishermen, provided that food is available in adequate quantity and meets acceptable quality standards, and is priced competitively.

§212. Definitions

1. Brokers or wholesalers. "Brokers or wholesalers" means any person representing an enterprise, either for profit or nonprofit, whose objective is to purchase or collect available supplies of food from Maine food producers for subsequent distribution to state institutions, school districts and other food businesses.

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

3. State or school purchaser. "State or school purchaser" means any person who purchases foodstuffs for any state institution or agency, the vocational-technical institutes or the school districts of this State.

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

Notwithstanding any other provision of law and assuming reasonable similarity in quality, quantity and availability with other foodstuffs offered for sale, state or school purchasers shall buy meat, fish, dairy products, excluding milk and eggs, and species of fruits and fresh vegetables, directly from Maine food producers or from food brokers who assist in the distribution of foodstuffs produced or harvested by Maine food producers. In the event that more than one producer, broker or wholesaler can supply a given foodstuff, the institutional or school purchaser may require competitive bidding.

1. Amounts to be expended by institutional facilities. The total amount that must be expended by any institutional facility in Maine in any fiscal year pursuant to this section shall not exceed an amount equal to 30¢ multiplied by 365, multiplied by the average number of persons served in that institutional facility's feeding program during the preceding fiscal year, provided foodstuffs produced by Maine food producers is available in adequate supply

and meets quality standards, and is priced competitively. If the state purchaser can reduce his meal costs as a result of purchasing foodstuffs from Maine food producers, then savings realized will revert back to the institution's food service account, and those savings may be used to improve the facility's food service department, including the acquisition of necessary equipment and the hiring of food service personnel. The state purchaser shall seek the approval of the administrator in charge of his facility before using savings for improvements.

2. Amounts to be expended by a school district. The amount that may be expended by a school district in any fiscal year pursuant to this section shall not exceed an amount equal to 7¢ multiplied by the total number of days in the school year multiplied by the total enrollment of that school district participating in the school meal programs, provided foodstuffs produced by Maine food producers is available in adequate quantity, in acceptable quality and is priced competitively. Savings in unit meal costs, as a result of buying foodstuffs from Maine food producers, may remain in the school district's food service account and be used for the same purposes specified in subsection 1 with the approval of the superintendent. The school purchaser will seek the approval of the superintendent before using savings in the food service account for improvements.

§214. Coordination of purchases of foodstuffs from Maine concerns

1. Coordinator; position established. There is established in the Bureau of Purchases the position of coordinator who shall be responsible to assist in the development of connections between state and school purchasers, Maine food producers and brokers and wholesalers of food.

2. Annual meeting. The coordinator shall cause to be held an annual meeting which brings together producers, wholesalers, buyers and food service professionals to enhance opportunities for cooperation and expand the purchase of local foodstuffs by state institutions and public schools.

§215. Standards

1. Quality standards to be established. Quality standards for meat, fish, dairy products, excluding milk and eggs, and species of fresh fruits and vegetables shall be established in writing and copies of these standards shall be made available to all Maine food producers and brokers and wholesalers who are

interested in selling food to institutions and schools in Maine.

2. Coordination of development of quality standards. The Bureau of Purchases will coordinate the development of quality standards with state institutions and the Department of Educational and Cultural Services. The coordinator will collaborate with the state purchasing agent in assisting state and school purchasers in formulating consistent, although not necessarily uniform, quality standards. In the event there are differences of opinion about the quality of foodstuffs supplied institutions or schools, final authority for resolution rests with the state purchasing agent.

3. Certification of food of Maine origin. Food brokers and wholesalers or any person who sells directly to the state institutions and schools of Maine shall certify to purchasing agents that shipments of food intended to be of Maine origin are produced or harvested by Maine food producers.

4. Split shipments of food. In the event that foodstuffs of Maine origin are not available in sufficient quantities to meet demand, food brokers and wholesalers or any person selling directly to the state institutions or schools may supply split shipments of food, mixing food items of Maine origin with the same food items from outside Maine, provided the consolidated order is of comparable quality and the broker specifies the percentage of the mixed shipment that is of Maine origin.

Sec. 3. Allocation. The following funds are allocated from the General Fund to carry out the purposes of this Act.

1983-84

FINANCE AND ADMINISTRATION,  
DEPARTMENT OF

Bureau of Purchases

Unallocated	\$9,000
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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.

Emergency clause. In view of the emergency cited in the preamble, this Act shall take effect when approved.

Effective February 17, 1984.

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## CHAPTER 609

H.P. 1454 - L.D. 1906

### AN ACT to Provide for the Transfer of Radio Common Carrier Franchises.

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

35 MRSA §2302, as amended by PL 1977, c. 34, is further amended to read:

§2302. Consent only after hearing; transfer of consent

No consent, authorized in section 2301, and no license, permit or franchise shall be granted to any person, association, corporation or cooperative to operate, manage or control any public utility of the kind named in section 2301 in any city or town where there is in operation a public utility engaged in similar service or authorized therefor, until the Public Utilities Commission has made a declaration, after a public hearing of all parties interested, that public convenience and necessity require such second public utility. The Public Utilities Commission, in its discretion, may make a declaration without public hearing, if it appears the utility serving or authorized to serve, the utility seeking consent from the commission to provide service and the customer or customers to receive service agree that the utility seeking consent to serve should provide service.

Any consent granted by the commission under section 2301, or under this section, held by a radio common carrier may be assigned and transferred with the approval of the commission by the holder of the consent. The commission may impose reasonable conditions upon the granting of any such approval. For the purpose of this section, "radio common carrier" means a telephone company, as defined by section 15,