

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE

ONE HUNDRED AND TWENTY-SECOND LEGISLATURE

SECOND SPECIAL SESSION

July 29, 2005

SECOND REGULAR SESSION

January 4, 2006 to May 24, 2006

THE GENERAL EFFECTIVE DATE FOR

SECOND SPECIAL SESSION

NON-EMERGENCY LAWS IS

OCTOBER 28, 2005

THE GENERAL EFFECTIVE DATE FOR

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AUGUST 23, 2006

**PUBLISHED BY THE REVISOR OF STATUTES
IN ACCORDANCE WITH MAINE REVISED STATUTES ANNOTATED,
TITLE 3, SECTION 163-A, SUBSECTION 4.**

Penmor Lithographers

Lewiston, Maine

2006

CHAPTER 614

H.P. 1497 - L.D. 2107

An Act To Establish a Food Policy
for MaineBe it enacted by the People of the State of
Maine as follows:Sec. 1. 5 MRSA §12004-I, sub-§1-B is en-
acted to read:

<u>1-B.</u>	<u>Maine Food</u>	<u>Expenses</u>	<u>7 MRSA</u>
<u>Agriculture</u>	<u>Policy</u>	<u>Only</u>	<u>§216</u>
	<u>Council</u>	<u>Upon</u>	
		<u>Request</u>	
		<u>and</u>	
		<u>Determi-</u>	
		<u>nation of</u>	
		<u>Financial</u>	
		<u>Hardship</u>	

Sec. 2. 7 MRSA §2-A, as amended by PL
2003, c. 414, Pt. B, §11 and affected by c. 614, §9, is
repealed.Sec. 3. 7 MRSA c. 8-A, as amended, is fur-
ther amended by repealing the chapter headnote and
enacting the following in its place:**CHAPTER 8-A****FOOD AND FOOD POLICY****SUBCHAPTER 1****PURCHASE OF FOODSTUFFS FROM MAINE**Sec. 4. 7 MRSA c. 8-A, sub-c. 2 is enacted
to read:**SUBCHAPTER 2****FOOD POLICY****§216. Maine Food Policy Council**The Maine Food Policy Council established in
Title 5, section 12004-I, subsection 1-B is referred to
in this subchapter as "the council." Membership and
duties of the council are as provided in this section.**1. Members.** The council consists of 11 mem-
bers appointed as follows:**A.** One representative of each of the following
state agencies appointed by the commissioner or
director of the agency:(1) The Department of Agriculture, Food
and Rural Resources;

(2) The Department of Marine Resources;

(3) The Department of Health and Human
Services; and(4) The Executive Department, State Plan-
ning Office;**B.** Three members representing consumers, in-
cluding at least one representing an organization
that provides food assistance and one receiving
food assistance, appointed by the Governor;**C.** Three members representing the food indus-
try, including producers, distributors, processors
or retailers, appointed by the Governor; and**D.** One representative of the University of
Maine System who is from the Cooperative Ex-
tension or the University of Maine, Department
of Food Science and Human Nutrition or who is
a director of dining services within the Univer-
sity of Maine System, appointed by the Chan-
cellor of the University of Maine System.**2. Terms.** Each member of the council serves
for a term of 3 years or until the member's successor is
appointed. If a member is unable to complete the term,
the appointing authority shall appoint a person to serve
out the remainder of the unexpired term. Except for
members appointed under subsection 1, paragraph A, a
member may not serve for more than 2 consecutive
terms.**3. Chair.** The council shall annually elect a
chair and vice-chair from its membership.**4. Meetings and attendance.** The council may
meet up to 4 times a year. If a member of the council
is absent from more than one meeting without notice
to the chairs, the original appointing authority may
appoint a replacement.**5. Quorum; actions.** A quorum is a majority of
the members of the council. An affirmative vote of the
majority of the members present at a meeting is
required for any action.**6. Duties.** The council shall develop:**A.** A food policy for the State that recognizes
that it is in the best interest of the State to ensure
the availability of an adequate supply of safe,
wholesome and nutritious food to its citizens;
and**B.** A strategic plan for implementation of the
state food policy under paragraph A. The strate-
gic plan must include benchmarks and criteria for
measuring progress in achieving food policy ob-
jectives. The council shall assess and revise the

strategic plan every 5 years. To support implementation of the strategic plan, the council shall:

- (1) Advise the Governor, Legislature, state agencies and the public on programs to increase food self-sufficiency for the State and enhance the vitality of agriculture in the State;
- (2) Conduct research and analyze issues of state significance relating to food production, distribution and consumption;
- (3) Solicit public input through public hearings and informational meetings;
- (4) Review state programs, practices and regulatory systems affecting the food supply system and make recommendations to resolve conflicts, remove burdensome requirements, improve the efficiency, safety and productivity of the State's food system and increase consumer access to food;
- (5) Coordinate and develop collaborative relationships between private and public entities involved in food production and delivery and with the advisory committee established under section 214, subsection 3; and
- (6) Coordinate the efforts of state agencies relating to food to ensure that state programs are conducted in a manner that optimizes their effectiveness, promotes locally grown foods and ensures consistency with the state food policy developed under paragraph A.

7. Formation of subcommittees. The council shall invite a broad base of individuals and representatives of advocacy and stakeholder groups to participate in the strategic planning process under subsection 7, paragraph B through the formation of subcommittees and working groups to address issues identified by the council as needing further study or particular expertise.

8. Staff assistance. The department shall provide staff to the council.

9. Fund. A separate nonlapsing account is established within the department known as the food policy development and implementation fund. The commissioner shall administer the nonlapsing fund on behalf of the council. The council may seek and accept gifts, donations and grants from any public or private source for deposit in the fund to carry out the purposes of this subchapter.

10. Reimbursement for travel expenses. A member of the council not compensated by that member's employer or the entity that the member represents may request reimbursement from the department for necessary travel expenses incurred for attendance at authorized meetings of the council. The department shall reimburse travel expenses from the fund established under subsection 10 or from existing departmental resources upon determining that travel expenditures are a financial hardship for the requesting member. The commissioner shall develop a standard for determining what is a financial hardship for the purposes of this subsection and Title 5, section 12004-I, subsection 1-B.

11. Report. The council shall submit a biennial report on the activities of the council to the joint standing committee of the Legislature having jurisdiction over agricultural matters by December 15th of odd-numbered years. The report must include an update on the strategic plan developed under subsection 7, paragraph B, an account of progress made in achieving the goals of the council and a description of actions necessary to implement the recommendations of the council.

§217. Hunters for the Hungry Program; acceptance of donations

The department and those recipient agencies participating in the department's food assistance distribution programs may accept wild game meat from persons participating in the Hunters for the Hungry Program established under Title 12, section 10108. The department may facilitate the acceptance of that meat by its recipient agencies through coordination with the Department of Inland Fisheries and Wildlife and may undertake educational and promotional efforts on behalf of the program.

§218. Farmers' Market Program

The department shall cooperate with the Commissioner of Health and Human Services or the commissioner's designee to promote the purchase of state-grown and processed food products at local farmers' markets and farmstands by nutritionally at-risk groups through programs administered by the Department of Health and Human Services under Title 22, chapter 851.

Sec. 5. 7 MRSA c. 101, sub-c. 2-B, as amended, is repealed.

Sec. 6. Staggered terms. Notwithstanding the Maine Revised Statutes, Title 7, section 216, subsection 2, of the 3 initial appointments to the Maine Food Policy Council made pursuant to Title 7, section 216, subsection 1, paragraph B and of the 3 initial appointments made pursuant to Title 7, section 216, subsection 1, paragraph C, one member must be

appointed to a term of one year, one member must be appointed to a term of 2 years and one member must be appointed to a term of 3 years.

Sec. 7. Directive to Maine Food Policy Council. The state food policy developed by the Maine Food Policy Council under the Maine Revised Statutes, Title 7, section 216, subsection 6 must be designed to support a food supply system that:

1. Ensures Maine residents have a safe and stable food supply free of interruption by natural or human events;
2. Enhances the access, availability, affordability and quality of food for all its citizens;
3. Maintains a safety net to ensure security from hunger for the State's most vulnerable citizens;
4. Recognizes that the regular consumption of a balanced diet of nutritious foods can improve health and reduce health care costs;
5. Is economically and environmentally sustainable;
6. Reflects that Maine is a unique place with land, soil, a climate and fisheries conducive to the production of a wide array of food products;
7. Promotes a fair return to all participants, provides entrepreneurial freedom and allows access to opportunity to participate in the food supply system;
8. Increases food self-reliance through increasing production of food in Maine and increasing the consumption of Maine-produced fish and farm products;
9. Is recognized as a vital sector of the Maine economy, enhances rural economic development and contributes positively to Maine's rural quality of life;
10. Is supported by an adequate supply of farmland and access to working waterfronts to sustain Maine's food and fisheries industries and provide for their future growth;
11. Is accompanied by public and consumer information on the value of a proper diet and healthy lifestyle and the benefits of Maine-produced agricultural and fish products; and
12. Is supported by stable and consistent state policies and programs.

Sec. 8. Development of strategic plan. In developing an initial strategic plan as required under the Maine Revised Statutes, Title 7, section 216, subsection 6, the Maine Food Policy Council shall build on the goals and recommendations of the food

policy working group convened pursuant to Public Law 2005, chapter 382 by the Commissioner of Agriculture, Food and Rural Resources in 2005 and articulated in Section II and Appendix C of that group's report submitted to the Joint Standing Committee on Agriculture, Conservation and Forestry in January of 2006.

Sec. 9. Legislative members to serve on Maine Food Policy Council. Notwithstanding the Maine Revised Statutes, Title 7, section 216, subsection 1, the Maine Food Policy Council at the time of its inception and for one year from that date consists of 15 members, 11 members appointed in accordance with Title 7, section 216, subsection 1 and 4 legislative members appointed as follows:

1. Two members serving on the joint standing committee of the Legislature having jurisdiction over agricultural matters at the time of their appointment; one appointed by the President of the Senate and one appointed by the Speaker of the House;
2. One member serving on the joint standing committee of the Legislature having jurisdiction over matters pertaining to marine fisheries at the time of appointment and appointed by the President of the Senate; and
3. One member serving on the joint standing committee of the Legislature having jurisdiction over matters of health and nutrition at the time of appointment and appointed by the Speaker of the House.

See title page for effective date.

CHAPTER 615

H.P. 1490 - L.D. 2097

An Act To Facilitate the Maine Quality Forum

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

Sec. 1. 24-A MRSA §6903, sub-§13-A is enacted to read:

13-A. Practitioner-specific quality data. "Practitioner-specific quality data" means material in electronic or paper format that provides information about the professional performance of a health care practitioner licensed to provide health care in the State. "Practitioner-specific quality data" includes, but is not limited to, records, reports, working papers, drafts, analyses, e-mail, interoffice and intraoffice memoranda and other data collected, used, produced or maintained by the Maine Quality Forum, established in section 6951, for the purposes of measuring a