

CHAPTER 8-A

FOOD AND FOOD POLICY

SUBCHAPTER 1

PURCHASE OF FOODSTUFFS FROM MAINE

§211. Statement of policy

It is the policy of the State to encourage the procurement of Maine foods and food products by state institutions to increase the viability of Maine farms and food businesses, thus making a positive contribution to the State's economy and enhancing food self-sufficiency for the State. [PL 2019, c. 677, §1 (AMD).]

SECTION HISTORY

PL 1983, c. 608, §2 (NEW). PL 2019, c. 677, §1 (AMD).

§212. Definitions

1. Brokers or wholesalers.

[PL 2019, c. 677, §2 (RP).]

2. Maine food producer. "Maine food producer" means any person who is a resident farmer, person who fishes commercially or processor of food grown or harvested in the State, or an association of resident farmers, persons who fish commercially or food processors in a cooperative or producer group.

[PL 2019, c. 677, §3 (AMD).]

3. State or school purchaser.

[PL 2019, c. 677, §4 (RP).]

SECTION HISTORY

PL 1983, c. 608, §2 (NEW). PL 1989, c. 443, §18 (AMD). PL 2003, c. 20, §002 (AMD). PL 2003, c. 20, §004 (AFF). PL 2019, c. 677, §§2-4 (AMD).

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

(REPEALED)

SECTION HISTORY

PL 1983, c. 608, §2 (NEW). PL 2005, c. 382, §C1 (AMD). PL 2019, c. 677, §5 (RP).

§214. Coordination of purchases of foodstuffs from Maine concerns

(REPEALED)

SECTION HISTORY

PL 1983, c. 608, §2 (NEW). PL 1985, c. 271, §§1,2 (AMD). PL 1989, c. 700, §A30 (AMD). PL 1991, c. 780, §DDD21 (AMD). PL 2003, c. 689, §B6 (REV). PL 2005, c. 382, §C2 (AMD). PL 2011, c. 655, Pt. EE, §12 (AMD). PL 2011, c. 655, Pt. EE, §30 (AFF). PL 2019, c. 677, §6 (RP).

§214-A. Maine foods procurement program

In accordance with this section, the commissioner shall establish and promote a Maine foods procurement program with the goal that, no later than 2025, 20% of all food and food products procured by state institutions are Maine food or food products. [PL 2019, c. 677, §7 (NEW).]

1. Institutional market development coordinator. The commissioner shall designate an employee of the department as an institutional market development coordinator to serve as a representative to assist in the development of connections between state purchasers, Maine food producers, distributors and other institutional stakeholders. [PL 2019, c. 677, §7 (NEW).]

2. Guidelines. The commissioner shall establish guidelines to assist state institutions to assess their ability to procure Maine foods and food products while minimizing costs for that procurement. [PL 2019, c. 677, §7 (NEW).]

3. Annual meeting. The institutional market development coordinator may convene an annual meeting that brings together Maine food producers and food service professionals to enhance opportunities for cooperation and expand the purchase of Maine foods and food products by state institutions. [PL 2019, c. 677, §7 (NEW).]

4. Advisory committee. The commissioner may establish an advisory committee to discuss strategies for expanding purchases of Maine foods and food products by state institutions. The advisory committee may be composed of representatives of state agencies, for-profit and nonprofit institutions and other relevant stakeholders identified by the commissioner. [PL 2019, c. 677, §7 (NEW).]

5. Report. The commissioner shall include a description of the progress toward reaching the goal under this section in the biennial report submitted to the Legislature pursuant to section 2, subsection 5. [PL 2019, c. 677, §7 (NEW).]

SECTION HISTORY

PL 2019, c. 677, §7 (NEW).

§215. Standards

(REPEALED)

SECTION HISTORY

PL 1983, c. 608, §2 (NEW). PL 1989, c. 700, §A31 (AMD). PL 2019, c. 677, §8 (RP).

§215-A. Rule-making authority

The commissioner shall adopt rules necessary to carry out the provisions of this subchapter. The rules must establish a method and baseline to determine the percentage of Maine food or food products procured by state institutions based on dollars spent. Rules adopted under this subsection are major substantive rules as defined in Title 5, chapter 375, subchapter 2-A. [PL 2019, c. 677, §9 (NEW).]

SECTION HISTORY

PL 2019, c. 677, §9 (NEW).

SUBCHAPTER 2

FOOD POLICY

§216. Maine Food Policy Council

(REPEALED)

SECTION HISTORY

RR 2005, c. 2, §6 (COR). PL 2005, c. 614, §4 (NEW). PL 2011, c. 344, §16 (RP).

§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. [PL 2005, c. 614, §4 (NEW).]

SECTION HISTORY

PL 2005, c. 614, §4 (NEW).

§218. Farmers' Market Program**(REPEALED)**

SECTION HISTORY

PL 2005, c. 614, §4 (NEW). PL 2019, c. 677, §10 (RP).

§218-A. Direct producer-to-consumer agriculture market programs

1. Education and outreach. The commissioner shall provide education and outreach for the purpose of supporting Maine foods providers, such as farmers' markets, farm stands, community-supported agriculture programs and other direct producer-to-consumer venues to further the goal established in this chapter.

[PL 2019, c. 677, §11 (NEW).]

2. Access to Maine foods and food products for recipients of benefits. The commissioner shall improve access to Maine foods and food products for recipients of benefits under the Supplemental Nutrition Assistance Program administered by the Department of Health and Human Services under Title 22 by:

A. Expanding opportunities for farmers to sell Maine foods and food products to recipients of Supplemental Nutrition Assistance Program benefits by promoting the use of electronic benefits transfer cards at farmers' markets and, in partnership with a statewide federation of farmers' markets, encouraging participation in community-supported agriculture by recipients of Supplemental Nutrition Assistance Program benefits; [PL 2021, c. 398, Pt. OO, §1 (AMD).]

B. Assisting farmers' markets in accepting payments through the electronic benefits transfer system by helping them secure equipment, including equipment that does not require the use of electricity, for processing payments through the electronic benefits transfer system; and [PL 2019, c. 677, §11 (NEW).]

C. In partnership with the Commissioner of Health and Human Services, educating recipients of Supplemental Nutrition Assistance Program benefits of the opportunity to use the benefits at farmers' markets and the advantages of such use. [PL 2021, c. 398, Pt. OO, §1 (AMD).]

[PL 2021, c. 398, Pt. OO, §1 (AMD).]

SECTION HISTORY

PL 2019, c. 677, §11 (NEW). PL 2021, c. 398, Pt. OO, §1 (AMD).

§219. Food self-sufficiency

1. Farm labor link network. The department shall maintain an agricultural jobs network linking farms and facilities processing agricultural products grown in the State with available workers who wish to work on a farm or in a local food industry. An available worker under this subsection may include a person involved in raising, processing, preparing or preserving food or who is required to perform community service as a low-income recipient of state supplemental income benefits or under a court order. The department shall coordinate with the University of Maine Cooperative Extension to identify farms and food processing facilities willing to participate in the network and coordinate with the Department of Labor, the Department of Health and Human Services, the Department of Economic and Community Development, the Department of Corrections and the Judicial Department in identifying available workers willing to participate in the network. If a worker participating in the network wishes to pursue additional training or a career in agriculture or food production, the department shall refer the person to available resources or programs that train workers or develop skills or business practices in farming, food production or food processing. A worker may meet the requirements for community service obligations under a state supplemental income benefits program, judicial order or alternative sentencing program by performing work on a farm or food processing facility through participation in the network under this subsection.

[PL 2015, c. 347, §1 (NEW).]

2. Educational marketing campaign. The department shall coordinate with the University of Maine Cooperative Extension, the Maine Community College System, the Department of Labor, the Department of Education, the Department of Health and Human Services and the Department of Economic and Community Development to conduct an educational marketing campaign to promote food self-sufficiency by encouraging the public to grow gardens, raise farm animals, preserve garden-grown food and engage in other local food cultivation initiatives through the use of multiple media including social media, radio advertising, posters, brochures and publicly accessible department websites.

[PL 2015, c. 347, §1 (NEW).]

3. Local purchases for food programs. If the department, as part of a public-private partnership, purchases food for an emergency or supplemental food program for elderly or low-income persons, the department to the extent practicable shall purchase food that is grown, harvested, prepared, processed or produced in the State.

[PL 2015, c. 347, §1 (NEW).]

4. Existing resources. The department shall use existing programs and resources in carrying out the purposes of this section.

[PL 2015, c. 347, §1 (NEW).]

SECTION HISTORY

PL 2015, c. 347, §1 (NEW).

§219-A. Reusable containers

(REPEALED)

SECTION HISTORY

PL 2021, c. 177, §1 (NEW). PL 2023, c. 528, §1 (RP).

§219-B. Fund To Address Food Insecurity and Provide Nutrition Incentives

1. Fund established. The Fund To Address Food Insecurity and Provide Nutrition Incentives, referred to in this section as "the fund," is established in the department to provide incentives to federal food and nutrition assistance program participants for the purchase of locally grown fruits and vegetables and to support outreach for and administration of programs that offer nutrition incentives to participants of federal food and nutrition assistance programs. The fund is established to match

contributions from private and public sources of up to \$50,000 annually to further the purposes of this section. The fund, to be accounted within the department, must be held separate and apart from all other money, funds and accounts. Eligible investment earnings credited to the assets of the fund become part of the assets of the fund. Any unexpended balances remaining in the fund at the end of any fiscal year do not lapse and must be carried forward to the next fiscal year. For purposes of this section, "local" means within the State.

[PL 2021, c. 468, §1 (NEW).]

2. Fund recipients. An organization based in the State that supports local food producers, local food production or low-income individuals in receiving food and nutrition assistance may receive proceeds from the fund upon application with the department. The department shall prioritize an applicant that has a demonstrated history of incentivizing the use of federal food and nutrition assistance programs to purchase locally grown fruits and vegetables or that demonstrates the ability to leverage the proceeds to match or receive additional funds from local, state, federal or private sources. The department shall periodically post a request for applications for eligible organizations to apply for fund proceeds.

[PL 2021, c. 468, §1 (NEW).]

3. Report; audit. The department shall require a periodic report from a recipient under subsection 2 detailing the use of fund proceeds and the federal food and nutrition assistance programs involved and to ensure that the funds are expended appropriately pursuant to this section. The department may audit a recipient to carry out the purposes of this subsection.

[PL 2021, c. 468, §1 (NEW).]

4. Rules. The department may adopt routine technical rules as defined in Title 5, chapter 375, subchapter 2-A to carry out the purposes of the fund, including application criteria and procedures for recipients, disbursement of funds to recipients and for outreach and administration purposes and reporting and audit procedures for recipients.

[RR 2021, c. 1, Pt. A, §7 (COR).]

SECTION HISTORY

PL 2021, c. 468, §1 (NEW). RR 2021, c. 1, Pt. A, §7 (COR).

§219-C. Returnable, reusable or refillable containers and packaging

1. Use permitted; rules and guidelines. The department shall ensure that its rules, established in accordance with the commissioner's rule-making authority in section 12, and guidelines:

A. Explicitly allow a business, on a voluntary basis, to allow consumers to supply their own containers or packaging for the purchase of:

(1) Nonfood items;

(2) Shelf-stable food items; and

(3) Food other than shelf-stable food items as determined by the department by rule; [RR 2023, c. 2, Pt. A, §16 (COR).]

B. Explicitly allow a business, on a voluntary basis, to sell nonfood items, shelf-stable food items and other food to consumers in the State in returnable, reusable or refillable containers and packaging, which may be supplied by either the business or a 3rd party; and [PL 2023, c. 528, §2 (NEW).]

C. Explicitly establish the right of a business to refuse any returnable, reusable or refillable container or packaging supplied by a consumer. [PL 2023, c. 528, §2 (NEW).]

[RR 2023, c. 2, Pt. A, §16 (COR).]

2. Reuse permitted. A returnable, reusable or refillable container or packaging returned by a consumer may be reclaimed by a business or a 3rd party, restored to standards for health and safety and reused in the packaging and selling of a nonfood item, a shelf-stable item or other food to the same or another consumer. The department shall provide technical assistance and education to businesses and consumers regarding best practices for the use and reuse of returnable, reusable or refillable containers. [PL 2023, c. 528, §2 (NEW).]

For purposes of this section, "food" has the same meaning as in Title 22, section 2152, subsection 4 and "business" means a business licensed by the department under Title 22, chapter 551. [PL 2023, c. 528, §2 (NEW).]

SECTION HISTORY

PL 2023, c. 528, §2 (NEW). RR 2023, c. 2, Pt. A, §16 (COR).

SUBCHAPTER 3

LOCAL FOODS PROCUREMENT PROGRAM

(REPEALED)

§220. Local foods procurement program; local foods access

(REPEALED)

SECTION HISTORY

PL 2017, c. 437, §1 (NEW). PL 2019, c. 677, §12 (RP).

SUBCHAPTER 4

FARMERS DROUGHT RELIEF GRANT PROGRAM

§220-A. Farmers Drought Relief Grant Program

1. Grant program established. The Farmers Drought Relief Grant Program, referred to in this section as "the program," is established in the department to assist farmers in the State to overcome the adverse effects of drought conditions by providing grants in accordance with this section. [PL 2021, c. 729, §1 (NEW).]

2. Eligibility. A farmer in the State may apply for a grant under the program if the farmer needs to establish a source for irrigation water to alleviate the risk of crop losses due to drought. The source for irrigation water must be sustainable, environmentally sound and affordable. [PL 2021, c. 729, §1 (NEW).]

3. Farmers Drought Relief Grant Program Fund. The Farmers Drought Relief Grant Program Fund is established as a nonlapsing fund to provide funding to achieve the purposes of the program. The fund consists of any funds received from private and public sources. The fund must be held separate and apart from all other money, funds and accounts. Any balance remaining in the fund at the end of any fiscal year must be carried forward to the next fiscal year. [PL 2021, c. 729, §1 (NEW).]

4. Rules. The department shall adopt rules to implement the program. The rules must include grant eligibility requirements, grant application and award procedures and grant funding limits. Rules

adopted pursuant to this subsection are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A.

[PL 2021, c. 729, §1 (NEW).]

SECTION HISTORY

PL 2021, c. 729, §1 (NEW).

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