

INSTITUTIONAL PROCUREMENT OF LOCAL FOOD: MAINE POLICY SNAPSHOT

This snapshot is part of a six-state series exploring demand-side policies in New England that support public institutions' ability to increase purchases of local food. These **snapshots**, links to **resources**, a **regional report** with comparative findings and recommendations, a **database** and **scan** of all policies discussed, and other related information can be found on [FINE's policy page](#). These documents are current as of May 2019.

KEY STATE LAWS AND INITIATIVES:

- [Rev. Stat. Ann. tit. 7 c 8-A sub-c 1 § 211](#): Creates a state policy encouraging **local purchasing** by schools and agencies, provided the local option is competitively priced and of adequate quality.
- [Rev. Stat. Ann. tit. 7 c 8-A sub-c 1 § 213](#): Implements the local purchasing policy by establishing a **purchasing preference**. Agencies and schools must purchase from local food producers or brokers when the local option is priced competitively and of a similar quality, quantity, and availability of non-local options.
- [Rev. Stat. Ann. tit. 7 c 8-A sub-c 1 § 214](#): Designates an employee of the Maine Department of Agriculture, Conservation and Forestry as the **local foods coordinator**. Establishes an advisory committee to discuss possibilities and review proposals for expanding local food purchases.
- [Rev. Stat. Ann. tit. 7 c 8-A sub-c 2\(3\) § 219\(3\)](#): Establishes a **local preference** where the Maine Department of Agriculture, Conservation and Forestry must purchase Maine-produced foods, to the extent practicable, for elderly or low-income persons enrolled in benefits programs.
- [Rev. Stat. Ann. tit. 7 c. 8-A, sub-c. 3 § 220](#): Establishes a **local food procurement program** with the goal that by 2025, 20% of all food procured by state institutions be local. The Commissioner must report on progress toward meeting these goals biennially.
- [Rev. Stat. Ann. tit. 20-A sub-c 7 § 6602\(12\)](#): Establishes a **local produce fund**, available to K-12 schools, that provides a one dollar match for every three dollars spent on local food purchases, up to \$1,000.
- [Rev. Stat. Ann. tit. 20-A sub-c 7 § 6602\(13\)](#): Establishes a **staff training grant program** to assist school food service programs in increasing local food procurement.
- [Rev. Stat. Ann. tit. 20-A sub-c 7 § 6602\(15\)](#): Establishes a **food service recognition program** to encourage and reward creative and effective uses of local food products.

KEY PLAYERS:

In Maine, the state legislature, government agencies, non-governmental organizations (NGOs), and institutions are involved in developing and implementing local procurement policies. The legislature has tasked the [Maine Department of Agriculture, Conservation and Forestry](#) (DACF) and the [Maine Department of Education](#) (DOE) with establishing local purchasing preference programs. Beyond state government, Maine is home to several NGOs that support institutional local food procurement initiatives. Key organizations include [Maine Farm to Institution](#) (MEFTI) and the [Maine Farm to School Network](#) (MFSN), both projects of [Healthy Communities of the Capital Area](#) (HCCA). HCCA is a coalition of concerned individuals working to improve nutritious food access and overall health of the Maine capital region. MFSN focuses on assisting interested schools in increasing their local food procurement and programming. Similarly, MEFTI coordinates local purchasing efforts in schools, universities, and hospitals. Finally, state institutions, such as the [University of Maine System](#) (UMS), and their contracted food service management company, Sodexo, play a significant role in the efficacy of local food procurement in the state.

BACKGROUND ON LOCAL PROCUREMENT INITIATIVES IN MAINE:

Maine's interest in institutional local food procurement arises in part from a statewide goal of "food self-sufficiency." This language appears multiple times in legislation addressing local procurement, with the concept that increasing local food procurement will allow more Maine producers to provide for more Maine residents.

The Maine legislature has established two statutory methods for facilitating local food procurement in state institutions. The first group of policies create a local geographic preference and direct agencies and schools to prefer Maine products. Additional policies facilitate administrative support for school local food procurement through grant programs, procurement funds, and a coordinator position. The legislature began to codify these policies in 1983 and expanded upon them in 2015. Most recently, in 2017, the Maine legislature established a local foods procurement program. This program, unlike previous local food procurement policies, includes a specific goal for state institutions to reach 20 percent local food procurement by 2025. State Senator Eloise Vitelli sponsored the legislation, modeled on the [UMS policy](#) that includes purchasing goals. This program is not applicable to K-12 schools, which are bound by federal procurement requirements.

UMS, the state's largest educational institution, works with [Sodexo](#), a national food service provider, to procure and serve locally sourced foods at six of its seven campuses. Sodexo launched its [Maine Course](#) program, a commitment to make a positive economic impact in the state of Maine, in 2015. While Sodexo follows Maine Course guidelines across all their accounts in the state, this initiative is particularly present at UMS, which committed to purchasing 20 percent of its food products from within 175 miles of any UMS campus by 2025. UMS achieved this goal in the fall of 2017 and continues to pursue additional local food sourcing efforts.

CURRENT STATUS OF LOCAL PROCUREMENT POLICY IN MAINE:

Maine's **purchasing preference** policies, enacted in 1983, direct state institutions and school districts to prefer Maine-produced food when the in-state purchase is of "adequate quantity and meets acceptable quality standards, and is priced competitively." The state's **local preference** policy, enacted in 2015, directs DACF, when purchasing foods for supplemental nutrition programs, to procure local food "to the extent practicable."

The state's goal in enacting these policies was to increase Maine's food self-sufficiency. However, these programs have a limited effect because they give discretion to purchasers to determine when local food are competitively priced, of acceptable quality, and practical to procure. Maeve McInnis, Director of the Maine Course program, noted that "there has been very little state policy brought in my day-to-day work," except for the recently enacted **local food procurement program**. Interest in **local food procurement at UMS** arose from a coalition of stakeholders including students, faculty, and farmers rather than from state law and policy. McInnis added, "I think at the end of the day, the institution understood that this was a very important piece for them."

A lack of infrastructure to meet processing needs is a particular barrier to the practicality of institutional procurement of local food. For example, many institutions have a year-round need for foods that are locally produced during only a portion of the year. Thus, these foods must be frozen or otherwise processed in a manner that can meet that year-round demand. Because producers do not always have the resources or abilities to process their products, institutional markets may not be available to them. Adequate distribution and transportation pose additional challenges to increasing institutional local food procurement, and institutions, food service management companies, and distribution companies can work together to coordinate distribution efforts. For example, Sodexo regularly works with producers to connect them with a partnering distributor.

Maine's **local produce fund**, established in 2001, creates a fund through which K-12 schools can receive reimbursements for purchasing local produce; the fund has been advantageous for the schools that are aware of it. However, the statute does not include language to mandate funding for the program, so the fund is not always available for schools to draw from. While the statute allows for private contributions to the local produce fund, most funding is provided by DOE when the agency has a budget surplus. Renee Page, Assistant Director of Healthy Communities of the Capital Area states that "When laws are passed without any sort of fiscal note to support implementation, it can be challenging for the intended entities to utilize them in practice. Think of it like going to the bank and opening a savings account that you may or may not ever put money into."

The **staff training grant program**, established in 2015, creates a competitive grant program to provide local food procurement training to school food service programs. This program can aid schools in more efficiently and effectively procuring larger amounts of local food. A drawback is that DOE may only implement this program if it successfully applies for and receives federal funding. Currently, neither the **local produce fund** nor the staff training grant program contain tracking mechanisms to measure efficacy or availability of funds.

Maine's **local food procurement program**, which establishes a goal of 20 percent local food procurement by 2020, is one of the state's most recent efforts to increase food self-sufficiency. This policy is inspired by the UMS local food initiative and provides an example of UMS's leadership in the state in facilitating more local food procurement across institutions. The state's local food procurement program is notably different from its predecessor preference policies in that it contains a specific goal and timeline, though the local food procurement program does not currently include a clear method by which to measure the program's efficacy or progress.

The Maine legislature authorized a **local foods coordinator** and accompanying advisory board to facilitate connections between state institutions and local producers and brokers in 1983. This coordination effort is an important component of increasing local food procurement because many local producers are unable to meet institutional production and distribution requirements. At the time of this writing, the position is vacant and has not been held or filled recently. However, DACF has recently hired a Planning and Research Associate, a position that will perform responsibilities similar to the statutorily established local foods coordinator. Responsibilities for the Planning and Research Associate include developing guidelines for producers and institutions and establishing metrics to track the **local food procurement program's** efficacy and progress.

KEY TAKEAWAYS:

- Maine was an early adopter of **local preference** policies. However, much support for farm to institution activities in the state comes from individual actors (legislators, agency employees, school representatives, nonprofits, etc.) who are personally committed to increasing local food procurement. This has resulted in important state procurement initiatives; it also means that attention or support for the issue can fluctuate when positions turn over.
- Institutions in the state, such as UMS, are interested in increasing local food procurement due to internal interest rather than legislative or regulatory policies. State **local preference** policies appear to have had little influence on institutional purchasing practices because most of these policies do not set specific, trackable standards dictating when a purchaser must procure locally.
- **Local preference** policies that do not include a specific mandate stating under what situations agencies must purchase local food are minimally effective.
- The state's **local produce fund** and **staff training grant program** create opportunities to increase local procurement in schools. The local produce fund would be more useful if it had dedicated funding.

RECOMMENDATIONS:

- Overall, Maine's statutes encouraging local procurement would benefit from specific mechanisms to provide funding and to track the policies' impact. The legislature could add these mechanisms to the statutory language of the policies. Additionally, both institutional purchasers and Maine producers sometimes lack the resources and infrastructure needed to coordinate distribution from farms to institutions. To fill this gap, the state could focus funds toward developing a stronger network of processing centers and food hubs in Maine.
- The legislature should mandate funding for the state's **local produce fund** and **staff training grant program**. Additionally, amendments to these statutes, or regulations promulgated under their authority, could create a funded position to monitor the two programs and ensure that funds are accessible to all eligible schools. DACF has pursued a similar strategy by creating the Planning and Research Associate position to monitor the efficacy of the **local food procurement program**.
- The legislature could amend the **local food procurement program** to include mechanisms to track the progress and efficacy of its policies. As of the time of publication, the Maine legislature is considering **LD 1531**, a bill that would establish the Maine Food System Investment Program under DACF. This program would develop strategies and goals for strengthening an economically and environmentally sustainable food system in the state. The program would also monitor state

investments in food system development. This bill has the potential to provide DACF with additional mandates and authority to measure the efficacy of the **local food procurement program**. This bill should contain stronger language to require DACF to evaluate the effectiveness of existing state local food procurement initiatives to better enhance future efforts.

- The state could focus efforts on building a reliable infrastructure to facilitate local food distribution to institutions. This infrastructure

could come in the form of supporting food hubs that help to coordinate food processing and delivery in a manner compatible with institutional needs. A strong network of food hubs in the state could greatly benefit farm to institution procurement by providing a bridge between producers and institutions. However, it is important to note that several food hubs in Maine that have received state funding in the past have proved nonviable, leading to skepticism from some stakeholders in the state regarding the benefit of public investment in food hubs.

THANK YOU TO THOSE WHO CONTRIBUTED CRITICAL INSIGHTS AND FEEDBACK FOR THIS REPORT, INCLUDING:

- **Renee Page**, Assistant Director, Healthy Communities of the Capital Area
- **Maeve McInnis**, Director, Maine Course, Sodexo
- **Tanya Swain**, Co-Director, Maine Food Strategy
- **Yvette Meunier**, Promotional Coordinator, Agricultural Resources Development Division, Maine Department of Agriculture, Conservation, and Forestry

The analysis and recommendations in this snapshot do not necessarily reflect the entirety of the opinions of any of the contributors. Rather, individuals who provided insights and feedback for this project provided their expertise to specific portions of this document's contents. We have done our best to create an accurate representation of the information collected through research and interviews, and we welcome feedback on this product.

RESEARCH TEAM:

- **Alyssa Hartman**, Student Clinician, Center for Agriculture and Food Systems, Vermont Law School
- **Lizzie Fainberg**, Student Clinician, Center for Agriculture and Food Systems, Vermont Law School
- **Sophia Kruszewski**, Clinic Director, Center for Agriculture and Food Systems, Vermont Law School
- **Erica Morrell**, Policy Fellow, Farm to Institution New England
- **Peter Allison**, Executive Director, Farm to Institution New England

To learn more about FINE's policy work, visit: www.farmtoinstitution.org/projects#food-policy

To learn more about the Center for Agriculture and Food Systems at Vermont Law School, visit: www.vermontlaw.edu/CAFS



This material is based upon work supported by the National Agricultural Library, Agricultural Research Service, U.S. Department of Agriculture.