

**CHAPTER 10-C****AGRICULTURE, FOOD AND FOREST PRODUCTS****§320-A. Agriculture, food system and forest products infrastructure investment**

**1. Definitions.** As used in this chapter, unless the context otherwise indicates, the following terms have the following meanings.

A. "Food system" means all processes, infrastructure and persons involved in feeding a population, including growing, harvesting, collecting, processing, manufacturing, packaging, transporting, marketing, selling, consuming and disposing of food and food-related items in the State. [PL 2021, c. 483, Pt. KK, §2 (NEW).]

B. "Infrastructure" means property, equipment, networks and supporting services associated with the production, harvesting, processing, manufacturing, storage, packaging, transporting, marketing, sales and disposal of food. [PL 2021, c. 483, Pt. KK, §2 (NEW).]

C. "Producer" means a person in the State that grows, manufactures, harvests or otherwise creates agricultural, food or forest products and value-added products, including a person engaged in farming, harvesting or other agricultural and forestry manufacturing activities. [PL 2021, c. 483, Pt. KK, §2 (NEW).]

D. "Supply chain" means the chain of distribution by which agricultural, food and forest products are moved from the producer to the consumer and may include intermediate entities, including aggregators of various products, manufacturers, value-added producers, processors, packagers, warehouse operators and other storage entities, distributors, wholesalers and retailers. [PL 2021, c. 483, Pt. KK, §2 (NEW).]

E. "Value-added" means changing the physical state or form of a product through processing or manufacturing to enhance or increase the product's value, including making the product suitable to generate renewable energy. [PL 2021, c. 483, Pt. KK, §2 (NEW).]

[PL 2021, c. 483, Pt. KK, §2 (NEW).]

**2. Goals; investment; inclusiveness.** The commissioner, in coordination with the Department of Economic and Community Development, industry stakeholders, representatives of Indian tribes, communities of color and other underserved communities and populations and other relevant agencies, shall:

A. Strengthen the State's agricultural, food and forest products economy with a priority of making resulting efforts more inclusive of and increasing investments in historically marginalized, underrepresented and underserved communities, including communities of color, low-income communities and rural communities that typically lack access to capital to start, sustain, scale and innovate businesses; [PL 2021, c. 483, Pt. KK, §2 (NEW).]

B. Expand infrastructure investments in the agricultural, food and forest products economy to increase access to new markets and opportunities for producers, processors, small businesses and consumers in the State in the producing, processing, manufacturing, packaging, distribution, marketing, sale and consumption of products; and [PL 2021, c. 483, Pt. KK, §2 (NEW).]

C. Collaborate with other state agencies, economic development organizations and other key institutional partners to establish technical assistance programs to support the objectives of this chapter. [PL 2021, c. 483, Pt. KK, §2 (NEW).]

[PL 2021, c. 483, Pt. KK, §2 (NEW).]

**3. Powers.** In carrying out the purposes of this chapter, the commissioner may:

A. Hire or assign staff or contractors, including community development financial institutions, economic development organizations, quasi-governmental entities or other capital or technical assistance providers; [PL 2021, c. 483, Pt. KK, §2 (NEW).]

B. Seek and accept funds from public and private sources; and [PL 2021, c. 483, Pt. KK, §2 (NEW).]

C. Administer funds, grants and programs. [PL 2021, c. 483, Pt. KK, §2 (NEW).]  
[PL 2021, c. 483, Pt. KK, §2 (NEW).]

#### SECTION HISTORY

PL 2021, c. 483, Pt. KK, §2 (NEW).

#### **§320-B. Maine Agriculture, Food and Forest Products Investment Fund**

**1. Fund established.** The Maine Agriculture, Food and Forest Products Investment Fund, referred to in this chapter as "the fund," is established and administered by the department to support public-private partnerships to carry out the purposes of this chapter. The fund consists of money appropriated to the fund or received from any other private or public source. Interest in investment of money of the fund is credited to the fund. Unexpended balances at the end of the fiscal year do not lapse but carry over into the next fiscal year. The Maine Agriculture, Food System and Forest Products Infrastructure Investment Advisory Board established in section 320-C shall oversee and determine expenditures from the fund.

[PL 2021, c. 483, Pt. KK, §2 (NEW).]

#### SECTION HISTORY

PL 2021, c. 483, Pt. KK, §2 (NEW).

#### **§320-C. Maine Agriculture, Food System and Forest Products Infrastructure Investment Advisory Board**

**1. The Maine Agriculture, Food System and Forest Products Infrastructure Investment Advisory Board.** The Maine Agriculture, Food System and Forest Products Infrastructure Investment Advisory Board established in Title 5, section 12004-J, subsection 1-A, referred to in this section as "the board," is created to oversee and determine expenditures from the Maine Agriculture, Food and Forest Products Investment Fund in section 320-B.

[PL 2021, c. 483, Pt. KK, §2 (NEW).]

**2. Membership.** The board consists of the commissioner or the commissioner's designee, the Commissioner of Economic and Community Development or the commissioner's designee and 15 members appointed jointly by the commissioner and the Commissioner of Economic and Community Development as follows:

A. One member of a statewide industry group representing conventional nondairy farming; [PL 2021, c. 483, Pt. KK, §2 (NEW).]

B. One member of a statewide industry group representing organic nondairy farming; [PL 2021, c. 483, Pt. KK, §2 (NEW).]

C. One member of a statewide industry group representing dairy producers; [PL 2021, c. 483, Pt. KK, §2 (NEW).]

D. One member of a statewide industry group representing the forest products industry; [PL 2021, c. 483, Pt. KK, §2 (NEW).]

E. Two members from relevant financial institutions with experience in the agricultural and forest products industries; [PL 2021, c. 483, Pt. KK, §2 (NEW).]

F. One manufacturer of forest products; [PL 2021, c. 483, Pt. KK, §2 (NEW).]

G. One manufacturer of value-added agricultural products or representative of the value-added agricultural products industry; [PL 2021, c. 483, Pt. KK, §2 (NEW).]

H. Two members representing the supply chain in processing, manufacturing or distribution; [PL 2021, c. 483, Pt. KK, §2 (NEW).]

I. One member actively engaged in providing marketing assistance, market development or business and financial planning; [PL 2021, c. 483, Pt. KK, §2 (NEW).]

J. One member from a statewide group representing the logging and trucking industry; [PL 2021, c. 483, Pt. KK, §2 (NEW).]

K. One member who is a member of a federally recognized Indian nation, tribe or band in this State; and [PL 2021, c. 483, Pt. KK, §2 (NEW).]

L. Two members who represent historically underserved racial populations in nondairy farming. [PL 2021, c. 483, Pt. KK, §2 (NEW).]

Board membership must reflect a diversity of skills and experience relevant to investment in agricultural, food and forest products processing and manufacturing industries and represent the racial diversity of the food system in the State with specific representation by Indian tribes, communities of color and other underserved communities and populations.

[PL 2021, c. 483, Pt. KK, §2 (NEW).]

**3. Terms; officers; committees; rules.** Board members serve for 3-year terms and may serve no more than 2 consecutive terms. The members shall elect a chair and may elect officers, establish one or more committees or subcommittees and adopt such procedural rules as the members determine necessary and appropriate to perform the board's work.

[PL 2021, c. 483, Pt. KK, §2 (NEW).]

**4. Quorum; meeting; voting.** A majority of the sitting members constitute a quorum, and action taken by the board may be authorized by a majority of the members present and voting at any regular or special meeting at which a quorum is present. The board may permit any or all members to participate in a regular or special meeting by or conduct the meeting through the use of any means of communication, including electronic telecommunications or a telephone conference call, by which all members participating may communicate with each other during the meeting. A member participating in a meeting by means approved by the board under this subsection is deemed to be present in person at the meeting.

[PL 2021, c. 483, Pt. KK, §2 (NEW).]

**5. Reimbursement.** A member of the board is entitled to reimbursement of mileage and other incidental expenses, if funds are available for such purposes, pursuant to Title 5, chapter 379.

[PL 2021, c. 483, Pt. KK, §2 (NEW).]

**6. Powers and duties of board.** The board, in determining disbursements of the Maine Agriculture, Food and Forest Products Investment Fund, shall:

A. Facilitate strategic investments in the State's agricultural, food and forest products processing and manufacturing industries, including value-added products; [PL 2021, c. 483, Pt. KK, §2 (NEW).]

B. Foster an environment that encourages innovation, sustainable growth, equity and inclusion; [PL 2021, c. 483, Pt. KK, §2 (NEW).]

C. Implement and maintain business technical assistance programs in support of the fund and other funds as needed; [PL 2021, c. 483, Pt. KK, §2 (NEW).]

D. Determine and devise a process for requests for proposals to perform 3rd-party services in support of and for the management and administration of the fund and other potential natural

resource-related funds as needed and for technical assistance programs that ensure that economic development organizations, capital providers and community development financial institutions in any region of the State are able to fairly compete for disbursements from the fund to meet identified infrastructure investment needs and fulfill the objectives of the funding and technical assistance programs; [PL 2021, c. 483, Pt. KK, §2 (NEW).]

E. Enter into performance contracts with one or more persons in order to provide investment and services to agricultural, food and forest products industries, including:

- (1) Technical assistance and product research services;
- (2) Marketing assistance, market development and business and financial planning;
- (3) Organizational, regulatory and development assistance, including feasibility studies of facilities or capital investments to optimize construction and other cost efficiencies; and
- (4) Identification of workforce needs and programs in order to develop training and incentive opportunities for the agricultural, food and forest products industries after consulting with the Department of Labor; and [PL 2021, c. 483, Pt. KK, §2 (NEW).]

F. Oversee, analyze and evaluate programs, contractors and other recipients of funds disbursed by the board annually, including:

- (1) Analyzing fund and technical assistance program use;
- (2) Recommending program changes and improvements;
- (3) Preparing a comprehensive report, in collaboration with the Department of Economic and Community Development and other appropriate agencies and organizational partners, on the performance, use and sustainability of funds and supporting programs of the Maine Agriculture, Food and Forest Products Investment Fund to submit to the commissioner; and
- (4) Collaborating with the Department of Economic and Community Development and other appropriate agencies and organizational partners to ensure that investment objectives are appropriately targeted and not duplicative and to establish various grant and loan instruments as part of the fund. [PL 2023, c. 470, §§1-3 (AMD).]

[PL 2023, c. 470, §§1-3 (AMD).]

#### SECTION HISTORY

PL 2021, c. 483, Pt. KK, §2 (NEW). PL 2023, c. 470, §§1-3 (AMD).

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