

# MAINE STATE LEGISLATURE

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**Program Evaluation Report  
Maine Department of Agriculture, Food and Rural Resources**

**For Submission to  
The Joint Standing Committee on Agriculture, Conservation and Forestry  
November 1, 2009**

**John M. Nutting  
Senate Chair**

**Wendy Pich  
House Chair**

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Authorizing Legislation or Other Relevant Mandate:

The Department was established by 7 MRSA §1. The powers and responsibilities assigned to it are described in 7 MRSA, 10 MRSA c. 501, 12 MRSA c. 1, 22 MRSA c. 551 and c. 562-A, 32 MRSA c. 27 and c. 28,

The Department is the State's lead agency dealing with all aspects of the food system from the field to the table. The Department maintains a mission of fostering opportunities for the agriculture community and of promoting stewardship of Maine's natural resources.

### **Brief History**

Ezekiel Holmes, editor of the Maine Farmer, began to advocate for an agricultural college, an experimental farm and a board of agriculture in the mid 1840s. In 1852, the Maine Legislature created the Board of Agriculture of the State of Maine in the face of determined opposition.

Members of the board were chosen annually by the incorporated agricultural societies. Board members were to meet at Augusta on the third Wednesday in January and organize with a president, secretary and other officers as necessary. Thirteen members of the board held their first meeting at the State House on January 19, 1853--a session that lasted for ten days. Their duties were limited to discussion of agricultural subject and to make recommendations to the societies and to the people for the improvement of crops. It was essentially the first time that a representative group of leading farmers began to study their common problems from a statewide point of view. Subjects discussed by the Board were published in yearbooks annually. The Maine Department of Agriculture has a nearly complete set of these volumes. Members were not paid directly by the State of Maine but received a stipend not to exceed \$2 a day from the societies they represented.

In 1855, the board managed to have three bills introduced in the legislature – one expanded the duties of the board and providing for a paid, full-time secretary, another revised state laws related to agriculture, and a third incorporated a state agricultural society. This bill also allowed for the first time the county societies to charge admission to the agricultural fairs. Some codicils of the enacted law were looked upon as meddling

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in the Board's affairs and some members boycotted the session in protest but eventually the notion that the legislature would like nothing better than a dysfunctional board.

The Maine State Agricultural Society assumed the duties of the Board of Agriculture in January of 1856. Before the end of the 1856 session, they introduced legislation to restore the Board of Agriculture and began a nearly half century of service to Maine's agricultural community.

The Maine Department of Agriculture, which succeeded the old Maine State Board of Agriculture came into being on January 1, 1902, with Augustus Gilman as the first Commissioner of Agriculture. He and his office help comprised the entire staff of the department.

### **Brief Description of the Agency**

**Office of the Commissioner** – The Office develops and implements the rules, policies and directives necessary for the department to meet its statutory obligations. It provides strategic leadership and effective management of administration and service delivery, acts as state, regional, national and international representative of the department, and coordinates the donated commodity program. It staffs the Agricultural Bargaining Board and oversees the Department's legislative program. Additionally, it houses the Maine Harness Racing Commission and the Maine Milk Commission.

**Division of Animal Health & Industry** – The Division is responsible for a variety of programs pertaining to animal and public health, as well as production and quality; works to prevent the introduction and spread of contagious, infectious, and parasitic diseases among poultry and livestock, especially those diseases transmitted to people either directly or indirectly; tests all milk and milk products for compliance with federal law; oversees the Animal Welfare Program and all laws pertaining to animal welfare; administers the Nutrient Management Program and Livestock Operations Permits; administers the deer farm licensing program and the licensing of commercial large game shooting areas; and works with farmers to resolve problems and to improve milk quality and production.

**Division of Market & Production Development** – The Division works with producers to improve crop production. It also assists in the research into and demonstration of the feasibility of new crops. It provides producers with marketing assistance through displays, packaging and source directories. It works with agricultural associations to develop joint marketing ventures. It provides oversight of and assistance to the agricultural fairs. Finally, it oversees the Agricultural Trades Show and the state's participation at the Eastern States Exposition.

**Division of Plant Industry** – The Division is responsible for preventing the introduction and spread of injurious insects and diseases to Maine crops; protecting the public from the sale of weak, diseased, or insect-infested commercial plant stock; testing and licensing arborists who wish to practice in the State of Maine; inspecting honeybees to

ensure freedom from regulated pests; surveying for insects and diseases of economic importance to Maine's plant industries; certifying seed potatoes and other crops that meet disease and insect tolerances; and ensuring an adequate supply of high quality, disease-free seed potatoes for Maine's seed potato industry. It also houses the Board of Pesticides Control.

**Division of Quality Assurance & Regulations** – The Division provides public health, safety and sanitation inspections at all levels of Maine's food supply. It provides unbiased inspection services to assure that food, various agricultural products and other commodities reaching the market place are safe to eat, of a known, standardized quality, and are accurately weighed, measured and presented prior to being entered into commerce. The Division ensures that weighing and measuring devices used in commerce are correct. It enforces method of sale laws, packaging and labeling laws, returnable container laws and fuel quality standards for all fuels.

### **Commissioner's Office**

Seth Bradstreet, Commissioner 287-3419

**Mission** – The Commissioner and his staff provide leadership and policy guidance to the department and ensure the efficient operation of the department's programs and the delivery of its services.

#### **Programs & Services:**

*Financial Management* - Coordinates the oversight of department accounts and spearheads the creation of the department's budget. Work with personnel from the Natural Resources Service Center.

*Information Systems* - Provides oversight and assistance to the divisions as they work with the Office of Information Technology to adopt the latest advances in information technology, whether more powerful data bases or field-based technology.

*Legislative Program* - The office coordinates the development of legislative initiatives and the review and response to proposed legislation.

*Maine Harness Racing Commission* – The Office houses the Maine Harness Racing Commission. This program provides oversight of all racing and pari-mutuel activities within the state. The Commission protects the wagering public and industry participants by promulgating and enforcing rules. The Commission also encourages the development of a Maine strain of standardbred horse through the Maine Sire Stakes Program.

*Maine Milk Commission* – The office houses the Maine Milk Commission, a five-member consumer board that is established to oversee the milk industry in Maine and to support the viability of farms and the milk industry.

*Maine Agricultural Bargaining Board* – The office staffs the Maine Agricultural Bargaining Board, a five-member entity that is empowered to certify qualified producer associations. The authorizing act requires qualified associations and handlers to bargain in good faith.

**Emerging Issues:**

As the landscape of Maine evolves and the nature of agriculture in Maine changes, the department needs to maintain flexibility in order to respond to new conditions in the field and to new demands on its resources. The Commissioner’s Office must foster a workplace that allows employees the opportunity to rise to those challenges and to provide stellar service to the people of Maine.

Additionally, the Office must continue to provide direction for the department in these fiscally unstable times.

**Accomplishments:**

The Department has had no material audit findings in the past several statewide audits.

The Department has decreased its cost to the workers compensation pool by focusing on better management of employee health issues.

**Division of Animal Health & Industry**

Dr. Donald E. Hoenig State Veterinarian and Director 287-7610

**Mission** - The Division of Animal Health and Industry is dedicated to protecting and improving the health of agricultural animals and the citizens of Maine.

**Programs & Services:**

*State Veterinarian* - Responsibilities include oversight of certification and testing programs to ensure compliance with interstate and international requirements for the export of animals. The goal of these programs is to prevent the introduction and spread of contagious, infectious, and parasitic diseases among poultry and livestock, especially those diseases transmitted to humans either directly or indirectly.

*State/Federal Diagnostic Laboratory* - The State-Federal Diagnostic Laboratory performs serological testing on all species of animals for Brucellosis monitoring (includes milk samples), for interstate and export requirements, for diagnostic purposes and for breeding purposes. The lab complies with the State Federal Brucellosis Eradication program, the Animal and Plant Health Inspection Services, and the National Poultry Improvement Plan. The lab trains and certifies independent field testers for surveillance of backyard poultry flocks. The laboratory conducts over 20 different diagnostic tests of livestock

(cattle, horses, sheep, goats, and llamas) and poultry, averaging 25,000 tests annually. See representative charts at the end of this section.

*Maine Milk Quality Laboratory* - The program provides Maine's dairy processors with State regulated and FDA certified testing of their products and State certification of their analysts, which allows their milk and milk products to be sold across State lines and within the State. The laboratory tests all milk and milk products produced in Maine a minimum of four times in any six month period, according to the Interstate Milk Shippers requirements as put forth in the Pasteurized Milk Ordinance. The lab conducts bacterial and chemical testing as required by Maine statute. Laboratory staff provides technical assistance to dairy farmers to improve milk quality and production. See representative charts at the end of this section.

*Milk Quality Program* - In conjunction with the Milk Quality Laboratory, three dairy inspectors inspect plants and farms to ensure a safe supply of milk for the public.

*Licensing and Permitting Program* - The Division issues a variety of licenses covering poultry and livestock dealers, deer and elk farm operations, commercial large game shooting areas, pulling events, and milk and milk products processors. Licenses are contingent upon the licensee adhering to all State and Federal animal health requirements. It issues permits to dairy farms that allow them to ship their milk. Random inspections are made to assess compliance.

*Livestock Specialist* - The Livestock Specialist assists producers with animal health, management, and marketing needs. This includes working with each of the state's livestock organizations and individual producers to increase the value of their products through individual and cooperative marketing, improving animal health and performance, applied research, and assistance in locating and applying for state and federal agricultural grants.

*Animal Welfare Program:* In December 2007, the Division assumed oversight for the Animal Welfare Program with the current staff remaining intact.

*Nutrient Management and Agricultural Nuisance Complaint Program* (formerly Office of Agricultural, Natural and Rural Resources, OANRR): In 2005, the Division assumed administration of the the nutrient management and agricultural nuisance complaint programs when the OANRR was eliminated. This group oversees the nutrient management program and livestock operations permits as well as responds to nuisance complaints to determine compliance with best management practices and Maine's Right to Farm Law. The Maine Compost School is also coordinated through this section and is offered twice yearly in the spring and fall.

### **Emerging Issues:**

*Disease Control and Surveillance* - The Division has received federal (USDA, APHIS) cooperative agreement funds over the past several years to enhance surveillance for

certain diseases (avian influenza, chronic wasting disease, scrapie to name a few); to offer continuing education programs for large animal veterinarians; to promote and implement an animal identification program consistent with the national program; and to respond to the recent detection of contagious equine metritis in the United States. In FY 2010, Maine will be the second pilot state (the first was Wisconsin) to implement a so-called “entity-based”, or umbrella type, cooperative agreement system with USDA, APHIS, Veterinary Services, which should streamline this cumbersome, redundant and time-consuming process.

*Animal Traceability and Identification* - A fundamental aspect of controlling any disease is a system that can identify individual animals and herds, the premises where they are located, and the date of entry to that premises. The ability to retrieve this information within a short period of time of a suspected or confirmed disease outbreak is critical. The Division is currently waiting to see the approach that USDA, APHIS, Veterinary Services will be adopting in the future to this critical but highly controversial program.

*Chronic Wasting Disease Surveillance Program* – The chronic wasting disease surveillance program was adopted by rule in 2006 and is mandatory for all deer and elk farms and all commercial large game shooting areas in Maine.

*Emerging Dairy Processing Industry* - Interest in making cheese, bottling milk, and processing other dairy products continues to increase. Currently 85+ licensed dairy processors (cow, goat and sheep) make a variety of cheeses, yogurts, fluid milk products and ice creams. Several traditional dairy farmers seeking to diversify are now bottling, selling and delivering their finished products. The State Dairy Inspectors provide technical assistance on construction, proper equipment, and sanitation. The Milk Quality Laboratory Chemists test all dairy products produced and sold here in Maine.

*Novel H1N1 (“swine”) Influenza*: The detection of a new serotype of influenza in people in Mexico during April 2009 and the subsequent spread throughout the world has renewed fears of an influenza pandemic. Plans are currently underway in Maine as well as all other states to prepare for and respond to this potentially catastrophic event. The Division has been working with Maine’s small swine industry to heighten awareness and has distributed educational material at agricultural fairs this summer (“our animals are healthy, are you?”) to inform producers and the public. Interestingly, our main message has been for folks to stay away from the pigs if they or their family members are sick as we’re very concerned about people spreading the influenza to the pigs. So far, this disease has not been detected in US swine.

*Maine’s Beef Quality Assurance Program (BQA)* - The program helps producers understand the importance of handling and managing their herd, for example, not injecting animals in certain areas thus damaging the quality of the meat. Maine recently joined the Mid-Atlantic Alliance for Beef Quality Assurance, which will help market top quality beef through the region. Participating producers will change their on-farm management practices with the goal of receiving a better price for their cattle.

## **Accomplishments:**

The Maine Cattle Health Assurance Program was legislatively authorized in 2003. Since its inception, the steering committee comprising dairy and deer producers, staff from the Division and Cooperative Extension as well as practicing veterinarians and dairy processors, has obtained over \$250,000 in grant funds for the program. Maine leads the region in offering this on-farm risk assessment and follow-up herd plan, which educates the producer on animal health and welfare, environmental stewardship, food safety, and production. It has clearly added value to a dairy farmer's milk, a beef producer's herd, or a deer or elk farmer's herd. To date, more than 170 farms have enrolled. With a recent cut in federal funding, however, we have had to dramatically scale back our efforts in this program although the steering committee is still meeting regularly to plan large animal continuing education events and maintain producer outreach.

We hope the program will serve as the umbrella for the Division as it shepherds the animal industry through new production challenges, federal regulations, and emerging diseases.

During the 121<sup>st</sup> Legislative session the Chronic Wasting Disease Surveillance Program was authorized. In a joint effort with the Maine Deer and Elk Farmers' Association, proposed licensing and importation rules were developed, and both the CWD Surveillance Program and CWD Response Plan have been drafted. Maine continues to lead this effort in New England. To date, all of Maine's deer and elk farms and commercial large game shooting areas are enrolled in the CWD surveillance program.

The Division successfully completed a pilot Salmonella enteritidis Risk Reduction Program with Maine's three large brown egg producers. Through on-site inspection, environmental and egg testing, vaccination, and strike rodent control, Salmonella enteritidis has been kept in check. Industry funded a Poultry Health Technician, who reports to the Department, to conduct much of the surveillance work. As a result of action taken by the 124<sup>th</sup> Legislature, the Division will be developing best management practices for poultry operations raising more than 10,000 birds.

In cooperation with the U.S. Department of Agriculture, the Canadian Food Inspection Association, Cornell University and the Maine Departments of Humans Services and Inland Fisheries and Wildlife, Maine joined in a regional raccoon vaccination program. In May 2003, the Governor approved Maine's participation in the Oral Rabies Vaccination Research Program. This program is continuing in August 2009 with the distribution of 100,000 baits in southern Aroostook County as raccoon rabies has moved further north into the County this year reaching the town of Masardis. Inadequate funding has been an ongoing issue in implementing an effective biological barrier.

Garelick Farms of Maine and Oakhurst were accepted in the National Conference of Interstate Milk Shipment's HACCP pilot initiative. Maine is the only state to have

multiple plants enrolled. The State Dairy Inspectors oversee the auditing in coordination with the Food and Drug Administration.

Since the outbreak of Foot and Mouth Disease in England more than seven years ago, the Division has enhanced disease surveillance efforts and developed an animal disease emergency response plan. This included biosecurity education for state employees and individual animal producers and their affiliates; training for all large animal practicing veterinarians (ongoing) in foreign animal diseases diagnosis; issuing multiple animal health alerts of national and region significance to both producers and practitioners; and responding to two disease outbreaks impacting the poultry industry.

The Department conducted functional foot and mouth disease field exercise in Leeds in November 2008 to test the Department's incident command system and to test the effectiveness of composting for disposing of cattle carcasses in a Maine winter. Both the ICS exercise and the field trial were a great success and Maine continues to lead the nation in the novel, environmentally friendly and innovative method of carcass disposal. The Department received a \$10,000 USDA grant to help fund this exercise and the six New England states were the recipients for more than \$175,000 in federal funding to mount the exercise across the region.

### **Division of Market and Production Development**

Jane Aiudi, Director 287-9072

**Mission** - Create and enhance business opportunities for Maine producers, niche marketers, and food manufacturers through business development, cooperative marketing, promoting Maine products, technical assistance and agricultural advocacy.

#### **Programs and Accomplishments**

The division carries out its mission by categorizing its activities into major program areas. These areas include Agricultural Market Investment, Market Access, Education, and Federal assistance programs.

The area of **Agricultural Market Investment** includes the following programs:

*Agricultural Marketing Loan Fund and Grant Program* –This program was created by the Legislature in 1996 and has been capitalized by bonds for \$7.5 million. The loan activity began in 1998, and there have been 81 loans through 2007, for an investment of state funds of \$ 7 million. The agricultural sectors with highest need have been dairy, potato and vegetable crops. The legislature recently added the farmers who successfully complete formal business plans in the Farms for the Future program as potential recipients of reduced interest rate loans through the program.

The Agricultural Development and Technical Assistance Grant Programs, funded by loan interest from the bonds and farmer loans, provides competitive grants to farmers and farm

groups to help them with market research, market development or new technology development. The fund has been able to grow and the Division has administered almost \$2 million in grants since 1998.

*Potato Market Improvement Fund* – The office provides technical assistance regarding design and retrofitting of potato storage and packing facilities. Funding for this program, along with a loan program to assist in financing these projects, is through a 1981 bond issue. This is a revolving loan program, with the repaid principal available to finance new loans and the interest earned on the cash balance available to fund research on potato storage and handling.

*Water Management Program* – Water use is the number one production input that is the hardest to manage and has the most potential to destroy or improve market quality, yields, and consistent production. A need exists for over \$32 million for new source development equipment. The legislature passed over \$4 million of bond issues to provide cost share assistance to farmers for developing new water sources. The legislature also established the Agricultural Water Management Board to oversee the development of policy for agricultural water use and water source development.

The Cost Share Program for new source development has issued grants to 117 farms to build 62 ponds, 42 wells and 13 other source development projects. The new sources will protect over \$21 million of crop value from drought. The Division has provided direct assistance to 50 farmers, using computer models, to develop water budgets and plans for new source development.

*Farms for the Future* – The Division continues to administer the Farms for the Future (FFTF) program. The program has provided over \$2.8 million in grants to 165 farms for professional and technical assistance in putting together business plans for modernizing, improving, expanding, and diversifying their operations in order to increase their profits and remain in agriculture. Over 89 farmers have developed business plans and have further received follow-up funds to implement their plans in exchange for a 5 or 7 year conservation easement. Over 22,433 acres of farmland have been protected by this program. The program provides a team of technical experts assigned to provide input and guidance on development of the business plan and the Division works with the farmer on the development of the conservation easement.

The legislature recently changed the law such that farmers going through the program also need formal training in business plan development through the Division's NxLevel business course. The law also provided that farmers, who successfully complete a business plan, are eligible for a reduced interest loan under the Division's Agricultural Marketing Loan Fund. These new provisions are aimed at empowering the farmers to be their own advocates, and providing additional incentives to producing a viable business plan.

*Farmland Protection* – The Division provides departmental support for farmland owners applying to the Farmland Property Tax Program and the Land for Maine's Future

Program. Administer the Maine Farms for the Future Program and integrate other such agricultural viability and land protection programs.

*Rural Rehabilitation Trust Fund* – The division manages this dedicated revenue fund for the purposes of providing scholarships for farm families to assist their children in attending college. The Division is responsible for policy and loan-making decisions of this fund. Investments of fund dollars go to providing low interest loans to farmers for purchasing land, or feeder cattle. The fund also provides capital improvement loans to agricultural fairs. To date the fund has provided assistance to over 20 students, 7 farmers and 5 fairs.

The **Market Access** program area includes:

*Good Agricultural Practices (GAP)* – The division has secured federal funding to help foster the safe food handling efforts of Maine’s agricultural community. Good Agricultural Practices (GAP) is a voluntary audit process designed by USDA in response to consumers’ concerns over the safe handling of food entering the food chain. The division is providing technical support to producers that want to prepare for these audits. This is a market driven program and more and more retailers are requiring that their suppliers undergo a GAP audit. The division, through federal funds, is also providing a partial reimbursement to producers to help defray some of the costs for their first time audit. To date 80 farms have received these funds as a result of the audits completed by our Division of Quality Assurance and Regulations.

*Promotions* – The division touts the benefits and availability of local products and of Maine agriculture. We are involved in in-store promotions, regional promotions through the Harvest New England Program, and commodity specific promotions throughout the state of Maine, the United States and internationally. We partner with businesses, trade associations, local and national organizations and other state and federal agencies to promote Maine products. Currently our promotional efforts are focused on taking advantage of the growing public demand for local products. We promote the availability of products at farmers markets, farm stands and local retail food stores.

*Special Events* – The department manages three specific events that work to not only promote Maine Agriculture, but also to educate the general public about this vital Maine industry. The Maine Agricultural Trades Show brings together all facets of Maine’s diverse agricultural community. The annual event features over 150 booths showcasing new and innovative agricultural products and services. There is also a full three day agenda of educational seminars and workshops on a wide variety of topics of interest to farmers.

Open Farm Day is an annual event in July. Over 100 farms across the state open their doors to allow the public to visit their farms and learn more about Maine agriculture. Participating farms are both large and small and represent virtually every type of farm that exists in Maine. Over 15,000 people visit farms on that day.

Maine's participation in The Big E is managed by this division. This 17 day annual event provides us with the opportunity to showcase our state and our agricultural products and heritage to visitors from throughout New England. We manage the State of Maine Building which houses more than a dozen small Maine companies along with several commodity groups. We have the ability to reach over 600,000 people during this expo.

We also provide assistance to commodity groups that are looking to develop events or promotions to showcase their particular segment of the industry. We work closely with the Maple Producers to produce Maine Maple Sunday and have started working with the Maine Cheese Guild and the Maine Alpaca Association to develop their own versions of Open Farm Day.

*Agricultural Fairs* – Provide assistance to Maine's 25 licensed agricultural fairs in the areas of marketing and promotion. Provide technical assistance to the individual fairs in the areas of policy development and contracting for services. The large animal pulls at the fairs are overseen by the division. We assist the Maine Association of Agricultural Fairs in developing their annual training sessions. We work with representatives from the Department of Health and Human Services and the Department of Public Safety and serve as the liaison between these agencies in the management teams of the various agricultural fairs.

*International Trade* – Act as Maine's liaison with USDA's Foreign Agricultural Service and the Maine International Trade Center in assisting companies to export products and access foreign markets. Maine is a partner in Food Export USA, a non-profit organization composed of ten northeastern state agriculture departments. Each state works with their food companies to promote their products in foreign markets. These activities include buyers' missions, food shows, exporter education, focused trade missions, and a market builder program.

*Get Real Maine Program* – This is a marketing initiative that has been in existence since early 2000. The program today consists of point of purchase and other signage and labeling that can be purchased by Maine producers for their product. These efforts are backed up by the inclusion of the logo on all print media that is developed by the department. Funding for media campaigns and other promotional activities no longer exists.

The division also maintains a strong 'get real' presence on our website. The website is currently being redesigned to make better use of recent advances in technology. This new website will make it easier for producers to benefit from participation in our promotions by offering them better accessibility to their data and more options such as adding photos and calendars to their listings. The web will also have more advanced search features that will be more user friendly for the consumers looking to find local products and local producers.

*Agri-Tourism* – These efforts link growers and farms with tourism promotional opportunities. We participate on the Maine Tourism Commission. We also promote farms that offer tourist-related activities on our website. We also continue to promote and support Maine’s agricultural fairs during the summer and fall.

We work cooperatively with several other state agencies and the State Office of Tourism to promote Maine at various trade shows and events.

*Farmers’ Markets* – Support is provided to individuals, communities and other organizations that want to start a farmers’ market in their community. A handbook is being developed to outline all the steps necessary including permits, inspections, signage, and marketing strategies. The Finding Maine Foods and Farms publication includes a list of all farmers’ markets in the state. The listing includes locations, dates, and hours of the markets that have identified themselves to the department. A searchable listing is also maintained on the ‘get real maine’ website.

We have coordinated with the Department of Health and Human Services to expand the use of EBT (Food Stamp) cards at Farmers Markets throughout the state.

*Farm to School* – Farm to school efforts are prevalent throughout the state. Efforts are quite localized and the models/programs in place are determined to meet the needs and resources of the local areas. We work with the farm to school work group to ensure that farms’ and producers’ interests are represented. We also work to help make the connections between the producers and the school food service personnel at the local level. We work to facilitate communications to help dispel myths that both the farmers and school food personnel may have regarding the use of local products in the schools.

Our **Education** programs include:

*NxLevel Business Planning Program* – The Division has underwritten over 200 farms in the past 5 years to participate in the NxLevel “Tilling the Soil of Opportunity” business planning course. Based on positive feedback from the farmers, the Legislature recently approved a change in the Farms For The Future program (FFTF) that will require farmers to take the course if they participate in the Farms For The Future program. Division professional staff are also teaching the course and provide technical assistance to many farmers both in and out of the program.

*Agricultural Commodity Associations* – The division assists agricultural associations in long-range planning and short-range problem solving on issues important to their businesses. Staff provides technical assistance to new groups to build capacity to better serve their members.

*Maine Ag in the Classroom* – The division works closely with, and holds a seat on the Maine Agriculture in the Classroom Council. Maine Ag in the Classroom works to foster agricultural education in all schools in Maine. We work with programs from K -12. Work is done not only in the classroom, but in teacher training programs and workshops.

The council is also responsible for the oversight and expenditure of the revenues realized from the sale of the Agricultural License plate.

The **Federal Assistance** programs that we are responsible for are:

*Donated Commodities Program* – The State of Maine, through the U.S. Department of Agriculture, annually receives more than \$1 million worth of food for the Temporary Emergency Food Assistance Program (TEFAP). The value and volume of food has increased annually and it is anticipated that trend will continue. The office manages the delivery, storage and distribution of this food to the food pantries and soup kitchens across the state. (7 MRSA §2)

*Senior Farmers Market Nutrition Program* – The senior Farmshare program has been administered by the Department since its inception in 2000. The program provides \$50 worth of free local produce each year to eligible seniors. Over 140 Maine farmers currently serve over 18,000 seniors. The benefit is available statewide and brings in almost \$1 million annually.

### **Emerging Issues**

As markets change with evolving consumer habits, and technology advances at an ever-increasing pace, agricultural businesses and the farmers who are the underpinning of the sector, need to evolve with the trends including food safety, good agricultural practices, and changing consumer demand. The Division must stay at the forefront of these trends in order to continue to provide assistance needed by farmers and others.

They continue to need access to capital, as well as land, water and labor in order to expand their businesses, manage risk, diversify, meet new regulations and modernize. The Department must adapt its program to continue providing meaningful assistance. At the same time, it must continue its efforts to promote Maine products in local, regional and international markets.

Another increasingly important facet of the Department's work is helping communities recognize their role in helping to maintain productive farmland and employment in this natural resource-based economy.

### **Division of Plant Industry**

Robert I. Batteese, Jr., Director, 287-3891

**Mission:** The mission of the Division of Plant Industry is to prevent the introduction and spread of injurious insects and diseases in Maine crops and the environment.

**Programs and Services:**

*Horticulture Inspection Program* – This program prevents the introduction and spread of plant pests in nursery and greenhouse operations through licensing, inspection, certification, and education. Over 1,380 establishments were licensed last year, and nearly 824 inspections were conducted at nurseries, greenhouses and plant dealers across the state. More than 85 different pests were identified in the course of these inspections. The Horticulture staff also certifies that ginseng, a federally threatened species, exported from Maine meets Federal and State requirements. Sixteen ginseng producers were licensed by the Division last year.

*Arborist Licensing Program* – This program licenses individuals to work as arborists in the State of Maine. An arborist is defined as anyone who takes down or evaluates the condition of or treats ornamental trees for compensation, or advertises for such services. There are currently 742 licensed arborists in the state. Candidates must successfully complete a written test to become licensed, with 94 out of 103 individuals who took the exam in 2008 receiving a passing score. Division staff also responds to complaints regarding individuals performing arborist work without a license.

*Integrated Pest Management* – The purpose of the Integrated Pest Management Program is to assist farmers and communities to minimize reliance on pesticides by adopting Integrated Pest Management (IPM) practices. The IPM Entomologist is responsible for developing and implementing the IPM Program. She provides leadership and technical support for Maine organizations, agencies, communities, farms, schools and citizens to promote IPM adoption aimed at reducing pesticide impacts. The Entomologist also serves as Coordinator of the Maine School IPM Program, an educational program to assist schools in adoption of IPM toward minimizing risks of pests and pesticides in compliance with state regulations. In addition, she serves as co-coordinator of the IPM Council, a broad-based group whose mission is to define, promote and enhance implementation of IPM practices (as defined in Chapter 413) that reduce or minimize environmental and human health impacts of pesticides and other pest management practices.

*Apiary Inspection Program* – This program includes regulatory, extension and cooperative research efforts concerning honeybees and beekeeping. Program staff license resident and migratory beekeeping operations and certify beekeeping operations that meet established tolerances for regulated diseases, mites and freedom from Africanized honeybees. In 2008, the Division licensed 6,796 hives managed by 463 beekeepers. In addition, 67,698 migratory hives entered Maine for crop pollination in 2008, a 25% increase since 2002. In total, approximately 69,300 hives were used for blueberry pollination in 2008. Of the nearly 74,698 resident and migratory hives situated in Maine in 2008, approximately 5,931 were surveyed at random with nearly 2,300 opened and inspected for disease, parasites and Africanization. Another 190 hives were sampled for Africanization from 18 migratory beekeeping operations and one resident hobby beekeeper's highly defensive colony. Ten hives (5.2%) were found to have a high probability of Africanization and were managed by five different migratory operations based in Florida, Arkansas, Texas and Maine/Florida and the resident beekeeper.

*Cooperative Agricultural Pest Survey (CAPS) Program* – This program provides an early warning system for pest detection and response, to safeguard Maine’s plant resources. The program is accomplished through funding from a cooperative agreement between the Maine Department of Agriculture, Food and Rural Resources and the U.S. Department of Agriculture, Animal and Plant Health Inspection Service (USDA-APHIS). The cooperative agreement allows for the employment of a full time State Survey Coordinator, who is responsible for coordinating existing state and national resources to evaluate the risk of specific exotic and invasive plant pest species. Components of this program include pest surveys; training and development of pest fact sheets; and development of a rapid response plan to address the potential discovery of an exotic pest or an invasive species in the state. (No specific state statutory authority; work accomplished through cooperative agreement with USDA.)

*Seed Certification Program* – This program conducts field and shipping point inspection of seed potatoes for regulated diseases, conducts post-harvest testing of seed potato samples, and certifies seed oats and barley. In 2008, 10,815 acres of seed potatoes were inspected and certified in Maine. One thousand, twenty seed potato samples were then evaluated for post-harvest disease levels, with 98.1% of the samples meeting the established tolerances for designation as certified seed. Additionally, 379 acres of barley and oats were certified as seed in Maine in 2008. This program is funded entirely from user fees.

*Seed Potato Board* – This program is responsible for ensuring an adequate supply of high quality, disease-free seed potatoes for Maine’s seed potato producers. This is accomplished through the operation of a state-of-the-art nuclear seed farm in Masardis, which utilizes stringent disease control and disease testing procedures. The farm has a tissue culture laboratory, with close to 200 potato lines and varieties in culture, two greenhouses for mini-tuber and plantlet production, and facilities for field production and storage of seed potatoes. The farm is also an important stopping point for foreign visitors interested in importing seed potatoes from Maine. Nearly 1.1 million pounds of early generation seed potatoes were produced and sold to Maine seed potato producers as the “starter” seed for their operations in 2009. However, the declining acreage of the Maine Potato Industry has created challenges to remain fiscally solvent. In recognition of this problem, the 124<sup>th</sup> Maine Legislature voted to transfer all assets and oversight of the Seed Potato Board from the Department to the Maine Potato Board in order to improve efficiencies that could not be easily or quickly accomplished under the rules and procedures of state government. This transition is currently on track to occur effective January 1, 2010.

*Phytosanitary Certification* – Division staff also inspect and certify the pest status of products to be exported to other countries and issue phyto-sanitary certificates, which are international documents required by the receiving countries, attesting to the pest status of the products being shipped. Nearly 575 phyto-sanitary certificates were issued this past year to support the forestry, nursery and potato industries in exporting commodities for international sales. (Work accomplished through a Memorandum of Understanding with USDA.)

*National Organic Program* – Since 2001, the Division of Plant Industry has had cooperative agreements with the USDA Agricultural Marketing Service to serve as the contact agency for distributing federal cost share reimbursement funds to organic producers and processors who meet the standards of the National Organic Program. The Division does not have staff to certify organic operations but instead relies primarily on MOFGA Certification Services, LLC to provide these services and then report the names of those who qualified and how much they spent. Following USDA requirements, the Division has been able to reimburse up to 75% of an operator's organic certification costs up to a maximum of \$500; and starting in 2009 the limit has been raised to \$750. In 2008, the Division reimbursed 303 producers a total of \$97,176.66 at an average of \$320.72 per farm.

### **Emerging Issues**

The ever-increasing movement of both agricultural and non-agricultural commodities throughout the world provides an opportunity for exotic plant pests (insects, diseases, and plants) to enter the state. These pests can have major economic impacts on agricultural production and the environment through reduced crop yield and/or quality, eradication efforts, and reduced trade opportunities caused by the presence of such pests. Additional strategies must be developed to survey for and deal with pests that are not currently present in Maine, to ensure they do not become established and cause economic harm to agricultural and forest products industries in the state.

Expanded public outreach will be needed to educate all sectors of the public about movement of pests through nontraditional pathways such as wooden pallets and firewood. The Asian longhorned beetle (ALB) and the emerald ash borer (EAB) came to the United States in packing materials used for shipping products and are now being spread by campers carrying firewood from their homes in infested areas to new areas where there are no natural predators to help control these pests. The ALB has already advanced northeastward to Worcester, Massachusetts and the EAB has migrated from Ohio into western New York State. This means the Division will need to find new methods of communicating with the general public to purchase their firewood at each campsite and burn it all up before moving on to the next site.

The extremely cool and wet months of late spring and early summer led to a very early and severe outbreak of late blight disease on tomatoes and potatoes. The problem was likely exacerbated by the distribution and consignment sale of tomato seedlings in big box retailers where there are no trained employees to recognize symptoms of disease or initiate control measures. The Division will be coordinating a stakeholders meeting this fall to discuss the issues surrounding the distribution of live plant materials and determining if any additional guidelines, regulations or statutes are needed.

The Department is always interested in supporting the development of alternative crops that could bring economic benefits to agricultural industries. Considerable interest has recently been shown in planting high yielding oil production crops that could be used

as fuel or as additives to other food products or cosmetics. Concerns have been expressed, however, that some of the potential crops could turn out to be invasive in our environment and create new weed problems for nearby growers of commonly grown crops. It will therefore be important for the Division to monitor these new crops to ensure that they don't create new problems for all producers.

The demand for honeybees used for crop pollination has increased during the last twenty-five years, requiring continued licensing and inspection by the State Apiarist. The number of hives imported into Maine has risen from 12,472 in 1984 to between 60,000 – 70,000 in recent years, depending upon crop potential and specific commodity market conditions. This upward trend is expected to continue, due to both the increased hive density growers are using per acre to achieve higher yields of fruits, vegetables and seed set; and the increase in acreage from the expansion of the blueberry, cranberry and canola industries. The growth of commodities requiring honeybees for crop pollination will continue to increase demands on the Department's Apiary program. Pest problems associated with parasitic bee mites, the transmission of the viral complex vectored by parasitic bee mites, the spread of Africanized honeybees from southern states to the north, the emergence of antibiotic resistant strains of American foulbrood bacteria (a highly contagious honey bee pathogen that affects both bees and beekeeping equipment), the emergence and spread of strains of the Varroa mite with complete resistance to registered miticides, and the recently introduced strain of Nosema (intestinal honeybee parasite) will also place additional demands on the Apiary program. In addition, the Department has experienced an increase in the number of nuisance complaints concerning honeybees and hobby beekeepers that reside in urban and suburban areas. The Department has worked with several municipalities regarding these issues and promoted best management practices for beekeeping that have been adopted as models for zoning ordinances to address beekeeping in residential areas.

Horticulture businesses are facing difficulties in these tough economic times and are always trying to find ways to reduce expenses. They note that sales tax exemptions are available on many inputs for agricultural businesses but not horticulture. It is anticipated that the horticulture industry will continue to seek to be included as part of the agricultural exemptions so they may maintain viable business operations.

Controversy over the use of genetically engineered crops has hopefully peaked but the Division anticipates that considerable controversy will continue to exist for several years as more crops are engineered to contain a plant incorporated protectant or a resistance to diseases, drought or specific herbicides. The Division will be initiating rulemaking in the coming month to adopt best management practices to maintain the integrity of crops and minimize the potential conflict between conventional and organic farmers.

### **Accomplishments**

Several significant accomplishments have occurred through the work of the Division's staff over the past few years. Most of these accomplishments relate to insect

and disease control in Maine crops, but Division staff have also been instrumental in providing services that allow the export of Maine products to other countries and provide reimbursements to organic growers for some of their expenses to become certified.

*Insect and Disease Control* – The Division identified a bacterial blight outbreak in geraniums that adversely affected 24 greenhouse facilities. With cooperation from the supplier of the plants and the receiving greenhouse growers, a high percentage of the geranium plants were destroyed and there was minimal impact to other growers and the public from this disease.

A federally regulated disease *Phytophthora ramorum* was found on several lilacs originating from a west coast nursery. Luckily, the plants were sold through a retail outlet that did not have its own growing area of nursery stock. This meant they could be withdrawn from sale before creating a risk to the horticulture industry in Maine.

Division staff amended the hemlock woolly adelgid quarantine (Chapter 266) in 2007 to bring the number of towns in York County up to six where the insect has been identified in the forest. Although this was a discouraging development, it is important to note that horticulture businesses have been complying with the quarantine requirements and no infested nursery stock has been detected since the quarantine was first amended in 2002.

Division staff also amended the pine shoot beetle quarantine Chapter (268) in 2006 to bring the number of counties up to twelve to prevent the artificial spread and to facilitate the movement of regulated articles with other states. Only Aroostook and Washington Counties remain unregulated. The purpose of the quarantine is to regulate the movement of potential carriers (logs, nursery stock, bark mulch) of these pests to prevent their movement into or throughout the state and thereby minimize economic losses to Maine's forest resources.

The State Apiarist worked cooperatively with USDA's Agricultural Research Service beekeeping labs located in Beltsville, Maryland and Tucson, Arizona to seek solutions to some of the worst pest issues facing the bee industry. Cooperative efforts include the identification, documentation and abatement of antibiotic resistant strains of American foulbrood; identification and documentation of Varroa mite strains with resistance to registered miticides; evaluation of new Varroa mite controls; evaluation of liquid protein diets for honey bees; Nosema survey of commercial beekeeping operations and evaluation of treatment protocols; and investigation of the potential causes of bee mortality attributed to pesticide applications during crop pollination. Division staff also attended several meetings of the Board of Pesticides Control to provide information to the members when citizens had raised concerns that specific pesticides were adversely impacting honeybees in Maine.

*Arborist Licensing* – There has been a 25 percent increase in the number of licensed arborists since the last GEA report in 2003. Since then, the arborist exam and study materials have been revised and the exam re-written to reflect current arboriculture practices. Instead of candidates having to locate out-of-print reference books, all of the

material needed to prepare for the exam can now be found in one study guide available for purchase from the Division. Prior to the change, only 70 percent of the people who took the exam passed. In 2008, 90 percent of the people who took the exam passed the exam and most now do so on the first attempt. This resulted in fewer repeat examinees, less wasted staff time and more licensed arborists to serve the public.

*Cooperative Agricultural Pest Surveys* – Surveys are conducted to determine whether insects, diseases and plants that can cause economic or health impacts to the agricultural industries and citizens of the state are present in Maine. The following are some of the pests for which surveys were conducted over the past few years along with the results of those survey activities:

A vegetable commodity survey, which looked for old world bollworm (*Helicoverpa armigera*), silver Y moth (*Autographa gamma*), swede midge (*Contarinia nasturtii*), and exotic nematodes (*Meloidogyne artiellia* and *M. fallax*), was conducted by the Maine Department of Agriculture (MDA) on 10 mixed vegetable farms in 8 counties during July and August 2007. Pheromone traps were used for all the pests except exotic nematodes, which were surveyed for by extracting soil samples and having them analyzed by the University of Nebraska's Nematology Lab. None of the target species were found.

The Department and the Maine Forest Service (MFS) cooperated on a trapping survey for exotic woodborer and bark beetles around industrial sites and hot zones of imported goods. This is the fourth year Maine has conducted this survey. Following CAPS protocol, 60 traps were deployed at 20 sites in 7 counties between late-March and mid-September. Over 17,000 specimens were collected, which yielded 1 new state record, *Euwallacea validus*, a bark beetle. None of the target species were found. Surveys were conducted by MDA for six exotic tree pests as part of the Nursery Commodity Survey. Eleven nurseries in nine counties were inspected between June 11 and August 27 for emerald ash borer (EAB) (*Agilus planipennis*), Asian longhorned beetle (ALB) (*Anoplophora glabripennis*), hemlock woolly adelgid (HWA) (*Adelges tsugae*), light brown apple moth (LBAM) (*Epiphyas postvittana*), summer fruit tortrix moth (SFTM) (*Adoxophyes orana*), and Asian gypsy moth (AGM) (*Lymantria dispar* Asian strain). Pheromone traps were used for LBAM, SFTM, and AGM, while EAB, ALB, and HWA were surveyed by visually inspecting host material. Additionally, MDA agreed to deploy purple prism traps in ash trees at the nurseries to enhance survey efforts for EAB. None of the target species were recovered.

The Seed Potato Certification Program was required to participate in the Potato Cyst Nematode (PCN) National Survey. No seed potatoes could be shipped out of Maine unless they came from fields that have been sampled and tested for PCN and Golden nematode (GN). Over 150 seed lots were sampled, which yielded over 1300 samples. Samples were analyzed at the USDA APHIS Nematode Lab in Avoca, NY, and no PCN or GN were found.

*Africanized Honey Bee* – The Division has surveyed migratory beekeeping operations for evidence of Africanization since 1994. In 2008, 190 hives were sampled from 18 migratory beekeeping operations, with 10 hives testing positive for Africanization. This is in contrast to the 2002 survey of 337 hives that had no positive detections. There have been no additional Africanized bee introductions via commerce since 1996 when apiary staff responded to and destroyed an Africanized hive that entered Maine from Brazil via international commerce.

*Integrated Pest Management* – The IPM Entomologist served as a cooperator on the second year of a \$50,000 2-year grant project to provide training, develop guidelines and demonstrate applicability of federal cost-share programs for IPM. She also presented table displays to provide information on school IPM to school staff and other stakeholders at conferences such as the School Facilities Summit in Gardiner in October 2008 with approximately 200 participants and the Maine Indoor Air Quality Conference in Augusta in March 2008 with another 200 participants. In addition, she was very effective in establishing a regional working group to identify needs and priorities and facilitating regional collaboration to advance and support adoption of IPM in all Northeastern states

*National Organic Program* – The Division has worked cooperatively with the USDA to distribute federal reimbursement funds to organic growers who have been certified as meeting the national standards for producing, handling, and labeling for organic agricultural products. In 2004, 251 eligible producers were awarded a total of \$67,902.13. Interest in the program has grown over the years and this past year 303 eligible producers were awarded a total of \$97,176.66.

*Seed Potato Certification* – Program staff work closely with the seed potato industry to ensure all varieties and acreage meet all the requirements for certified seed and thereby maintain the State's reputation for producing high quality seed. In 2003, four percent of the acreage failed to meet the standards and in three of the last four years that number has been one per cent or less. In addition, the incidence of bacterial ring rot (BRR) has dropped from a recent high of 285 acres or 0.25% of the seed crop in 2006 to zero acres in 2008. One reason for this improvement is the Division amended its Chapter 252 regulation to require that all lots on a farm be tested for BRR if any lot on the farm tests positive.

### **Division of Quality Assurance and Regulations**

Hal Prince, director, 287-7522

**Mission:** The Division of Quality Assurance and Regulations provides public health, safety and sanitation inspections at all levels of Maine's food supply including food processors, retail grocers, food service establishments, farm producers, dairy producers and performs meat and poultry slaughter/processing inspections and seafood HACCP inspections to federal standards to assure the safety of the food supply to protect the public health of the citizens of the State of Maine. The division provides unbiased

inspection services to the Agricultural Community and to industry, to assure that food, various agricultural products and other commodities reaching the market place are safe to eat, of a known standardized quality and are accurately weighed, measured and presented prior to being entered into commerce. The Division ensures that weighing and measuring devices used in commerce are correct, and that standards used in law enforcement are properly calibrated and accurate. The division provides inspection and testing of fertilizer to determine if the guaranteed analysis is met to protect consumers. The division enforces the State's method of sale laws, packaging and labeling laws, returnable container laws and fuel quality standards for all fuels including gasoline, home heating fuel, biofuels, diesel, ethanol fuels and Liquefied Petroleum Gas.

### **Programs & Services**

*Consumer Food Inspection* –The Division is responsible for licensing and inspecting food establishments such as retail food stores, bakeries, food processors and beverage plants. The licensing and inspection activities ensure that food is processed, prepared, packaged, stored, and offered for sale in a sanitary and safe manner.

The Department of Agriculture, Food & Rural Resources and the Department of Health and Human Services have jointly adopted the Maine Food Code as regulations for retail food establishments. Adoption of the “Maine Food Code” eliminated several duplicative rules and gives the Division and food establishment owners a comprehensive reference guide which is uniform throughout all segments of the retail food industry.

*Feed and Fertilizer Inspection* – In 2003 the Division recognized the need to revitalize the fertilizer inspection program due to the number of complaints that were being received. Although there was no funding mechanism for this program, investigations revealed that the complaints were valid and many commercial growers and homeowners were receiving fertilizer products that had significant deficiencies in the “guaranteed analysis”. The division began an unofficial sampling and testing program in 2006 and documented the fertilizer deficiencies that were found. Subsequently the 124<sup>th</sup> Legislature passed a bill to fund a fertilizer program through the reinstatement of tonnage fees paid by the manufacturers. Currently the division is in the process of drafting rules and training staff to the standards of the Association of American Plant Food Control Officials.

*Fruit and Vegetable Inspection* – This program provides agricultural industries with an unbiased, nationally recognized and uniform grading service for agricultural products. This uniform grading is a key component in accessing local, national, and international markets. The current mandatory potato inspection program is an example of what can be accomplished when industry and government work together.

The largest customers for Maine farmers, whether supermarkets or chain restaurants, are demanding implementation of Good Agricultural Practices (GAP) and Good Handling Practices (GHP) protocols for Maine's fruit & vegetable industries. The Division of Quality Assurance and Regulations has taken on that challenge and has emerged as a

leader in the Eastern United States with 9 certified USDA GAP/GHP auditors and two certified lead auditors. The division annually conducts more than 150 audits on various commodities. In 2009, Hannaford Supermarkets announced that they will be requiring GAP audits of all of their suppliers beginning in 2010 and the Department of Agriculture is well positioned to provide the needed assistance and auditing.

*Licensing Laws* – This program protects and promotes the general welfare of the potato and dry bean industries and the people deriving their income from them, by maintaining fair and equitable business practices in the handling, sale, and purchase of products marketed on behalf of others.

*Maine Meat and Poultry Inspection Program* – The Maine Department of Agriculture worked with the Maine Legislature, and the Maine meat and poultry industries for nearly ten (10) years to get legislation passed enabling the implementation of a meat and poultry inspection program in the State of Maine. On October 2, 2002, Maine entered into a Cooperative Agreement with the USDA's Food Safety Inspection Service (FSIS) and became one of only two of the New England states to have its own meat and poultry inspection program.

The first "state inspected" meat establishments began production in June of 2003. State inspected establishments are now located in Aroostook, Kennebec, Penobscot, Sagadahoc, Androscoggin and York counties. Seven establishments are approved to slaughter and process red meat products under inspection and one establishment, a cooperative of poultry growers, is approved to slaughter and process poultry. The Maine Meat and Poultry Inspection Program (MMPI), celebrating its seventh year of operation, has been instrumental in increasing access to slaughtering and processing facilities for Maine livestock producers. This increased accessibility has resulted in greater availability of locally grown meat and poultry products for Maine residents. The jurisdiction of Maine Meat and Poultry Inspection program is limited to product that is produced and sold within the State. The program is involved in several areas of food safety and quality assurance.

*In-Commerce Compliance* – Consumer Protection Inspectors (CPIs) from the Maine Department of Agriculture's Division of Quality Assurance and Regulations engage in surveillance of all meat products offered for retail sale within state commerce. When needed, they are trained to conduct investigations, embargo meat and poultry products and gather evidence regarding non-compliance. They are also trained to review operations occurring at custom slaughter / processing establishments that handle products for private use labeled 'Not for Sale' and to verify that these 'Not for Sale' products stay out of commerce.

*Metrology Laboratory* - The Metrology Laboratory came into existence to support the State office of Weights and Measures, which was first authorized in 1839. The laboratory's mission has evolved over the years from providing the basis for accurate measurements for weights and measures and law enforcement, to include the basic

technical foundation for accurate measurements in manufacturing and research in the private sector.

This laboratory program provides calibration (assigning actual precise values) and tolerance testing (comparing actual precise values to an allowed tolerance set by law, convention, or regulation) in mass, volume, length, time, dimensional measures (used for enforcement of natural resources laws), and wheel load scales (used for DOT commercial vehicle enforcement).

*Poultry and Shell Egg Inspection* – This program provides the poultry and shell egg industries with an unbiased nationally recognized and uniform grading service for poultry and shell eggs. The Division of Quality Assurance & Regulations, through a cooperative agreement with the USDA, provides inspection staff and program supervision for grading services of the USDA. This uniform grading is a key component in accessing local, national, and international markets.

*Quality Assurance* – This program (commonly referred to as the branding law) enhances marketing opportunities for Maine companies and producers by ensuring that agricultural commodities produced in Maine meet or exceed minimum quality standards. This assurance results in increased consumer confidence fostering an increase in business and profitability. The enforcement of the minimum standards of the “potato planting” law is carried out under this program. This is accomplished by ensuring that commercial potato growers plant certified seed, thereby reducing disease content and improving the overall quality of the Maine potato crop.

*Returnable Beverage Container Redemption Program* – The Division has taken the lead in the “Bottle Bill” initiative since its inception ensuring both fairness and equality to the beverage industry and redemption centers that service it.

Redemption centers are inspected by the Division upon initial issuance of a license and periodically as operational needs allow. Inspectors look for adherence to sanitation operating standards, hours of operation, signage, fraudulent activities, acceptance of the brands, kinds and sizes of containers by the redemption center and refusal of discontinued products. The initiator of deposit must then identify each beverage they sell in the State and who would be responsible to retrieve those empty containers from redemption centers.

Additional education and enforcement have resulted in millions of beverage containers which have never before been redeemed now have responsible parties that service Redemption centers and recycle these materials which have normally been placed into the waste stream.

*Weights and Measures Program* - The Office of State Sealer of Weights and Measures was first authorized in 1839 and the Commissioner of Agriculture was named to serve as the State Sealer ex-officio. Several of the division’s Consumer Protection Inspectors have been cross-trained to conduct some weights and measures inspections in addition to many

other inspection functions within the division. However, many weights and measures inspection functions are incompatible with other specialties in the unit and are limited mainly to testing and sealing small scales found in retail establishments. Specialized equipment, licenses, and skill sets are required for testing retail and wholesale fuel meters, retail gasoline dispensers, large and medium capacity scales, wood measurement, LPG meters, and several other inspection activities. Presently, four inspectors within the division apply the majority of their inspection time to weights and measures activities. The State Sealer has jurisdiction over these appointed or elected local sealers. Presently the State has 20 appointed or elected local sealers of weights and measures who serve a total of 110 municipalities in Maine. Due to prohibitive costs of specialized equipment necessary and a lack of experience and or specialized training needed to perform most duties, local sealer only perform inspection work on retail motor fuel dispensers (gas pumps) and small capacity retail scales. The overwhelming majority of weights and measures consumer protection inspections needed to be performed in these 110 municipalities still fall to the State Sealer of Weights and Measures and the State Consumer Protection Inspectors.

The importance of Weights and Measures enforcement in the marketplace is recognized not only for consumer protection, but also as the third party striving to maintain a level playing field between competing businesses. Inspection activities include testing small, medium and large capacity scales, retail fuel dispensers, home fuel and wholesale meters, checking contents of packages, verifying the accuracy of electronic price scanners, and fuel quality.

### **Emerging Issues**

*Consumer Food Inspection* – With the increased incidence of massive foodborne illness outbreaks on the national level there has been an increased demand for locally produced food. This need has spawned an industry of small commercial food processors in the State of Maine and with this industry comes the need for increased education and inspection. The division is continually challenged to develop and disseminate updated information on good manufacturing practices, personnel safety, food safety, biosecurity, etc. to the manufacturing and retail communities for the purpose of raising awareness and reducing threats to the food supply

*Meat & Poultry Inspection Program* – Currently there is interest in establishing a new state inspected slaughterhouse in the Downeast area. There is also an expanding interest among processors who would like to manufacture and wholesale state inspected meat and poultry products such as jerky, meat pies, assembled meat-based ready-to-cook meals, smoked products and meat sauces.

There are several lamb producers who have expressed dismay regarding the lack of access to inspected slaughter facilities. Many producers have a good potential for markets to local high-end restaurants, however, satisfying this market requires access to inspected slaughter facilities on a weekly basis so fresh product can be delivered to the high-end restaurants.

Appointments for slaughter must be booked 12-14 months in advance at the inspected establishments. Many of these establishments' schedules are full with an increasing number of custom beef and pork, as a result of an increase in the desire for locally grown beef and pork. There is no room for flexibility, it seems that Maine farmers can grow the product but cannot access markets due to limited access to slaughter facilities. A few years ago there was some discussion about a large regional slaughterhouse. However, since the increase in fuel prices, producers would find it more prudent to have more, smaller slaughterhouses, geographically widespread.

*Metrology Laboratory* – Given developments at other metrology laboratories in New England, Maine finds itself in a position to become a regional laboratory if the concept is found to be desirable.

However, current staffing policies do not adequately address succession planning. The current Metrologist is nearing retirement and, according to experts at the National Institute of Standards and Technology, 5 to 8 years of specific vocational training and development is required for a replacement to become proficient in the specific skill set needed to operate an Echelon I Metrology Laboratory. Three to five years are required to develop an echelon II level Metrologist and one to two years for an echelon III level. In a recent survey approximately 40 percent of the metrology staff in the nation's State Laboratory Program (staffing in the state operated labs) will be eligible for retirement in the next 5 years. Those laboratories that have seen recent retirements are finding it very difficult to recruit qualified persons to fill their vacant positions, possibly due to demands for experienced metrologists in the private sector.

*Weights and Measures Program* – Bio-diesel and bio-oils for home heating will present challenges in the coming years. Methods must be found to quickly and adequately determine the density of these products in order to assess the accuracy of metered deliveries. Tax incentives for fuel suppliers may lead to fraudulent labeling practices and testing for enforcement purposes is very expensive. Complaints have already been received alleging fraud for purposes of gaining an advantage for the tax incentive.

Ethanol fuels: Currently there is no E85 (85% ethanol) engine fuel in the marketplace in Maine, but it may well be coming. Proper labeling will be an issue as will engine damage if run in engines not designed for it. Consumers will need to be educated and regulations to protect against accidental purchasing may be demanded by the public.

E10 fuels have become commonplace and E15 has been proposed and has considerable support. Engine manufacturers have stated that warranties will be voided for engines operated with ethanol concentrations levels above certain levels (currently 10 percent for most engines). Enforcement of the fuel quality regulations will require testing and analysis of gasoline at fairly regular intervals to ensure the fuels are properly labeled. Currently no internal (state operated) laboratory capability exists for fuel quality testing in Maine. The costs associated with external contracted testing are very expensive. Prices range from approximately \$300 to \$500 per sample depending on test parameters, (octane, ethanol content, biofuel concentrations, product identity, and so on).

Specialized equipment to test the meters will be required for the delivery systems for compressed natural gas or hydrogen fuel. Additionally, the field staff will need to be trained and, due to the expense of the equipment and specialized training required, the testing process will be expensive.

Measurement technology is rapidly evolving. Formal training is needed to keep the inspection staff knowledge and skills current with the devices they are expected to evaluate and test for accuracy and compliance. The newer electronic measuring systems, while giving the impression of being failsafe and modern, are much more complex and require a much higher skill set to provide meaningful evaluation. The regional training seminars have, in recent years, been discontinued due to lack of funding. The more complex the measuring systems become, the easier it has become to hide the facilitation of fraudulent practices in the marketplace.

### **Coordination and Cooperation**

In 2008 the Department of Agriculture and the Department of Health and Human Services signed a Memorandum of Agreement. The MOA defines regulatory jurisdiction and outlines procedures to be followed to eliminate dual licensing and inspections wherever possible. By doing so, the two Departments have made a commitment to reduce duplication of effort, streamline state government wherever possible and to minimize the impact of regulatory oversight to the businesses who must work with the two Departments.

Through mutual agreement the two Departments have found ways to utilize the strengths of each agency creating cooperation that was previously unheard of, which is resulting in cost savings through reduced travel and duplicative services. This reduction in redundancy has also allowed each agency to utilize valuable personnel resources to provide more timely inspections to protect the public health in the area of food safety and sanitation for food processing and food service.

The Maine Meat and Poultry Inspection employees report any positive laboratory findings regarding state inspected product to Department of Health and Human Services, Maine Center for Disease Control (CDC), and the Human Alert Network (HAN). This information may be useful in tracking any existing clusters of food-borne illness both within the state and any national clusters.

The Department of Environmental Protection, Air Quality Bureau subcontracts the qualitative analysis of air quality monitoring filters for the statewide Air Particulates Monitoring Program. The Federal Environmental Protection Agency (EPA) requires a mass calibration laboratory operating at the highest precision level with strictly controlled and monitored environmental conditions. The Maine Metrology Laboratory is the only government-operated laboratory in Maine that meets these conditions.

The Department of Defense (Portsmouth Naval Shipyard), the Maine Departments of Transportation, Marine Resources, Inland Fisheries and Wildlife, and National Guard rely on the Metrology Laboratory to provide traceable mass and volume measurements.

The Department of Conservation, Weights and Measures, and Office of Attorney General often coordinate on cases of wood theft or other irregularities encountered with commercial wood harvesting operations. Weights and Measures inspection or investigations may find violations of the Fair Trade Practices Act or other statutes. These are then referred to the Attorney General for collaboration and assistance with enforcement.

The Department also works cooperatively with the USDA New England Agricultural Statistics Service to develop statistical and economic information on Maine's agricultural industries. This is an important relationship that should be effectively maintained.

The Division of Market Production and Development coordinates with Maine Revenue Service, Municipalities and Soil and Water Conservation Districts to develop rules, standards and practices for newly enacted programs, including: Maine's Voluntary Municipal Farm Support Program; Farming for Maine, a farm recognition program; and the pilot Agricultural Districts Program. 97,000 acres of active farmland and 113,000 acres of farm woodlots are enrolled in Maine's farmland property tax program.

They also coordinate with the State Planning Office and LURC to assist towns and territories with developing agriculture-friendly comprehensive plans and ordinances. Collaborate with local, state and federal organizations and private non-profit organizations to increase public awareness of and community investment in farmland protection. More than 200 landowners have donated permanent conservation easements on nearly 25,000 acres of farmland in all of Maine's counties. 30 farms have received nearly \$14 million in public (federal, state and municipal) and private funds to grant permanent agricultural conservation easements on a total 8,025 acres of farmland in 10 counties.

### **Constituencies Served**

Because the Department has a diverse mission, it provides products and services to a variety of customers including:

- Agricultural producers
- Agricultural commodity associations
- Finfish aquaculture operations
- Food and specialty food processors
- Food manufacturers
- Exporters
- Wholesalers and retailers
- Farmers' markets
- Educational and health organizations

People living near farming operations  
Suppliers of farm inputs  
Suppliers and users of pesticide products  
Harness racing industry  
Pet owners  
People who purchase agricultural and food products, and  
State agencies, federal agencies, private businesses, and individuals  
interested in agriculture.