

MAINE STATE LEGISLATURE

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No. 1070

H.P. 788

House of Representatives, March 6, 2007

An Act To Create the Maine Agriculture in the Classroom Council

Reference to the Committee on Agriculture, Conservation and Forestry suggested and ordered printed.

Millicent M. MacFarland
MILLICENT M. MacFARLAND
Clerk

Presented by Representative PIEH of Bremen.
Cosponsored by Senator SHERMAN of Aroostook and
Representatives: CRAY of Palmyra, LUNDEEN of Mars Hill, MAREAN of Hollis, NORTON
of Bangor, PRATT of Eddington, Senators: GOOLEY of Franklin, MARRACHÉ of Kennebec,
NUTTING of Androscoggin.

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

2 **Sec. 1. 5 MRSA §12004-G, sub-§4-C** is enacted to read:

3 **4-C.**

4 <u>Agriculture</u>	<u>Maine Agriculture</u>	<u>Paid from council</u>	<u>7 MRSA §242</u>
5 <u>Education</u>	<u>in the Classroom</u>	<u>funds in</u>	
6	<u>Council</u>	<u>accordance with</u>	
7		<u>council bylaws</u>	

8 **Sec. 2. 7 MRSA §242** is enacted to read:

9 **§242. Maine Agriculture in the Classroom Council**

10 **1. Establishment.** The Maine Agriculture in the Classroom Council, established in
11 Title 5, section 12004-G, subsection 4-C and referred to in this section as "the council,"
12 has all the powers necessary to achieve the public purpose stated in subsection 2 and to
13 carry out the powers conferred under this section.

14 The exercise of powers conferred by this section is held to be the performance of
15 essential government functions.

16 A. Employees of the council may not be construed to be state employees for any
17 purpose, including the state civil service provisions of Title 5, Part 2 and Title 5,
18 chapter 372.

19 B. The council may not be construed to be a state agency for any purpose, including
20 the budget, accounts and control, auditing, purchasing or other provisions of Title 5,
21 Part 4.

22 C. Notwithstanding paragraphs A and B:

23 (1) Employees of the council may be state employees for the purposes of the
24 state retirement provisions of Title 5, Part 20 and the state employee health
25 insurance program under Title 5, chapter 13, subchapter 2; and

26 (2) For the purposes of the Maine Tort Claims Act, the council is a governmental
27 entity and its employees and members are employees as those terms are defined
28 in Title 14, section 8102.

29 D. Employees of the council are entitled to use the services of the Central Fleet
30 Management Division in accordance with provisions established for state agencies
31 under Title 5, section 1830.

32 **2. Purpose.** The purpose of the council is to promote an understanding of the food
33 and fiber system in the State and the nation through the infusion of agricultural concepts
34 into primary, secondary and postsecondary curricula. For the purposes of this section,
35 "agricultural concepts" includes, but is not limited to:

36 A. The importance of agriculture in the State and in the nation's history and
37 development;

- 1 B. The connections between geography, climate and agriculture;
2 C. The relationship between technology and agricultural success and development;
3 D. The economics of agriculture;
4 E. The global aspects of agriculture; and
5 F. The relationship of the food and fiber system to public policy issues.
- 6 **3. Membership.** The council consists of 9 members appointed as follows:
- 7 A. One representative of the Department of Agriculture, Food and Rural Resources,
8 appointed by the Commissioner of Agriculture, Food and Rural Resources;
- 9 B. One representative of the Department of Education appointed by the
10 Commissioner of Education;
- 11 C. Three members from the agricultural community with demonstrated interest in
12 agricultural education appointed by the Commissioner of Agriculture, Food and Rural
13 Resources;
- 14 D. A licensed dietitian with a demonstrated interest in agricultural education
15 appointed by the Commissioner of Agriculture, Food and Rural Resources;
- 16 E. A practicing kindergarten to grade 12 educator with knowledge of agricultural
17 education appointed by the Commissioner of Education;
- 18 F. One representative from the University of Maine Cooperative Extension with a
19 demonstrated interest in agricultural education appointed by the Director of the
20 University of Maine Cooperative Extension; and
- 21 G. One representative of the soil and water conservation districts appointed by the
22 President of the State Conservation District Advisory Council.
- 23 **4. Term.** Each member serves for a term of 4 years or until the member's successor
24 is appointed. If a member is unable to complete a term, the appointing authority shall
25 appoint a person to serve out the remainder of the unexpired term.
- 26 **5. Compensation.** Members may be compensated for expenses as provided in the
27 council's bylaws from money received under subsection 10.
- 28 **6. Chair.** The council shall elect annually by majority vote one member of the
29 council to serve as chair and one member to serve as vice-chair.
- 30 **7. Executive director; personnel.** The council may appoint by majority vote an
31 executive director who is the council's chief administrator and such personnel as the
32 council considers necessary to assist the council in carrying out its duties. The executive
33 director and other staff serve at the pleasure of the council. The salaries paid to the
34 executive director and other staff are not subject to the personnel laws of the State.
- 35 **8. Powers and duties.** The council shall expend funds received under subsection 10
36 to provide teacher training and educational resource materials, collect and distribute
37 appropriate agricultural information and materials from industry and trade groups and
38 incorporate new and innovative ideas and proven outreach strategies to increase

1 agricultural literacy among teachers and their students. The council shall work
2 cooperatively with state agencies, the University of Maine System, farm organizations,
3 agribusinesses and private individuals and groups to collect, organize, develop and
4 promote the use of agricultural curriculum materials in schools and learning centers.

5 The council may make contracts or enter into contracts with any local, state, federal or
6 private agency, department, firm, corporation or association as necessary to carry out the
7 purposes of this section.

8 **9. Debt.** A debt or obligation incurred by the council is not a debt or obligation of
9 the State.

10 **10. Receipt of money and property.** The council may accept grants or
11 contributions of money or other things of value from any source, public or private. Those
12 grants or other contributions must be held by the council and used to carry out the
13 purposes of this section, subject to any condition under which the grant or contribution
14 was accepted by the council. Funds may be used to compensate members of the council
15 for expenses in accordance with the council's bylaws. Funds received under this
16 subsection are not state funds.

17 **11. Books and records.** The council shall keep books, records and accounts of all
18 its activities, which must be open to inspection and audit by the State at all times. An
19 independent accountant shall conduct an annual accounting review of the financial
20 records of the council and report the results of the review to the council, the
21 Commissioner of Agriculture, Food and Rural Resources, the Treasurer of State and the
22 Legislature.

23 **12. Bylaws.** The council may adopt bylaws to govern its functions.

24 **Sec. 3. Staggered terms.** Notwithstanding the Maine Revised Statutes, Title 7,
25 section 242, subsection 4, initial appointments to the Maine Agriculture in the Classroom
26 Council made pursuant to Title 7, section 242, subsection 3 are for terms specified as
27 follows:

28 1. Of the 3 initial appointments made pursuant to Title 7, section 242, subsection 3,
29 paragraph C, one member is appointed to a term of 2 years, one member is appointed to a
30 term of 3 years and one member is appointed to a term of 4 years;

31 2. The initial appointments made pursuant to Title 7, section 242, subsection 3,
32 paragraphs D and G are for a period of 2 years; and

33 3. The initial appointments made pursuant to Title 7, section 242, subsection 3,
34 paragraphs E and F are for a period of 3 years.

35 SUMMARY

36 This bill establishes the Maine Agriculture in the Classroom Council. The council is
37 not an agency of the State but has certain powers and duties conferred on it for the public
38 purpose of promoting an understanding of agriculture.