

MAINE STATE LEGISLATURE

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131st MAINE LEGISLATURE

FIRST REGULAR SESSION-2023

Legislative Document

No. 1274

S.P. 511

In Senate, March 21, 2023

An Act to Increase Land Access for Historically Disadvantaged Populations

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

A handwritten signature in black ink, appearing to read 'D M Grant'.

DAREK M. GRANT
Secretary of the Senate

Presented by Senator HICKMAN of Kennebec.
Cosponsored by Speaker TALBOT ROSS of Portland and
Senators: BRENNER of Cumberland, DUSON of Cumberland, President JACKSON of
Aroostook, Representatives: ABDI of Lewiston, DANA of the Passamaquoddy Tribe,
DHALAC of South Portland, PLUECKER of Warren, RANA of Bangor.

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

2 **Sec. 1. 7 MRSA c. 10-E** is enacted to read:

3 **CHAPTER 10-E**

4 **BLACK FARMER RESTORATION PROGRAM ACT**

5 **§320-T. Short title**

6 This chapter may be known and cited as "the Black Farmer Restoration Program Act."

7 **§320-U. Definitions**

8 As used in this chapter, unless the context otherwise indicates, the following terms
9 have the following meanings.

10 **1. Agricultural easement.** "Agricultural easement" means a nonpossessory interest
11 of a holder in real property limiting the use of the property strictly to agricultural purposes.
12 An agricultural easement does not prevent a property owner from constructing, improving
13 or maintaining a primary residence or housing for farm workers on the land.

14 **2. Agricultural land.** "Agricultural land" has the same meaning as in section 32,
15 subsection 2.

16 **3. Eligible individual.** "Eligible individual" means a resident of this State who:

17 A. Was born in this State;

18 B. Is at least 21 years of age;

19 C. Has previously identified as Black or African American; and

20 D. Has at least one parent of African ancestry.

21 **4. Qualified entity.** "Qualified entity" means an organization:

22 A. That has a fiscal sponsor who is exempt from taxation pursuant to Section 501(c)(3)
23 of the federal Internal Revenue Code of 1986;

24 B. That has provided, for a minimum of 3 years, agricultural services, business
25 assistance, legal assistance or advocacy services to socially disadvantaged farmers; and

26 C. In which at least 1/2 of the members of the organization's board of directors are
27 Black.

28 **5. Socially disadvantaged farmer.** "Socially disadvantaged farmer" means a farmer
29 who is a member of a socially disadvantaged group.

30 **6. Socially disadvantaged group.** "Socially disadvantaged group" means a group of
31 people whose members have been subject to racial or ethnic prejudice because of their
32 identity as a member of a group without regard to their individual qualities.

33 **§320-V. Black Farmer Restoration Program**

34 The Black Farmer Restoration Program, referred to in this chapter as "the program," is
35 established within the department to support Black farmers and to encourage the growth of
36 Black farmers in the field of agriculture.

1 **§320-W. Black Farmer Restoration Program Fund**

2 The Black Farmer Restoration Program Fund, referred to in this chapter as "the fund,"
3 is established. The fund consists of gifts, grants and donations and appropriations made to
4 support the program. Expenditures from the fund must be used exclusively to pay costs,
5 fees and expenses necessary to administer the program.

6 **§320-X. Department responsibilities**

7 The department shall purchase from willing sellers available agricultural land at a price
8 no greater than fair market value and convey grants of the purchased land to eligible
9 individuals at no cost to the eligible individuals. A land grant to an eligible individual may
10 not exceed 100 acres.

11 **1. Application.** An eligible individual seeking a land grant shall submit an application
12 on a form and in a manner approved by the commissioner. The application form must
13 include a legal description of the agricultural land available under that grant.

14 **2. Priority.** The commissioner shall give priority to applications from:

15 A. Socially disadvantaged farmers;

16 B. Eligible individuals with a family history of land dispossession;

17 C. Eligible individuals with experience in agriculture, including experience obtained
18 through the provisions of this chapter; and

19 D. Eligible individuals who are veterans.

20 **3. Qualified entities.** The commissioner may accept an application submitted by a
21 qualified entity on behalf of one or more eligible individuals seeking a land grant. An
22 application submitted by a qualified entity for more than 100 acres must include a proposal
23 for how the land will be subdivided and separately conveyed to the multiple eligible
24 individuals.

25 **4. Granted land.** The commissioner shall attach an agricultural easement to a parcel
26 of land granted under this chapter before it is conveyed to an eligible individual, socially
27 disadvantaged farmer or qualified entity. The recipient of the land grant may sell the land,
28 with the department having the right of first refusal to purchase the land at the appraised
29 value of the land for conveyance to another eligible individual, socially disadvantaged
30 farmer or qualified entity pursuant to the provisions of this chapter.

31 **§320-Y. Farm Conservation Corps**

32 **1. Establishment.** The Farm Conservation Corps is established within the department
33 to provide residents between the ages of 18 and 29 from socially disadvantaged groups the
34 academic, vocational and social skills necessary to pursue long-term and productive careers
35 in agriculture through apprenticeships under subsection 2.

36 **2. Apprenticeship.** Participants in the Farm Conservation Corps under this section
37 serve as on-farm apprentices at farms with an annual gross farm income of less than
38 \$250,000 operated by:

39 A. Socially disadvantaged farmers;

40 B. Beginning farmers; or

41 C. Farmers operating certified organic farms.

1 The department may not charge a fee to a farm participating in the Farm Conservation
2 Corps.

3 **§320-Z. Rules**

4 The department shall adopt rules to carry out the purposes of this chapter. Rules
5 adopted pursuant to this section are routine technical rules as defined in Title 5, chapter
6 375, subchapter 2-A.

7 **SUMMARY**

8 This bill establishes the Black Farmer Restoration Program within the Department of
9 Agriculture, Conservation and Forestry to support Black farmers and to encourage the
10 growth of Black farmers in the field of agriculture through agricultural land grants. The
11 bill also establishes the Farm Conservation Corps within the department to provide
12 residents between the ages of 18 and 29 from socially disadvantaged groups the academic,
13 vocational and social skills necessary to pursue long-term and productive careers in
14 agriculture through apprenticeships.