

PLEASE NOTE: Legislative Information **cannot** perform research, provide legal advice, or interpret Maine law. For legal assistance, please contact a qualified attorney.

An Act To Create the Maine Agriculture in the Classroom Council

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

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

4-C.

7 MRSA §242

Agriculture
Education

Maine
Agriculture in the
Classroom Council

Paid from
council funds in
accordance with
council bylaws

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

§ 242. Maine Agriculture in the Classroom Council

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

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

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

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

C. Notwithstanding paragraphs A and B:

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

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

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

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

- A. The importance of agriculture in the State and in the nation's history and development;
- B. The connections between geography, climate and agriculture;
- C. The relationship between technology and agricultural success and development;
- D. The economics of agriculture;
- E. The global aspects of agriculture; and
- F. The relationship of the food and fiber system to public policy issues.

3. Membership. The council consists of 9 members appointed as follows:

- A. One representative of the Department of Agriculture, Food and Rural Resources, appointed by the Commissioner of Agriculture, Food and Rural Resources;
- B. One representative of the Department of Education appointed by the Commissioner of Education;
- C. Three members from the agricultural community with demonstrated interest in agricultural education appointed by the Commissioner of Agriculture, Food and Rural Resources;
- D. A licensed dietitian with a demonstrated interest in agricultural education appointed by the Commissioner of Agriculture, Food and Rural Resources;
- E. A practicing kindergarten to grade 12 educator with knowledge of agricultural education appointed by the Commissioner of Education;
- F. One representative from the University of Maine Cooperative Extension with a demonstrated interest in agricultural education appointed by the Director of the University of Maine Cooperative Extension; and
- G. One representative of the soil and water conservation districts appointed by the President of the State Conservation District Advisory Council.

4. Term. Each member serves for a term of 4 years or until the member's successor is appointed. If a member is unable to complete a term, the appointing authority shall appoint a person to serve out the remainder of the unexpired term.

5. Compensation. Members may be compensated for expenses as provided in the council's bylaws from money received under subsection 10.

6. Chair. The council shall elect annually by majority vote one member of the council to serve as chair and one member to serve as vice-chair.

7. Executive director; personnel. The council may appoint by majority vote an executive director who is the council's chief administrator and such personnel as the council considers necessary to assist the council in carrying out its duties. The executive director and other staff serve at the pleasure of the council. The salaries paid to the executive director and other staff are not subject to the personnel laws of the State.

8. Powers and duties. The council shall expend funds received under subsection 10 to provide teacher training and educational resource materials, collect and distribute appropriate agricultural information and materials from industry and trade groups and incorporate new and innovative ideas and proven outreach strategies to increase agricultural literacy among teachers and their students. The council shall work cooperatively with state agencies, the University of Maine System, farm organizations, agribusinesses and private individuals and groups to collect, organize, develop and promote the use of agricultural curriculum materials in schools and learning centers.

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

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

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

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

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

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

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

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

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

SUMMARY

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