



STATE OF MAINE  
DEPARTMENT OF AGRICULTURE, CONSERVATION & FORESTRY  
BUREAU OF AGRICULTURE, FOOD & RURAL RESOURCES  
28 STATE HOUSE STATION  
AUGUSTA, MAINE 04333

JANET T. MILLS  
GOVERNOR

AMANDA E. BEAL  
COMMISSIONER

TESTIMONY BEFORE THE JOINT STANDING COMMITTEE ON  
AGRICULTURE, CONSERVATION AND FORESTRY

NEITHER FOR NOR AGAINST LD 1274

*An Act to Increase Land Access for Historically Disadvantaged Populations*

April 3, 2023

Senator Ingwersen, Representative Pluecker, and members of the Joint Standing Committee on Agriculture, Conservation and Forestry, my name is Craig Lapine. I am the Director of the Bureau of Agriculture, Food & Rural Resources. I am speaking on behalf of the Department of Agriculture, Conservation and Forestry (DACF) as neither for nor against LD 1274, *An Act to Increase Land Access for Historically Disadvantaged Populations*.

We at the Department understand that we must diligently assess how existing programs may present barriers to farmers from historically marginalized and disadvantaged groups. We have studied "*Land Access for Indigenous & African American Farmers in Maine*," the report that the Permanent Commission on Racial, Indigenous & Tribal Populations delivered to this Committee in February 2022. Its analysis and recommendations have been a focus of an active working group within the Bureau of Agriculture, Food and Rural Resources that is exploring how to achieve greater equity in the development and implementation of our programs. We are certainly aware of and take seriously the disparities in land access and ownership that the report highlights.

LD 1274 proposes several mechanisms for redressing those disparities. Specifically, it proposes a suite of programs for achieving more diversity of farm ownership, greater equity in land access, and more robust pathways for young people to find their way into farming. Those objectives align with the values of the Department.

We offer the following points as you consider the bill:

- Generally, DACF programs are framed to serve a broad constituency. Within that broad framing, sometimes we implement preferences for specific categories of producers, including socially disadvantaged producers. We do this, for example, in our Local Food Purchase Assistance program, and we occasionally have done so in our Specialty Crop Block Grants. We note that establishing a program with broad eligibility that allows for

HARLOW BUILDING  
18 ELKINS LANE  
AUGUSTA, MAINE



PHONE: (207) 287-3200  
FAX: (207) 287-2400  
WWW.MAINE.GOV/DACF

some preferences is different from what we'd be asked here, which would be to establish a program with more narrow eligibility.

- The bill presents a markedly different approach to land acquisition from any program within DACF or elsewhere within state government. We're not familiar with any other program designed to purchase land—and potentially raise funds for those purchases—and subsequently transfer ownership of the land. That would be a significant entry into real estate purchases and sales by the Department that we are not currently equipped to undertake.
- The Attorney General's office has flagged for us that if a willing seller offered the Department farmland, the language of the bill could be construed to mean that we would be obligated to purchase it. That would be true even if DACF a) had no funding and b) had no applicants interested in the land.
- The bill would appear to allow the reselling of granted properties without constraints, including to individuals who may not meet the original granting criteria. And the Department's right of first refusal would only be an effective tool if we had reserve funding to repurchase the land (land we had presumably already purchased once).
- The Act would establish the Farm Conservation Corps, a farm apprenticeship program specifically targeting socially disadvantaged youth and placing them on eligible farms, including farms operated by socially disadvantaged producers. In our testimony and work session contributions on LD 901, we have already shared our concerns about resources that would be required to establish and implement such a program on an ongoing basis, for which there is no appropriation in this bill.
- The bill includes no allocation for land purchases.
- Both the land program and the internship program will require new staff positions to establish and meaningfully support, which is also not addressed by the bill.

DACF staff actively participate in a lively, if nascent, discussion among land access advocates, farmland protection organizations, and historically marginalized communities on creating accessible pathways to land access for socially disadvantaged—including Black—farmers. This discourse acknowledges the failures of existing tools to accommodate diverse cultural uses and to sufficiently reduce the barriers to ownership for farmers with limited capital. Examples include the work of the Conservation Fund, a national non-profit whose Working Farms Fund is working with socially disadvantaged farmers to help them secure land along with wrap-around farm viability supports. The models we know involve active partnerships among farmers, conservation groups, and government entities; we're unaware of models where all the transactional and programmatic capacity is housed within a government agency.

Thank you for the opportunity to testify. I'm happy to answer questions now or at the work session.