

April 19, 2023  
Committee on Agriculture, Conservation and Forestry  
Marge Kilkelly Board of Ag Seat 16  
Chair of Charge and Structure Committee of the Maine Board of Agriculture  
Testimony in Favor of LD1511

"An Act to Update the Laws Governing the University of Maine System's Board of Agriculture and to Rename the Maine Agricultural Experiment Station"

Good Morning Chairs Ingwersen and Pluecker and honorable members of the Joint Standing Committee on Agriculture, Conservation and Forestry.;

I am Marge Kilkelly, I live at Dragonfly Cove Farm in Dresden where my husband and I raise cashmere goats for meat and fiber as well as poultry and pigs for local restaurants, stores and direct sale. I was appointed by Governor Mills to serve on the Board of Agriculture (BOA) in Seat 16 representing livestock other than dairy.

I am pleased to be here today to speak in support of **LD1511 A/A to Update the Laws Governing the University of Maine System's Board of Agriculture and to Rename the Maine Agricultural Experiment Station**

My testimony walks through the creation of the BOA and the legislation before you which updates the current statute. I will highlight my written testimony in order to stay within time constraints but am willing to answer any questions that arise.

The BOA was created by the legislature in 1998 from legislation that I co-sponsored. At the time the University was moving away from its Land Grant vision and due to budget issues was announcing the closing of Highmoor Farm and other experiment stations. In addition, the people involved in agriculture other than dairy, apples, blueberries or potatoes did not feel that they had any way to even raise issues with the University. Numerous concerns were raised by individual, farmers and legislators and they were ignored- so we did what legislators do- Rep. Bonnie Green Monmouth-filed a bill and we all worked hard to get it passed.

The bill was written with very prescriptive language to get the attention of the University. Understandably after 25 years it includes outdated language and further it does not fit the new reality of a University- especially agriculture and extension that are very willing to listen and work with producers and processors.<sup>1</sup>

**Process to develop LD1511** On Sept. 9, 2022 the BOA met at Highmoor- appropriately! For what I have called a Post Covid Reboot. As with many organizations that met remotely during Covid this chance to be together in person was invigorating and refreshing. Part of the meeting was a review of the history of the BOA and former Rep. Bonnie Green, David Bell and I reviewed the genesis of the law.

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<sup>1</sup> David Bell, former Chair of the Board and University of Maine alumni in plant and soil sciences, provided some context to the founding of the Board in the landscape of Research and Development (R&D) in Maine. In the 1980-90s Maine started to invest larger amounts into the R&D and the university, but when inflation set in the state's investments could not keep up and by the late 90s deferred maintenance took a hold of the University. The board came out of 4 years of work to educate the legislature on advanced technology in agriculture. Because of the diversity of Maine agriculture the board did not want to focus on any one sector or research area, but tried to work at supporting agricultural research at the higher level through MEIF, bond issues for the Maine Agricultural and Forest Experiment Station (the Experiment Station) and the Diagnostic facility. And this higher level of focus is reflected in the legislation. The goal of understanding how the money was spent in the Experiment Station was to be able to support agriculture at the legislative level.

The BOA then created three subcommittees to work on developing a path forward.

**Governance Committee**

- Tade Sullivan
- Justin Gray
- Eric Venturini
- Heather Spalding
- Kevin Woltemath
- Katey Campbell

**Structure and Charge Committee**

- Marge Kilkelly
- Eric Venturini
- Tade Sullivan
- Hannah Carter
- Robert Causey

**Advisory Committee to the Director**

- Eric Venturini
- Justin Gray
- Amber Lambke

I was selected Chair of the Structure and Charge Committee (SCC). The SCC met on Oct. 18 and Nov. 17, 2022. We discussed the statute and what needed to be changed; from membership to roles and responsibilities.

The SCC developed a draft which was circulated to the entire BOA on November 17, 2022.

Dec. 2, 2022 the BOA met in Orono and I presented the Committees report. There was discussion and suggested changes to the draft legislation.

The SCC met again on Dec.8, 2022 and finalized the draft which was again circulated to the BOA. Questions were raised and addressed.

Feb. 10, 2023 the legislation was discussed and again, section by section approved unanimously by the BOA.

The Bill before you is the result of a clear, inclusive, transparent process. It has been reviewed by the entire BOA on several occasions and all issues that were raised with specificity have been addressed.

This is not the end of the restructuring process, only the beginning- however we feel that beginning is crucial. Many members of the BOA have additional ideas for restructuring and modernizing the Board. That work will continue.

It is not possible, or even reasonable, for the BOA to accomplish the charge laid out in the current statute. We believe that the changes proposed reflect the best interest of natural resource based industries that we both represent and serve. The changes outlined in LD1511 reduce the cost to the University in a time of fiscal challenge while allowing the BOA to focus on areas where we believe we can make a difference.

I firmly believe that there is an ongoing role for the BOA; however, as the statute is currently structured it is hampering some of the opportunities to amplify those rural voices and both gather and share critical information and be the most effective advocates we could be.

**Section by Section rationale for LD1511-attached.**

**Amendments:**

1. The Board of Agriculture approved assigning the following positions as *Ex Officio* members, which LD1511I does not reflect.
  - a. Section 6. I. Two research faculty members associated with agricultural research at the University 31 of Maine at Orono, appointed by the Board of Trustees of the University of Maine 32 System
  - b. Section 6. J. The Director of the University of Maine Cooperative Extension Service or the 34 director's designee
  - c. Section 6. L. The Director of the Maine Agricultural and Forest Experiment Station or the 38 director's designee

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## **An Act to Update the Laws Governing the University of Maine System's Board of Agriculture and to Rename the Maine Agricultural Experiment Station**

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

**Sec. 1. 7 MRSA c. 5, headnote is amended to read:**

### **CHAPTER 5**

#### **BOARD OF AGRICULTURE AND MAINE AGRICULTURAL AND FOREST EXPERIMENT STATION**

**Sec. 2. 7 MRSA §121, as repealed and replaced by PL 1997, c. 711, §3, is amended to read:**

##### **§121. Maine Agricultural and Forest Experiment Station**

**1. Establishment.** The department of the University of Maine System known and designated as the Maine Agricultural and Forest Experiment Station, referred to in this section as "the "station," established at the University of Maine at Orono in connection with the university and under the direction of the university, the director and the Board of Agriculture, for the purpose of carrying into effect an Act of the Congress of the United States, approved March 2, 1887, to establish agricultural experiment stations in connection with the colleges established in the several states under an Act approved July 2, 1862, and of the Acts supplementary thereto, must be maintained in accordance with the purposes for which it was originally established.

Name was changed by the University. This language merely updates the statute.

**2. Director.** The President of the University of Maine at Orono, ~~in consultation with~~ advice from the Board of Agriculture, shall appoint for a term of 5 years the Director of the Maine Agricultural and Forest Experiment Station, referred to in this section as "the "director." After the term has expired, the director is eligible for reappointment. The director may be removed by the President of the University of Maine at Orono, ~~in consultation with~~ advice from the Board of Agriculture, for cause. ~~The director shall work with the Board of Agriculture to oversee the work of the university faculty at the station.~~ The director of the station is the executive and administrative officer of the station and shall exercise supervision, direction and control over the station in accordance with the programs and policies of the University of Maine System and those established by the Board of Agriculture.

Consultation vs Advice from- the role of the BOA is Advisory. The BOA does not have the capacity to and should not 'oversee the work of the faculty' at experiment stations'- but should advise on topics and be apprised of activities.

**Sec. 3. 7 MRSA §122, as amended by PL 2005, c. 512, §2, is further amended to read:**

##### **§122. Orchard and crops**

The Maine Agricultural and Forest Experiment Station shall conduct scientific investigations in orcharding, corn and other farm crops and, to this end, shall maintain the farms purchased in the name of the State, and stocked and equipped for the use and benefit of the station. The Director of the Maine Agricultural and Forest Experiment Station, ~~with the agreement of~~ advice from the Board of Agriculture, has the general supervision, management and control of those farms and of all investigations ~~thereon on those farms.~~ ~~The board and the director shall seek agreement on all issues. In the event that agreement can not be reached, final authority rests with the director.~~

Name change update. Agreement of vs Advice from – The BOA does not have the capacity to and should not need to be in Agreement with the Director about 'supervision, management and control' of the farms. Further, this language does not include a process to negotiate if there are differences or establish a time line by which the Director is able to move on with a decision. As this section

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mentions personnel issues the question of BOA liability and general personnel confidentially was raised.

**Sec. 4. 7 MRSA §123**, as amended by PL 1997, c. 711, §4, is further amended to read:

**§123. Animal husbandry**

The Maine Agricultural and Forest Experiment Station shall conduct scientific investigations in animal husbandry, including experiments and observations on dairy cattle and other domestic animals, and these investigations are under the control of the director of the station with the ~~agreement of~~ advice from the Board of Agriculture. The experiments in animal husbandry may be conducted at any of the farms owned by the State. ~~The board and the director shall seek agreement on all issues. In the event that agreement can not be reached, final authority rests with the director.~~

Name change update. Agreement of vs Advice from – The BOA does not have the capacity to and should not need to be in Agreement with the Director about ‘scientific investigations in animal husbandry...’ on the farms. Again, this language does not include a process to negotiate if there are differences or establish a time line by which the Director is able to move on with a decision.

**Sec. 5. 7 MRSA §124**, as amended by PL 1997, c. 711, §4, is further amended to read:

**§124. Expenditure of appropriation**

Sums that are appropriated in favor of the Maine Agricultural and Forest Experiment Station must be expended by the director of the station with the ~~agreement of~~ advice from the Board of Agriculture in executing sections 121, 122 and 123. ~~The board and the director shall seek agreement on all issues. In the event that agreement can not be reached, final authority rests with the director.~~

Name change update. Agreement of vs Advice from – The BOA does not have the capacity to and should not need to be in Agreement with the Director about ‘Sums that are appropriated’ and again, this language does not include a process to negotiate if there are differences or establish a time line by which the Director is able to move on with a decision. The question of how long could the BOA hold up the University budget process was a concern.

**Sec. 6. 7 MRSA §125**, as amended by PL 2009, c. 393, §1 and PL 2011, c. 657, Pt. W, §6, is further amended to read:

**§125. Board of Agriculture**

**1. Establishment; duties.** The Board of Agriculture, referred to in this section as “the “board,” as established in Title 5, section 12004-G, subsection 4-A, is created within the University of Maine System. The board shall advise the Chancellor of the University of Maine System and the President of the University of Maine at Orono on matters concerning the direction, operation and management of agricultural research conducted by the Maine Agricultural and Forest Experiment Station and university farm-based programs, including those of the University of Maine Cooperative Extension Service. The board's duties are limited to advising the chancellor and the president on research and programs relating to agriculture and aquaculture. The board does not advise the Director of the Maine Agricultural and Forest Experiment Station or have a role in the operation of research and programs within the Maine Agricultural and Forest Experiment Station that relate to forestry, wildlife, or fisheries ~~and aquaculture~~. The board shall assist the chancellor and the president in articulating the mission of the Maine Agricultural and Forest Experiment Station and the University of Maine Cooperative Extension Service as it pertains to agriculture and the State's rural economy. The director, with the ~~agreement of~~ advice from the board, shall develop a budget for the station. ~~The board and the director shall seek agreement on all issues. In the event that agreement can not be reached, final authority rests with the director.~~ The board may not interfere with funding and grants for commodity research programs brought to the University of Maine System directly or through the efforts of commodity groups. The board shall respect the expertise of the various commodity groups and shall maintain the integrity of the research being recommended and

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reviewed by specific commodity groups. The board shall assist in the coordination of activities with commodity groups interested in or supporting agricultural research. The board shall invite appropriate individuals and conduct a public, facilitated discussion at least annually to better understand the needs and trends in agriculture in the State that would benefit from new or additional research. The board shall consult with the following agricultural commodity advisory committees on agricultural research and extension priorities:

The BOA was created to be a forum for conversation about Maine agriculture; existing and budding, and advise the University on the needs of the entire agriculture community. Adding 'direction' completes the charge.

Aquaculture was added because a Board Seat for Aquaculture was added to the Board but the charge was not updated.

As you well know, agriculture is essential to Maine but more critically it is the economic engine of rural Maine. Adding the 'State's rural economy' is a way to emphasize the significant impact on rural and keep that in the forefront of the conversation.

As the BOA and the SCC discussed the changes in the charge, it was clear that many aspects of agriculture are not allocated seats on the BOA. As stated previously, understanding not only existing but budding agriculture is critical. Both the SCC and the Governance Committee recommended a specific meeting as a listening session to hear from ag in general. This is not an additional meeting but is critical to keep our fingers on the pulse of new opportunities for Maine.

For example, if this listening session meeting had been held 15 years ago maybe the hops and winery folks would have provided information about their new industries. There is no crystal ball to see what is next- so we need to listen to the folks with boots in the dirt, in the woods, on the water and in the processing facilities.

- A. The University of Maine System Wild Blueberry Advisory Committee; and
- B. The Maine Potato Board Research and Product Development Committee.

**2. Membership.** The board consists of the following ~~20~~ 21 members:

- A. A designee of the President of the University of Maine at Orono;
- B. A designee of the Chancellor of the University of Maine System;
- C. The Commissioner of Agriculture, Conservation and Forestry or the commissioner's designee;
- D. The president of a statewide farm bureau or the president's designee;
- E. The president of a statewide agricultural council or the president's designee;
- F. Eight members representing the agricultural industry, one person designated by each of the following:
  - (1) The Maine Potato Board;
  - (2) The Wild Blueberry Commission of Maine;
  - (3) A statewide pomological society;
  - (4) A statewide vegetable and small fruit growers association;
  - (5) A statewide dairy industry association;
  - (6) A statewide landscape and nursery association;
  - (7) A statewide florist and growers association; and
  - (8) A statewide organic farmers and gardeners association;

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G. Two members of the joint standing committee of the Legislature having jurisdiction over agricultural matters, one appointed by the President of the Senate and one appointed by the Speaker of the House;

H. One farmer with livestock experience in an area other than dairy farming, chosen from a list of 3 nominees submitted by a statewide beef and sheep producers association, appointed by the Governor;

I. Two research faculty members associated with agricultural research at the University of Maine at Orono, appointed by the Board of Trustees of the University of Maine System;

J. The Director of the University of Maine Cooperative Extension Service or the director's designee; ~~and~~

K. One member representing the aquaculture industry designated by a statewide aquaculture industry association; and

L. The Director of the Maine Agricultural and Forest Experiment Station or the director's designee.

~~Adding one member – The Director of the Maine Agricultural and Forest Experiment Station. Clearly this position should be on the BOA along with Extension Director- which is already included.~~

**3. Terms.** Each member serves a term of 5 years, except that the terms of legislative members expire the first Wednesday in December of even-numbered years. Vacancies must be filled by the appointing authority to complete the term of the preceding appointee.

**4. Chair; secretary.** The board shall select annually one of its members to serve as chair. The Director of the Maine Agricultural and Forest Experiment Station shall ~~serve~~ serve as secretary to the board ~~but the director is not a member of the board and has no vote.~~

~~Addresses the inclusion of the Director as the 21<sup>st</sup> member.~~

**5. Compensation.** The board members are entitled to legislative per diem compensation for attendance at board meetings in accordance with Title 5, chapter 379.

**6. Report.** The Board of Agriculture shall report at least annually to the joint standing committee of the Legislature having jurisdiction over agricultural matters and to the Board of Trustees of the University of Maine System. The report must include an accounting of meetings and actions of the Board of Agriculture, ~~including agreements entered into, status of demonstration projects, research findings, informational activities~~ an outline of emerging trends in agriculture and an evaluation of the Maine Agricultural and Forest Experiment Station and University of Maine Cooperative Extension Service programs, with recommendations regarding changes or improvements in the programs and the budget. The Board of Agriculture shall submit annually to the Board of Trustees of the University of Maine System proposals for additional funding for program needs and capital building projects at the research farms.

~~The existing reporting requirement is duplicative of any reports that might be filed by the University; (including agreements entered into, status of demonstration projects, research findings, informational activities) It would be very costly and require an enormous amount of time on behalf of the University and BOA members to reasonably comply with this requirement.~~

~~Therefore, substituting 'an outline of emerging trends in agriculture' based on the aforementioned listening session/ public meeting would better serve the University and the Joint ACF Committee and fulfill the original charge of the BOA to amplify the needs of ag.~~

~~The BOA is already charged with submitting a report to the UMaine System BOT outlining additional funding and capital improvements for research farms- this language was included in the original legislation because higher levels of the University were not taking seriously the needs of the research farms which was the case with Highmoor and why it was recommended for closure. It was felt that an outside of the University voice- with experience in Agriculture was important to again amplify the needs and explain the importance of facilities in a way that might not occur within the System.~~

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The only change in this section is the addition of 'programs' which, to the BOA seemed as critical as infrastructure- without both, the University cannot deliver the needed services to farmers and producers.

**7. Long-range plan.** By January 15, 2000, and every 5 years beginning in 2024, the board shall establish a long-range plan for operation of the Maine Agricultural and Forest Experiment Station and the University of Maine Cooperative Extension Service programs that includes but is not limited to plans for each of the research farms, joint appointments for experiment station and extension faculty, better utilization of research farms and objectives for research for each agricultural commodity in the State. The plan developed by the board does not include operations, research and programs relating to forestry, wildlife, ~~aquaculture~~ and fisheries.

The BOA has been charged with developing a long range plan since its inception. There, however, has not been a schedule for this work. Adding the 5 year update will clarify that schedule and provide a clear road map for members that follow us. This is NOT a new requirement – merely creates a schedule.

### SUMMARY

This bill renames the Maine Agricultural Experiment Station the Maine Agricultural and Forest Experiment Station and requires the Director of the Maine Agricultural and Forest Experiment Station to perform the director's duties with advice from the University of Maine System's Board of Agriculture. The bill also adds aquaculture and the State's rural economy to the board's advisory duties to the Chancellor of the University of Maine System and the President of the University of Maine at Orono. It amends the membership of the board and requires the board to invite appropriate individuals and conduct a public, facilitated discussion at least annually to better understand the needs and trends in agriculture in the State that would benefit from new or additional research. It also requires the board to include in its annual report to the Legislature an outline of emerging trends in agriculture, to submit annual proposals for additional funding for program needs to the Board of Trustees of the University of Maine System and to update its long-range plan for operation of the Maine Agricultural and Forest Experiment Station every 5 years.

The Bill Does Not rename anything- merely updates archaic language.

It adds the Director of Experiment Stations to the BOA

It changes and simplifies the report to the Legislature

### Suggested Amendments:

#### Amendments:

1. The Board of Agriculture approved assigning the following positions as *Ex Officio* members, which LD15111 does not reflect.
  - a. Section 6. I. Two research faculty members associated with agricultural research at the University of Maine at Orono, appointed by the Board of Trustees of the University of Maine System
  - b. Section 6. J. The Director of the University of Maine Cooperative Extension Service or the 34 director's designee
  - c. Section 6. L. The Director of the Maine Agricultural and Forest Experiment Station or the 38 director's designee