

## OFFICE OF POLICY AND LEGAL ANALYSIS

To: Members, Joint Standing Committee on Agriculture, Conservation and Forestry  
From: Karen S. Nadeau, Legislative Analyst  
Date: March 16, 2021  
Subj: **LD 437** An Act To Establish the Maine Healthy Soils Program

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This bill establishes the Maine Healthy Soils Program within the Department of Agriculture, Conservation and Forestry for the purposes of promoting and expanding the use of healthy soils best practices among farmers and farmland owners.

### TESTIMONY

**Proponents:** *Department of ACF, Bureau of Agriculture, Food and Rural Resources; Sierra Club Maine Chapter; Natural Resources Council of Maine; Maine Farmland Trust; Peaked Mountain Farm; Conservation Law Foundation; Resident of Lincolnville; Flood Brothers Farm; Bumbleroot Organic Farm; Six River Farm; Dickey Hill Farm; Jordan Farm; Maine Organic Farmers and Gardeners Association; Maine Youth for Climate Justice; Aroostook Band of Micmacs*

*Written only: Residents of Saco, Kennebunk, Nobleboro, Blue Hill, Hammond, Kennebunkport, Yarmouth, Belfast, Waldoboro, Wiscasset, and Freeport; Maine Association of Conservation Districts; Maine Organic Milk Producers; Wolfe's Neck Center for Agriculture & The Environment; American Farmland Trust; The Nature Conservancy; Professor of Soil Science at UMaine; Maine DEP; Cider Hill Farm*

- The Agriculture Resilience Act (was introduced in 116<sup>th</sup> Congress and likely to be reintroduced in the next Congress) proposes to allow each state to receive up to \$5M to achieve its soil health program goals. To be eligible, a state legislature or tribal government must enact and be currently funding a state soil health program.
- Enacting this legislation would leverage efforts by the department and stakeholders on the ground and help ensure that we have a stronger voice when applying for federal resources.
- Recent vacancy within the department has left an opening within the Bureau of Agriculture, Food and Rural Resources for a soils specialist position. We see the opportunity to shape this position to support the initial goals of a healthy soils program so this bill is well-timed from the department's perspective.
- Maine DEP plays a lead role and coordinates with other state agencies including DACF to carry out the State of Maine Nonpoint Source (NPS) Pollution program, which promotes Best Management Practices and carries out programs to protect and restore Maine's water resources from NPS pollution from developed areas, roads, agriculture and other land uses.
- A key objective of the current 5-year plan is to "increase field crop agriculture's use of soil health practices to reduce soil erosion, improve water quality and offset carbon emissions." DEP and DACF are collaborating on this objective.
- MaineDEP looks forward to working with DACF, soil and water conservation districts, USDA's Natural Resources Conservation Service, farmers and other partners to promote widespread adoption of soil health practices.

**Opponents:** *Maine Potato Board; Maine Farm Bureau; Farmer from Mount Vernon*

- We are not opposed to healthy soils and the development of a state program or having DACF work with others to provide farmers/landowners the necessary support to promote healthy soils in Maine. We don't believe this program and activities need to be put in place with legislation.
- We are concerned that once put into place, this program will become regulatory. We are also concerned that the department will use it as a matrix directing current and future resources and funding to farms that "score" well in the matrix. Not all farms are the same so some could be excluded from technical assistance b/c they don't meet the necessary requirements of the matrix.
- Work around Maine's Climate Action Plan has been done w/o legislation so why is the work proposed in LD 437 any different?

**NFNA:** *Maine Dairy Industry Association*

- In order to maximize the quantity and quality of plants grown, the quality and the health of the soil environment is essential. MDIA supports the intent of the bill bringing additional focus and coordinating existing resources to help all farmers improve the quality and sustainability of their soils.
- However, the creation of a non-lapsing Maine Healthy Soils fund seems both unnecessary and premature.

**NOTES**

The Maine Healthy Soils Fund is a non-lapsing separate account.

- Income from gifts, grants, fees and other sources may be deposited into the fund.
- No dedicated revenue or General Fund money is going into the fund - in the bill as currently drafted.

**PRELIMINARY FISCAL IMPACT STATEMENT:** *Not yet received.*