

## OFFICE OF POLICY AND LEGAL ANALYSIS

To: Members, Joint Standing Committee on Agriculture, Conservation and Forestry  
From: Karen S. Nadeau, Legislative Analyst  
Date: April 15, 2021  
Subj: **LD 870** Resolve, Directing the Permanent Commission on the Status of Racial, Indigenous and Maine Tribal Populations To Study the Impact of Policies Regarding Agriculture, Access to Land, Access to Grants and Access to Financing on African-American and Indigenous Farmers in the State

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- Directs the Permanent Commission on the Status of Racial, Indigenous and Maine Tribal Populations to study the impact of policies regarding agriculture, access to land, access to grants and access to financing on African-American and indigenous farmers in the State.
- Directs the commission to report its findings the Joint Standing Committee on Agriculture, Conservation and Forestry by January 17, 2022.
- Provides a one-time allocation of \$20,000 in fiscal year 2021-22.

### TESTIMONY

**Proponents:** *Department of Agriculture, Conservation and Forestry; Chair of the Permanent Commission on the Status of Racial, Indigenous and Maine Tribal Populations; Institute for Agriculture and Trade Policy; Maine Organic Farmers and Gardeners Association; written only: Maine Farmland Trust; Sierra Club Maine Chapter; Coastal Enterprises, Inc.*

- In 1999, USDA settled a class action court case filed on behalf of tens of thousands of African American farmers in the United States alleging discrimination in programming and loan access.
- Pigford Class Action Lawsuit of 1999 – USDA was required to pay over \$1 billion to more than 13,000 farmers of color who experienced racial discrimination.
- The Commission was established to council Maine’s governing bodies and examine the unique impacts of policy and programming on Maine’s systemically underserved communities of color. The mandate of LD 870 falls squarely within this mission.
- Nationally, at its peak in the 1920s, 15% of American farm owners were Black. By 2012, Black farmers shrunk to 2%.
- DACF would be happy to be part of these conversations as they continue and to serve as a resource as needed and appropriate.
- IATP believes this legislation will help document the situation here in Maine, including access to land and financing and identify what policies are needed to ensure equity in the administration of agricultural programs in the state, and in accessing technical, financial and other assistance.

**Opponents:** *None*

**NFNA:** *None*

### RELEVANT STATUTES

#### **MRSA 5 §25007. Duties and powers**

##### **1. Commission duties.** The commission shall:

A. Carry out research necessary to determine the status of historically disadvantaged racial, indigenous and tribal populations, including the study of income levels of and opportunities available to historically disadvantaged racial, indigenous and tribal populations and the examination of quantitative and qualitative data associated with those populations regarding business ownership, household assets, debts and income, housing, employment, education, health care and access to wealth, capital and benefits;

B. Seek public input by conducting public hearings annually to obtain information about the needs of and solutions to the problems faced by historically disadvantaged racial, indigenous and tribal populations; and

C. Beginning January 1, 2020, and biennially thereafter, report to the Governor and the Legislature concerning the work and interests of the commission, including a summary of public comments obtained pursuant to paragraph B.

**2. Commission powers.** The commission may:

A. Promote and coordinate activities on state and local levels designed to meet the problems faced by historically disadvantaged racial, indigenous and tribal populations;

B. Inform the public about the presence or absence of opportunities for historically disadvantaged racial, indigenous and tribal populations;

C. Conduct additional public hearings, conferences, workshops and other such meetings to obtain information about, discuss and publicize the needs of and solutions to the problems faced by historically disadvantaged racial, indigenous and tribal populations;

D. Submit to the Legislature, at the start of each regular session, such legislation as the commission determines appropriate for improving opportunities and eliminating disparities for historically disadvantaged racial, indigenous and tribal populations in the State;

E. Advise and consult with the Chief Justice of the Supreme Judicial Court and other officials of the State and the Federal Government with respect to state and federal policies, programs and other activities affecting or relating to historically disadvantaged racial, indigenous and tribal populations; and

F. Advise and consult with the Governor and the Legislature about, and assist them in improving, opportunities for historically disadvantaged racial, indigenous and tribal populations.

**§25010. Federal and state funds**

The commission may accept funds from the Federal Government, from a political subdivision of the State or from an individual, a foundation or a corporation and may expend funds for purposes that are consistent with this chapter. Funds received under this section must be deposited in a nonlapsing Other Special Revenue Funds account within the Department of Labor to support the work of the commission.

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