

By Mr. Nagle of Northampton, petition of William P. Nagle, Jr., relative to establishing a statewide direct marketing unit. Natural Resources and Agriculture.

The Commonwealth of Massachusetts

In the Year One Thousand Nine Hundred and Eighty-Eight.

AN ACT ESTABLISHING A STATEWIDE DIRECT MARKETING UNIT.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

1 SECTION 1. Chapter 20 of the General Laws is hereby
2 amended after section 21 by adding the following section:

3 Section 22. There shall be a small farms marketing revolving
4 loan fund set up in the department of food and agriculture for
5 the purpose of providing low-interest loans to assist in the stands,
6 maple syrup house and other owner-operated business which sell
7 agricultural products produced in the commonwealth. Said
8 revolving loan fund shall be administered by the division of
9 agricultural development.

1 SECTION 2. Chapter 128 of the General Laws is hereby
2 amended by inserting after section 101 the following sections:

3 Section 102. The following words and phrases used in sections
4 102 to 104, inclusive, shall have the following meanings, unless
5 a different meaning is clearly apparent from the language or
6 context, or unless such construction is inconsistent with the
7 manifest intention of the general court:

8 "Direct Marketing" means the sale of farm and food products
9 directly from production to consumers and food buyers
10 accustomed to purchasing such products from sources other than
11 the producers.

12 "Farm and food product" means any agricultural, horticultural,
13 forest, or other product of the soil or water that has been grown,
14 harvested, or produced wholly within the Commonwealth of

15 Massachusetts. Such products shall include, but not be limited
16 to, fruits, vegetables, eggs, dairy products, meat and meat
17 products, poultry products, fish and fish products, honey, nuts,
18 preserves, maple sap products, apple cider, fruit juice, ornamental
19 or vegetable plants, nursery products, flowers, firewood and
20 Christmas trees.

21 “Producers” means any person who grows, produces or causes
22 to be grown or produced any farm and food products in
23 Massachusetts. This term shall also include members of the
24 producer’s family and the producer’s employees.

25 “Farm market” means any building or structure operated by
26 a producer for the direct marketing of farm and food products.

27 “Certified farm market” means farm market that is a bona fide
28 member of a certified farm market association organized for the
29 purpose of establishing and enforcing quality standards for the
30 direct marketing of Massachusetts farm and food products by its
31 members.

32 “Farmers market” means a building, structure, or place used
33 or intended to be used by two or more producers for the direct
34 marketing of farm and food products.

35 “Public or private agencies” means any department, division,
36 bureau, or program of the federal or state government, or local
37 governments, public benefit corporations, private non-profit
38 organizations, or educational institutions.

39 Section 103. There is hereby established in the state department
40 of food and agriculture a statewide direct marketing unit within
41 the division of markets. The unit shall facilitate direct marketing
42 between producers and consumers by the development and
43 implementation of communication, technical and educational
44 assistance programs involving a variety of direct marketing
45 methods, including, but not limited to, farm markets, certified
46 farm markets, farmers markets, direct sales to consumer food co-
47 ops, public and private agencies, retail food stores and other food
48 buyers, pick your own operations, truck load sales, mail order
49 sales, cooperative marketing and purchasing programs. The unit
50 shall establish a statewide advisory council which shall provide
51 information to and advise the unit, in a manner prescribed by the
52 commissioner of policy, planning and programs.

53 The statewide direct marketing unit shall coordinate, with the

54 direct marketing advisory council, direct market activities among
55 the division of land use and other relevant state agencies; shall
56 contract, where necessary, and cooperate with other federal, state
57 and local government and private non-profit agencies for the
58 development, design and implementation of any activities
59 authorized hereunder; shall collect and disseminate information
60 including, but not limited to: source availability of Massachusetts
61 farm and food products; volume and date of harvest of said farm
62 products; direct wholesale prices of said farm products; and
63 aggregate volume and price data of said farm products. The
64 statewide unit shall encourage the development of voluntary
65 programs for the improvement of direct marketing farm and food
66 products at Massachusetts farmers markets; shall develop and
67 provide technical and promotional assistance to effectuate said
68 program, including utilization of the "Mass. Grown and Fresher"
69 logo to identify all participants in such programs; shall develop
70 institutional direct marketing programs to increase the purchase
71 of Massachusetts farm and food products in coordination with
72 the Executive Office of Administration and Finance, the State
73 Department of Education, Corrections, Mental Health, State
74 Universities, and other agencies as deemed appropriate.

75 Within the statewide unit there shall be a competitive grants
76 system to provide public or private profit or non profit
77 organizations and businesses with funds to support direct
78 marketing activities as designated by the advisory council.

79 Where appropriate, the statewide unit shall cooperate with the
80 cooperative extension service in the area of direct marketing
81 education by the organization of workshops, seminars and
82 conferences relative to direct marketing opportunities available,
83 and the needs and issues of such marketing programs.

84 The statewide unit shall conduct research and development
85 activities, including:

86 a. Coordination and development of a program for initiating,
87 improving and expanding direct marketing activities and
88 developing new forms of direct marketing.

89 b. Provision of technical assistance to consumer, producer, and
90 other related marketing groups in organizing and improving
91 existing direct markets.

92 c. Research feasibility of development of food storage

93 warehouse and minimal food processing and packaging facilities
94 to assist expansion of direct marketing sales.

95 d. Education and training, and technical assistance to
96 producers in the selection of product, methods for direct
97 marketing, and others aspects related to enhancing participation
98 and success in direct marketing initiatives.

99 e. Development of measures of programs quality, performance
100 and participant satisfaction that will enable the unit for direct
101 marketing to perform yearly assessments of the effects of their
102 direct marketing activities.

103 f. Facilitation of the establishment of direct wholesale
104 producer's markets in the greater Boston, central, and western
105 areas of the state

106 g. Investigation of the appropriate technologies to improve
107 supply and quality of farm products for direct marketing.

108 h. Education of potential buyers as to the benefits of locally
109 produced farm products.

110 i. Submission of an annual report to the legislature and the
111 commissioner which shall include a descriptive summary of the
112 direct marketing program and projects undertaken by statewide
113 and regional staff, and an evaluation of the regional and
114 institutional effect of direct marketing activities.

115 Section 104. There shall be established a statewide direct
116 marketing advisory council to advise the commissioner in policy
117 planning to be convened at the request of the commissioner not less
118 than four (4) times per year, and the council's members shall serve
119 without pay but shall be reimbursed for allowable and necessary
120 travel expenses.

121 The advisory council shall consist of not less than 10 members,
122 including the commissioner or his designated representative who
123 shall serve as chairman, with other members selected from
124 organizations and institutions involved in direct marketing
125 activities.

126 The duties and responsibilities of the statewide advisory council
127 shall be prescribed by the commissioner and he may specifically
128 delegate to the council any or all of the following duties and
129 responsibilities:

130 Assisting the commissioner in the collection and assembly of
131 information and data necessary for the proper administration of
132 this article.

133 Study of matters pertaining to direct marketing and reporting
134 their findings to the commissioner

135 Recommend to the commissioner proposed rules and
136 regulations, or amendments to existing rules and regulations, to
137 effectuate the purposes of this article.

138 Recommend to the commissioner policy positions with respect
139 to federal and state legislation and regulations which affect
140 directing marketing within the state.

141 Recommend to the commissioner educational programs and
142 promotional materials designed to foster direct marketing within
143 the state.

144 The performance of such other duties relating to the
145 administration of this article as the commissioner may delegate.

146 Review requests and recommend to the commissioner recipients
147 of funds for direct marketing specified within this act.

1 SECTION 3. The amount of one million dollars is hereby
2 appropriated for the purpose of carrying out the provisions of this
3 act.

1 SECTION 4. The commissioner of food and agriculture shall
2 promulgate rules and regulations for the operation of the small
3 farms marketing revolving loan fund within one hundred and
4 twenty days of the effective date of this act.

1 SECTION 5. This act shall take effect within ninety days of
2 passage.

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