

# MAINE STATE LEGISLATURE

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**STATE OF MAINE**  
128<sup>TH</sup> LEGISLATURE  
FIRST SPECIAL, SECOND REGULAR AND SECOND SPECIAL SESSIONS



Summaries of bills, adopted amendments and laws enacted or finally passed

**JOINT STANDING COMMITTEE ON AGRICULTURE,  
CONSERVATION AND FORESTRY**

October 2018

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# STATE OF MAINE

128<sup>TH</sup> LEGISLATURE

FIRST SPECIAL, SECOND REGULAR AND SECOND SPECIAL SESSIONS



## LEGISLATIVE DIGEST OF BILL SUMMARIES AND ENACTED LAWS

This *Legislative Digest of Bill Summaries and Enacted Laws* contain summaries of all LDs and adopted amendments and all laws enacted or finally passed during the First Special, Second Regular and Second Special Sessions of the 128<sup>th</sup> Maine Legislature.

The *Digest* is arranged alphabetically by committee and within each committee by Legislative Document (LD) number. The committee report(s), prime sponsor and lead co-sponsor(s), if designated, are listed below each LD title. All adopted amendments are summarized and listed by paper number. A subject index is included with each committee. An appendix provides a summary of relevant session statistics.

Final action on each LD is noted to the right of the LD title. The following describes the various final actions.

*CARRIED OVER*..... carried over to a subsequent session of the Legislature  
*CON RES XXX*..... chapter # of constitutional resolution passed by both houses  
*CONF CMTE UNABLE TO AGREE*..... Committee of Conference unable to agree; legislation died  
*DIED BETWEEN HOUSES*..... House & Senate disagreed; legislation died  
*DIED IN CONCURRENCE*..... defeated in each house, but on different motions; legislation died  
*DIED ON ADJOURNMENT*..... action incomplete when session ended; legislation died  
*EMERGENCY*..... enacted law takes effect sooner than 90 days after session adjournment  
*FAILED, EMERGENCY ENACTMENT or FINAL PASSAGE*..... emergency failed to receive required 2/3 vote  
*FAILED, ENACTMENT or FINAL PASSAGE*..... failed to receive final majority vote  
*FAILED, MANDATE ENACTMENT*..... legislation proposing local mandate failed required 2/3 vote  
*HELD BY GOVERNOR*..... Governor has not signed; final disposition to be determined at subsequent session  
*LEAVE TO WITHDRAW*..... sponsor's request to withdraw legislation granted  
*NOT PROPERLY BEFORE THE BODY*..... ruled out of order by the presiding officer; legislation died  
*INDEF PP*..... indefinitely postponed; legislation died  
*ONTP, ACCEPTED, MAJORITY, MINORITY or REPORT X*... ought-not-to-pass report accepted; legislation died  
*P&S XXX*..... chapter # of enacted private & special law  
*PUBLIC XXX*..... chapter # of enacted public law  
*RESOLVE XXX*..... chapter # of finally passed resolve  
*VETO SUSTAINED*..... Legislature failed to override Governor's veto

The effective dates for non-emergency legislation enacted in the First Special, Second Regular or Second Special Sessions of the 128<sup>th</sup> Legislature are: Monday, February 5, 2018; Wednesday, August 1, 2018; and Thursday, December 13, 2018, respectively. The effective date for legislation enacted as an emergency measure may be found in the enacted law summary for that legislation.

**Joint Standing Committee on Agriculture, Conservation and Forestry**

town to sell a parcel of land it owns to a national business for development.

**Committee Amendment "A" (S-343)**

This amendment specifies that the segment of the Aroostook Valley Trail being transferred from the Department of Agriculture, Conservation and Forestry, Bureau of Parks and Lands to the Town of Washburn is approximately 30 feet wide and approximately 440 feet long.

**Enacted Law Summary**

Resolve 2017, chapter 29 authorizes the Department of Agriculture, Conservation and Forestry, Bureau of Parks and Lands to exchange land along Main Street, Route 164, in the Town of Washburn for a nearby piece of land in order to improve the safety of recreational travel on certain state-owned trails used for motorized recreation and allow the town to sell a parcel of land it owns to a national business for development. The law specifies that the segment of the Aroostook Valley Trail being transferred from the Department of Agriculture, Conservation and Forestry, Bureau of Parks and Lands to the Town of Washburn is approximately 30 feet wide and approximately 440 feet long.

Resolve 2017, chapter 29 was finally passed as an emergency measure effective October 31, 2017.

**LD 1648**

**An Act To Amend the Law Recognizing Local Control Regarding Food Systems and Require Compliance with Federal and State Food Safety Regulations**

**PUBLIC 314  
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
JACKSON T	OTP-AM	S-342

This bill was reported out of committee in the First Special Session of the 128th Legislature.

This bill establishes that certain foods that are produced in municipalities with local food ordinances that are regulated under federal authority and jurisdiction must still comply with state and federal laws, rules and regulations and are subject to state licensing and inspection in order to comply with federal laws and regulations.

**Committee Amendment "A" (S-342)**

This amendment does the following:

1. It clarifies the scope of the bill to ensure that local food ordinances must relate to direct producer-to-consumer transactions involving food or food products intended for human consumption. It also provides definitions of "direct producer-to-consumer transaction" and "food or food products";
2. It clarifies that the state laws in the Maine Revised Statutes, Title 7 and Title 22 that regulate direct producer-to-consumer transactions involving food or food products are the state laws whose application such local ordinances may affect; and
3. It makes other clarifying amendments to the bill and adds a provision authorizing the Joint Standing Committee on Agriculture, Conservation and Forestry to report out a bill to the Second Regular Session of the 128th Legislature relating to the food sovereignty law.

**Enacted Law Summary**

Public Law 2017, chapter 314 specifies that even in a municipality with an ordinance regarding direct producer-to-consumer transactions, the Department of Agriculture, Conservation and Forestry is required to implement, administer and enforce all rules and laws related to the State's meat and poultry products inspection and

*Joint Standing Committee on Agriculture, Conservation and Forestry*

licensing program in order to meet the necessary federal requirement that a state program be at least equal to applicable federal requirements. It specifies that local food ordinances must relate to direct producer-to-consumer transactions involving food or food products intended for human consumption. It also provides definitions of "direct producer-to-consumer transaction" and "food or food products." It clarifies that the state laws in the Maine Revised Statutes, Title 7 and Title 22 that regulate direct producer-to-consumer transactions involving food or food products are the state laws whose application such local ordinances may affect. It authorizes the Joint Standing Committee on Agriculture, Conservation and Forestry to report out a bill to the Second Regular Session of the 128th Legislature relating to the food sovereignty law.

Public Law 2017, chapter 314 was enacted as an emergency measure effective October 31, 2017.

**LD 1662      Resolve, Regarding Legislative Review of Portions of Chapter 307: Fees for Testing Weighing and Measuring Devices, a Major Substantive Rule of the Department of Agriculture, Conservation and Forestry** **Leave to Withdraw Pursuant to Joint Rule**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
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This resolve provides for legislative review of portions of Chapter 307: Fees for Testing Weighing and Measuring Devices, a major substantive rule of the Department of Agriculture, Conservation and Forestry.

After referral to the committee, the Commissioner of Agriculture, Conservation and Forestry, in consultation with the Office of the Maine Attorney General and the Office of Policy and Legal Analysis, requested that the sponsor withdraw the resolve because the rulemaking that is the subject of the resolve is routine technical rather than major substantive.

**LD 1681      An Act To Correct a Technical Error Pertaining to the Dairy Improvement Fund** **PUBLIC 331 EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
DAVIS P DUNPHY M	OTP-AM	S-356

This bill establishes a base allocation of funds to the Finance Authority of Maine for the operation of the Dairy Improvement Fund in fiscal year 2018-19.

**Committee Amendment "A" (S-356)**

This amendment adds a base allocation of funds to the Finance Authority of Maine for the operation of the Dairy Improvement Fund in fiscal year 2017-18 to allow for the immediate usage of funds.

**Enacted Law Summary**

Public Law 2017, chapter 331 provides a base allocation of funds to the Finance Authority of Maine for the operation of the Dairy Improvement Fund for fiscal years 2017-18 and 2018-19.

Public Law 2017, chapter 331 was enacted as an emergency measure effective March 7, 2018.