

MAINE STATE LEGISLATURE

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ENERGY & NATURAL RESOURCES

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**STATE OF MAINE
HOUSE OF REPRESENTATIVES
116TH LEGISLATURE
SECOND REGULAR SESSION**

COMMITTEE AMENDMENT "A" to H.P. 1267, L.D. 1694, Bill, "An Act to Clarify Permitting Requirements for Cranberry Growing Operations"

Amend the bill by striking out the title and substituting the following:

'An Act to Establish a Commission to Study the Permitting Requirements Needed to Foster Sustainable Development of the State's Cranberry Industry'

Further amend the bill by striking out everything after the enacting clause and before the statement of fact and inserting in its place the following:

'Sec. 1. Commission established. The Commission to Study Permitting of Cranberry Growing Operations, referred to in this Act as the "commission," is established to study environmental permitting requirements under state law applicable to cranberry growing operations.

Sec. 2. Membership. The commission is composed of 19 members, as follows:

1. The Commissioner of Environmental Protection or the commissioner's designee;

2. The Commissioner of Inland Fisheries and Wildlife or the commissioner's designee;

3. The Commissioner of Agriculture, Food and Rural Resources or the commissioner's designee;

COMMITTEE AMENDMENT

COMMITTEE AMENDMENT "A" to H.P. 1267, L.D. 1694

2 4. Three Legislators representing geographic diversity,
3 appointed jointly by the President of the Senate and the Speaker
4 of the House of Representatives, one each from the Joint Standing
5 Committee on Agriculture, the Joint Standing Committee on Energy
6 and Natural Resources and the Joint Standing Committee on Inland
7 Fisheries and Wildlife;

8 5. Two cranberry growers, at least one of whom is a member
9 of the Maine Cranberry Growers Association, appointed by the
10 Governor;

12 6. Three members of the general public, appointed by the
13 Governor;

14 7. Two representatives of environmental advocacy
15 organizations, jointly appointed by the President of the Senate
16 and the Speaker of the House of Representatives; and

18 8. Six members appointed by the Commissioner of
19 Agriculture, Food and Rural Resources including one staff person
20 from the Department of Agriculture, Food and Rural Resources, one
21 representative of the University of Maine Cooperative Extension
22 Service and one representative of each of the following federal
23 agencies: the United States Environmental Protection Agency, the
24 United States Army Corps of Engineers, the United States Fish and
25 Wildlife Service and the United States Department of Agriculture,
26 Soil and Conservation Service. It is the intent of the
27 Legislature that the commissioner appoint to fill these positions
28 the persons who currently serve as the Project Manager and the
29 Oversight Committee of the Maine Cranberry Research Project to
30 Avoid Wetland Conversion in Northern New England.

32 Appointing authorities shall notify the Commissioner of
33 Agriculture, Food and Rural Resources of their appointments no
34 later than 30 days after the effective date of this Act, and the
35 commissioner shall convene the first meeting of the commission as
36 soon as feasible after appointments are complete. The commission
37 shall elect a chair from among its members.

40 Legislators are not entitled to receive legislative per diem
41 or expenses for their service on the commission, nor are other
42 commission members entitled to compensation for their services or
43 to reimbursement of expenses.

44 **Sec. 3. Duties.** The commission shall analyze existing state
45 laws with respect to the growing of cranberries in a manner that
46 maximizes environmental protection while fostering economic
47 growth in the industry. The commission shall coordinate its
48 efforts with and report its findings and recommendations to the
49 federal and state interagency task force formed to reexamine the
50 federal general permit application for cranberry production by

R. 815

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2 March 1, 1995. This report, along with any suggested changes in
4 state law necessary to foster growth in the cranberry industry
6 while protecting the environment, must be submitted to the joint
8 standing committee of the Legislature having jurisdiction over
10 natural resources matters by March 1, 1995. The report must
12 include a recommendation as to whether the commission should
14 continue to exist and work after that date. Any legislation
16 proposed by the commission must be submitted to the Office of the
18 Revisor of Statutes by March 1, 1995.

20 **Sec. 4. Staff.** The Department of Agriculture, Food and Rural
22 Resources shall provide assistance to the commission as needed,
24 including staff assistance, meeting facilities and drafting of
26 any legislation proposed.

28 **Sec. 5. Funding.** The commission may seek and accept outside
30 funding, including funds that may be provided by the federally
32 sponsored Northeast Region Sustainable Agriculture Research and
34 Education Program and the "Agriculture in Concert with the
36 Environment" Program. The Department of Agriculture, Food and
38 Rural Resources shall administer any funds received. Expenses
40 that have an effect on the General Fund may not be incurred by
42 the commission.

44 **Sec. 6. Effect of study.** This Act and the study commission
46 created in this Act do not prohibit cranberry growing activities
48 that are being carried out under licenses issued prior to the
effective date of this Act.

Sec. 7. Repeal. This Act is repealed July 15, 1997.

Sec. 8. Allocation. The following funds are allocated from
Other Special Revenue to carry out the purposes of this Act.

1994-95

**AGRICULTURE, FOOD AND RURAL
RESOURCES, DEPARTMENT OF**

**Commission to Study Permitting of
Cranberry Growing Operations**

All Other \$500

Allocates funds to authorize expenditures by
the Commission to Study Permitting of
Cranberry Growing Operations.

FISCAL NOTE

1994-95

APPROPRIATIONS/ALLOCATIONS

Other Funds \$500

REVENUES

Other Funds \$500

The Department of Agriculture, Food and Rural Resources will require an Other Special Revenue funds allocation of \$500 in fiscal year 1994-95 to authorize the expenditure of outside funding that may be received by the Commission to Study Permitting of Cranberry Growing Operations.'

STATEMENT OF FACT

The amendment replaces the bill. It establishes a commission to study cranberry permitting laws in the State and to report to the Joint Standing Committee on Energy and Natural Resources by March 1, 1995. The commission will coordinate its efforts with existing groups studying cranberry permitting and sustainable agriculture issues.

The amendment also adds a fiscal note to the bill.