

MAINE STATE LEGISLATURE

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AGRICULTURE, CONSERVATION AND FORESTRY

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STATE OF MAINE
HOUSE OF REPRESENTATIVES
124TH LEGISLATURE
FIRST REGULAR SESSION

COMMITTEE AMENDMENT "A" to H.P. 874, L.D. 1255, Bill, "An Act To Amend Certain Laws Related to the Department of Agriculture, Food and Rural Resources"

Amend the bill by inserting before section 1 the following:

'Sec. 1. 7 MRSA §125, sub-§2, as enacted by PL 1997, c. 711, §5, is amended to read:

2. Membership. The board consists of the following 19 20 members:

- A. A designee of the President of the University of Maine at Orono;
B. A designee of the Chancellor of the University of Maine System;
C. The Commissioner of Agriculture, Food and Rural Resources or the commissioner's designee;
D. The president of a statewide farm bureau or the president's designee;
E. The president of a statewide agricultural council or the president's designee;
F. Eight members representing the agricultural industry, one person designated by each of the following:
(1) The Maine Potato Board;
(2) The Wild Blueberry Commission of Maine;
(3) A statewide pomological society;
(4) A statewide vegetable and small fruit growers association;
(5) A statewide dairy industry association;
(6) A statewide landscape and nursery association;
(7) A statewide florist and growers association; and

COMMITTEE AMENDMENT

1 (8) A statewide organic farmers and gardeners association;

2 G. Two members of the joint standing committee of the Legislature having
3 jurisdiction over agricultural matters, one appointed by the President of the Senate
4 and one appointed by the Speaker of the House;

5 H. One farmer with livestock experience in an area other than dairy farming,
6 chosen from a list of 3 nominees submitted by a statewide beef and sheep producers
7 association, appointed by the Governor;

8 I. Two research faculty members associated with agricultural research at the
9 University of Maine at Orono, appointed by the Board of Trustees of the University
10 of Maine System; and

11 J. The Director of the University of Maine Cooperative Extension Service; and

12 K. One member representing the aquaculture industry designated by a statewide
13 aquaculture industry association.'

14 Amend the bill in section 3 in §2701 (page 1, lines 14 to 24 in L.D.) by striking out
15 all of the first indented paragraph and inserting the following:

16 'All persons owning honeybees within the State shall annually notify the
17 commissioner of the keeping of bees and the location of the bees and shall forward to the
18 commissioner for deposit with the Treasurer of State an annual license fee ~~not to exceed~~
19 ~~\$2 per colony~~ for all bees kept on June 15th of each year. ~~A license may be issued for a~~
20 ~~one year, 2 year or 3 year period. Licenses for a period in excess of one year may be~~
21 ~~issued only with the agreement of or at the request of the applicant. The fee for a 2 year~~
22 ~~license is 2 times the annual fee. The fee for a 3 year license is 3 times the annual fee.~~
23 Fees must be established by rule in accordance with the Maine Administrative Procedure
24 Act. ~~No license fee returned may be less than \$2 per beekeeper. Notwithstanding Title 5,~~
25 section 8071, subsection 3, rules adopted under this section are routine technical rules as
26 defined in Title 5, chapter 375, subchapter 2-A. License fees accrue as a dedicated
27 revenue to the Division of Plant Industry to fund the cost of apiary inspection and
28 licensing.'

29 Amend the bill by striking out all of section 5 and inserting the following:

30 'Sec. 5. 22 MRSA §2153, sub-§1 is enacted to read:

31 1. Confidentiality. Records designated as confidential by the commissioner under
32 this subsection are not public records. The commissioner shall designate as confidential
33 and shall prohibit the release of information provided to the department or to any
34 employee of the department by the United States Department of Agriculture, Food Safety
35 and Inspection Service pursuant to 9 Code of Federal Regulations, Section 390.9 (2008)
36 or by the Food and Drug Administration pursuant to 21 Code of Federal Regulations,
37 Section 20.88 (2008) to the extent that such information is designated or otherwise
38 identified pursuant to such regulations as confidential or required under the regulations to
39 be protected from public disclosure.'

40 Amend the bill in section 7 in §2513 in the 2nd line (page 2, line 15 in L.D.) by
41 striking out the following: "Notwithstanding Title 5, section 8052, subsection 8, such

1 rules may adopt by general" and inserting the following: 'Rules adopted under this section
2 may incorporate by'

3 Amend the bill by inserting after section 7 the following:

4 '**Sec. 8. Appropriations and allocations.** The following appropriations and
5 allocations are made.

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

7 **Division of Plant Industry 0831**

8 Initiative: Provides one-time funding for rule-making costs.

9	OTHER SPECIAL REVENUE FUNDS	2009-10	2010-11
10	All Other	\$2,500	\$0
11			
12	OTHER SPECIAL REVENUE FUNDS TOTAL	<u>\$2,500</u>	<u>\$0</u>
13			

14 **SUMMARY**

15 This amendment:

16 1. Modifies the Board of Agriculture to allow certain members to appoint designees
17 to serve in their stead and adds a 20th member to represent the aquaculture industry;

18 2. Provides that the annual beekeeper license fee is to be established in routine
19 technical rules of the Department of Agriculture, Food and Rural Resources;

20 3. Clarifies the provision of the bill relating to confidentiality of certain information
21 obtained from the Federal Government to make it clear that only information that is
22 designated pursuant to federal rules as confidential or required to be protected from
23 public disclosure is exempted from the State's public records law; and

24 4. Clarifies the language of the bill relating to the incorporation of certain federal
25 rules applicable to meat and poultry inspection into rules of the Department of
26 Agriculture, Food and Rural Resources.

27 It also adds an appropriations and allocations section.

28 **FISCAL NOTE REQUIRED**

29

30 (See attached)

31



124th MAINE LEGISLATURE

LD 1255

LR 456(02)

An Act To Amend Certain Laws Related to the Department of Agriculture, Food and Rural Resources

Fiscal Note for Bill as Amended by Committee Amendment "A"
Committee: Agriculture, Conservation and Forestry
Fiscal Note Required: Yes

Fiscal Note

	2009-10	2010-11	Projections 2011-12	Projections 2012-13
Appropriations/Allocations				
Other Special Revenue Funds	\$2,500	\$0	\$0	\$0
Revenue				
Other Special Revenue Funds	\$3,448	\$3,448	\$3,448	\$3,448

Fiscal Detail and Notes

The bill includes a one-time Other Special Revenue Funds allocation of \$2,500 in fiscal year 2009-10 to the Department of Agriculture, Food and Rural Resources for rulemaking. Other Special Revenue Funds revenue is expected to increase by \$3,448 beginning in fiscal year 2009-10 based upon the assumption that license fees for persons with 100 beehives or less would increase to \$10.