

MAINE STATE LEGISLATURE

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SMG
R.03

Date: 2/9/10

AGRICULTURE, CONSERVATION AND FORESTRY

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

COMMITTEE AMENDMENT "A" to H.P. 1123, L.D. 1585, Bill, "An Act To Protect Maine Farms and Nurseries"

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

'Resolve, To Enhance Protection of Maine Farms and Nurseries'

Amend the bill by striking out everything after the title and before the summary and inserting the following:

Emergency preamble. Whereas, acts and resolves of the Legislature do not become effective until 90 days after adjournment unless enacted as emergencies; and

Whereas, the identification of shipments of tomato seedlings coming into the State for commercial sale is needed to facilitate monitoring for disease; and

Whereas, the introduction of disease can devastate tomato crops of both commercial growers and home gardeners; and

Whereas, shipments for the 2010 growing season will begin prior to the effective date of nonemergency legislation; and

Whereas, in the judgment of the Legislature, these facts create an emergency within the meaning of the Constitution of Maine and require the following legislation as immediately necessary for the preservation of the public peace, health and safety; now, therefore,

Be it enacted by the People of the State of Maine as follows:

Sec. 1. Commissioner of Agriculture, Food and Rural Resources to require notice of shipment of tomato seedlings into the State. Resolved: That the Commissioner of Agriculture, Food and Rural Resources shall adopt rules under the Maine Revised Statutes, Title 7, section 2217 to require a person shipping tomato seedlings into the State for ultimate sale at the wholesale or retail level to notify the State Horticulturist prior to shipping. The commissioner shall ensure that the rules are

1 established to facilitate monitoring of tomato seedlings coming into the State during the
2 2010 growing season; and be it further

3 **Sec. 2. Commissioner of Agriculture, Food and Rural Resources to**
4 **review license fees for owners of plant nurseries and dealers in nursery stock.**

5 **Resolved:** That the Commissioner of Agriculture, Food and Rural Resources shall
6 review license fees authorized under the Maine Revised Statutes, Title 7, section 2171
7 and established in Chapter 267 of the Department of Agriculture, Food and Rural
8 Resources's rules. The commissioner shall research fees for licenses to sell nursery stock
9 in other states and consider the advisability of a license fee structure with more than 2
10 tiers based on gross annual sales of nursery stock and square footage dedicated to nursery
11 stock or a combination of these 2 or other parameters.

12 The commissioner shall also consider the benefit of establishing a dedicated account
13 to receive license fees for plant nurseries and dealers of nursery stock, estimate the
14 amount of dedicated revenue generated and determine the optimal use of the revenue to
15 provide inspection and other services to protect growers in the State; and be it further

16 **Sec. 3. Commissioner of Agriculture, Food and Rural Resources to**
17 **report recommendations. Resolved:** That the Commissioner of Agriculture, Food

18 and Rural Resources shall report to the joint standing committee of the Legislature having
19 jurisdiction over agriculture matters no later than January 15, 2011 with
20 recommendations regarding fees for licenses to sell nursery stock and the advisability of
21 establishing a dedicated account to receive license fees.

22 If the commissioner's recommendations include revisions to the Department of
23 Agriculture, Food and Rural Resources's existing fees, the commissioner shall:

24 1. Provisionally adopt amendments to Chapter 267 of the department's rules to
25 implement the recommendations and submit the provisionally adopted rule to the First
26 Regular Session of the 125th Legislature for review as a major substantive rule in
27 accordance with the Maine Revised Statutes, Title 5, section 8072; or

28 2. Submit a bill to the First Regular Session of the 125th Legislature to establish in
29 statute fees for licenses to sell nursery stock.

30 **Emergency clause.** In view of the emergency cited in the preamble, this
31 legislation takes effect when approved.'

32 **SUMMARY**

33 The amendment replaces the bill with a resolve directing the Commissioner of
34 Agriculture, Food and Rural Resources to adopt a rule requiring a person shipping tomato
35 seedlings into the State to notify the State Horticulturist prior to shipment. It also
36 requires the commissioner to examine license fees in other states, consider the benefits of
37 a dedicated account to receive license fees and make recommendations to the Joint
38 Standing Committee of the Legislature having jurisdiction over agriculture matters
39 regarding licenses to sell nursery stock.

40 **FISCAL NOTE REQUIRED**

41 (See attached)



124th MAINE LEGISLATURE

LD 1585

LR 2215(02)

An Act To Protect Maine Farms and Nurseries

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

Fiscal Note

Minor cost increase - General Fund

Fiscal Detail and Notes

Additional costs to the Department of Agriculture, Food and Rural Resources associated with rulemaking and reviewing license fees for owners of plant nurseries and dealers in nursery stock can be absorbed within existing budgeted resources.