

# MAINE STATE LEGISLATURE

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L.D. 1830

Date: 4/2/12

(Filing No. H-877)

Report C

**AGRICULTURE, CONSERVATION AND FORESTRY**

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**STATE OF MAINE  
HOUSE OF REPRESENTATIVES  
125TH LEGISLATURE  
SECOND REGULAR SESSION**

COMMITTEE AMENDMENT "B" to H.P. 1350, L.D. 1830, Bill, "An Act To Establish the Department of Agriculture, Conservation and Forestry"

Amend the bill by striking out all of the emergency preamble (page 1, lines 1 to 10 in L.D.)

Amend the bill in Part A in section 1 by striking out all of §202 (page 2, lines 6 to 15 in L.D.)

Amend the bill in Part A in section 1 in §203 in subsection 2 in the 2nd line (page 2, line 24 in L.D.) by striking out the following: "operations and administration of the department" and inserting the following: 'conservation and protection of public resources'

Amend the bill in Part A in section 1 in subchapter 2 to renumber the sections to read consecutively.

Amend the bill in Part A by inserting after section 1 the following:

**Sec. A-2. Contingent effective date.** That section of this Part that enacts the Maine Revised Statutes, Title 12-A takes effect October 1, 2013 only if the bill submitted to the 126th Legislature pursuant to Part B, section 5 implementing the consolidation of the Department of Agriculture, Food and Rural Resources and the Department of Conservation has been enacted into law by that date.'

Amend the bill by striking out all of Parts B, C, D and E and inserting the following:

**'PART B**

**Sec. B-1. Development of plan.** The Commissioner of Agriculture, Food and Rural Resources and the Commissioner of Conservation shall develop a plan to implement the consolidation of the Department of Agriculture, Food and Rural Resources and the Department of Conservation into the Department of Agriculture, Conservation and Forestry. In developing the plan, the commissioners shall address issues including administrative structure and functions and program and service delivery functions of the proposed consolidated department. The commissioners shall discuss the following topics

**COMMITTEE AMENDMENT**

1 and bring recommendations on each topic to the Joint Standing Committee on  
2 Agriculture, Conservation and Forestry during interim meetings authorized under section  
3 2.

4 **1. Placement of the Bureau of Parks and Lands as a division within the**  
5 **Department of Agriculture, Conservation and Forestry.** The commissioners shall  
6 examine the functions of the Department of Conservation, Bureau of Parks and Lands and  
7 determine if any functions are more appropriately aligned within another state agency.

8 **2. Law enforcement responsibilities of forest rangers.** The commissioners shall  
9 examine the historical role of forest rangers within the forest protection division within  
10 the Department of Conservation, Maine Forest Service and how the duties of forest  
11 rangers might be expanded to meet the more comprehensive enforcement needs of the  
12 new department. The commissioners shall consider the possibility of forest rangers  
13 investigating and enforcing animal welfare laws under the Maine Revised Statutes, Title  
14 7, Part 9.

15 **3. Recommendations of the natural resources agency task force convened**  
16 **pursuant to Public Law 2007, chapter 539, Part YY.** The commissioners shall review  
17 the 8 specific recommendations for improving services in the State's natural resources  
18 sector that were included in the report of the task force convened pursuant to Public Law  
19 2007, chapter 539, Part YY dated 2008 and submitted to the Governor with a transmittal  
20 letter dated January 8, 2009. The commissioners shall determine what actions have been  
21 taken to implement these recommendations and provide the Joint Standing Committee on  
22 Agriculture, Conservation and Forestry with a description of how these recommendations  
23 have been implemented or will be addressed with the merger of the 2 departments.

24 **4. Rulemaking.** The commissioners shall identify existing rule-making authority in  
25 statute for each of the proposed divisions and the need for additional rule-making  
26 authority under the new structure. The commissioners shall seek the Joint Standing  
27 Committee on Agriculture, Conservation and Forestry's input in designating rules as  
28 major substantive or routine technical under Title 5, chapter 375, subchapter 2-A prior to  
29 submitting legislation under section 5.

30 **Sec. B-2. Interim meetings authorized.** The Joint Standing Committee on  
31 Agriculture, Conservation and Forestry is authorized to meet during the 2012 legislative  
32 interim to hear reports regarding the development of the plan required pursuant to section  
33 1. At these meetings, the Commissioner of Agriculture, Food and Rural Resources and  
34 the Commissioner of Conservation shall brief the committee on issues including  
35 administrative structure and functions and program and service delivery functions of the  
36 proposed consolidated department. The committee shall provide opportunities for  
37 stakeholders to communicate with the commissioners regarding the consolidation. The  
38 committee shall work with the commissioners to develop a mission statement and guiding  
39 principles for the Department of Agriculture, Conservation and Forestry.

40 **Sec. B-3. Budget.** The Department of Administrative and Financial Services,  
41 Bureau of the Budget shall work with the Commissioner of Agriculture, Food and Rural  
42 Resources and the Commissioner of Conservation with regard to the duties transferred to  
43 the Department of Agriculture, Conservation and Forestry as set forth in this Act to  
44 develop the budget for the Department of Agriculture, Conservation and Forestry in

1 conjunction with the Natural Resources Service Center of the Department of  
2 Administrative and Financial Services.

3 **Sec. B-4. Federal approval.** If the Commissioner of Agriculture, Food and Rural  
4 Resources or the Commissioner of Conservation determines that federal approval will not  
5 be obtained for any part of this Act that requires federal approval, the commissioners  
6 shall notify the joint standing committee of the Legislature having jurisdiction over  
7 agriculture, conservation and forestry matters, the joint standing committee of the  
8 Legislature having jurisdiction over appropriations and financial affairs and the Executive  
9 Director of the Legislative Council.

10 **Sec. B-5. Legislation.** The Commissioner of Agriculture, Food and Rural  
11 Resources and the Commissioner of Conservation shall review those parts of the Maine  
12 Revised Statutes governing agriculture, food safety, weights and measures, forestry and  
13 conservation issues, including, but not limited to, Titles 7, 8, 10, 12, 12-A and 22. Based  
14 upon their review, the commissioners shall develop and submit by November 15, 2012 a  
15 bill for introduction to the First Regular Session of the 126th Legislature to consolidate  
16 existing law appropriate for inclusion into Title 12-A and to correct any errors and  
17 inconsistencies in the law that result from this Act.'

18 Amend the bill by striking out all of the emergency clause.

19 **SUMMARY**

20 This amendment is the minority report of the Joint Standing Committee on  
21 Agriculture, Conservation and Forestry. It authorizes the merger of the Department of  
22 Agriculture, Food and Rural Resources and the Department of Conservation into the  
23 Department of Agriculture, Conservation and Forestry with an effective date of October  
24 1, 2013 contingent upon the enactment of legislation implementing consolidation of the  
25 departments. It removes the mission statement and guiding principles for the new  
26 department from the bill. It removes Parts C, D and E from the bill and revises the  
27 directives in Part B.

28 It expands oversight by the Joint Standing Committee on Agriculture, Conservation  
29 and Forestry during the development of recommendations and legislation to effect the  
30 merger. It directs the Commissioner of Conservation and the Commissioner of  
31 Agriculture, Food and Rural Resources to examine topics related to the merger and report  
32 to the Joint Standing Committee on Agriculture, Conservation and Forestry with  
33 recommendations and legislation. It directs the Joint Standing Committee on Agriculture,  
34 Conservation and Forestry to work with the commissioners in developing a mission  
35 statement and guiding principles for the Department of Agriculture, Conservation and  
36 Forestry.

**FISCAL NOTE REQUIRED**  
(See attached)



# 125th MAINE LEGISLATURE

LD 1830

LR 2736(03)

**An Act To Establish the Department of Agriculture, Conservation and Forestry**

**Fiscal Note for Bill as Amended by Committee Amendment**

**Committee: Agriculture, Conservation and Forestry**

**Fiscal Note Required: Yes**

*B' (H-877)*

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## Fiscal Note

Legislative Cost/Study

Contingent future biennium savings - General Fund

### Legislative Cost/Study

The general operating expenses of this study are projected to be \$6,500 in fiscal year 2012-13 based on an assumption of 4 interim meetings for the Joint Standing Committee on Agriculture, Conservation and Forestry. Each interim meeting of the committee would cost approximately \$1,625. The Legislature's proposed budget includes \$10,000 in fiscal year 2012-13 for legislative studies. Whether this amount is sufficient to fund all studies will depend on the number of studies authorized by the Legislative Council and the Legislature.

### Fiscal Detail and Notes

This legislation proposes to establish the Department of Agriculture, Conservation and Forestry contingent upon completion of various activities outlined in the legislation, including submission of proposed changes to legislation to the 126th Legislature to consolidate existing law. If this contingency is met, General Fund savings would be realized in fiscal year 2013-14 from the elimination of one Commissioner of Conservation position.