

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE

ONE HUNDRED AND TWENTY-FIFTH LEGISLATURE

FIRST SPECIAL SESSION
September 27, 2011

SECOND REGULAR SESSION
January 4, 2012 to May 31, 2012

THE EFFECTIVE DATE FOR
FIRST SPECIAL SESSION
LAWS IS
SEPTEMBER 28, 2011

THE GENERAL EFFECTIVE DATE FOR
SECOND REGULAR SESSION
NON-EMERGENCY LAWS IS
AUGUST 30, 2012

PUBLISHED BY THE REVISOR OF STATUTES
IN ACCORDANCE WITH THE MAINE REVISED STATUTES ANNOTATED,
TITLE 3, SECTION 163-A, SUBSECTION 4.

Augusta, Maine
2012

CHAPTER 132
H.P. 1338 - L.D. 1814

**Resolve, To Promote the
Expansion of the Maine Maple
Sugar Industry**

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 task force convened in accordance with Resolve 2011, chapter 48 has determined that Maine's forest resource is able to support significant expansion in maple sugar production and has identified obstacles to expansion; and

Whereas, continuing involvement of stakeholders is vital to facilitate the expansion of this industry; and

Whereas, in order to provide the task force created in this resolve the most time possible to complete its work, it is necessary that it be convened before the end of the 90-day period; 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

Sec. 1. Task force. Resolved: That the Commissioner of Agriculture, Food and Rural Resources, referred to in this resolve as "the commissioner," shall convene a task force to develop strategies to address obstacles to the expansion of Maine's maple sugar industry. The commissioner shall invite members of the task force convened under Resolve 2011, chapter 48 to continue to serve. The commissioner shall invite others to serve as needed to ensure that each of the following are represented on the task force:

1. A statewide association of producers of Maine maple sugar products;
2. A regional association of producers of maple sugar products in southern Maine;
3. An association of producers of maple sugar products in Somerset County;
4. A producer of maple sugar products in Aroostook County;
5. A producer of maple sugar products with more than 5,000 taps;
6. A producer of maple sugar products with 1,000 or fewer taps;
7. A statewide organization of small woodlot owners;

8. A statewide organization representing the forest products industry;

9. The University of Maine Cooperative Extension; and

10. A statewide farming association with a committee actively involved with maple sugar production; and be it further

Sec. 2. Chair; convening of initial meeting. Resolved: That the commissioner shall designate a person to serve as chair of the task force and shall convene the initial meeting no later than 30 days following the effective date of this resolve; and be it further

Sec. 3. Duties. Resolved: That the task force shall:

1. Monitor and analyze growth in maple sugar production and demand for maple sugar products;

2. Work with private landowners, foresters and managers of public lands to develop guidance on and facilitate the leasing of forest lands for maple sugar production;

3. Develop strategies to increase educational opportunities for producers;

4. Work with education professionals on a curriculum to increase awareness of the maple sugar industry and train workers for the industry;

5. Develop recommendations for establishing an ongoing council in statute to guide the expansion of Maine's maple sugar industry and oversee a comprehensive promotion initiative. The task force shall make recommendations as to the membership, terms and responsibilities of the council;

6. Identify funding sources to support the maple sugar industry, including recommendations for allocating resources within the Department of Agriculture, Food and Rural Resources and the University of Maine Cooperative Extension; and

7. Develop recommendations for a comprehensive promotion program for the maple sugar industry, including a funding source or sources. In developing its recommendations, the task force shall review models that have been successfully employed to promote other Maine food product industries, including marine products and agricultural products such as potatoes and blueberries; and be it further

Sec. 4. Meetings. Resolved: That the chair, in consultation with the commissioner, shall schedule meetings of the task force as necessary to complete the task force's assigned duties. The commissioner shall notify members of the Joint Standing Committee on Agriculture, Conservation and Forestry and other Legislators with a known interest in the maple sugar in-

dustry of all meetings of the task force; and be it further

Sec. 5. Staffing and funding. Resolved: That the Department of Agriculture, Food and Rural Resources shall provide staff support to the task force from existing resources. The Department of Conservation, Bureau of Forestry and Bureau of Parks and Lands shall provide staff from existing resources to assist in discussions relating to landowner education, forest management and leasing land for maple sugar production. The commissioner and the Commissioner of Conservation may use contributions of money, services and supplies accepted under existing authority to support the work of the task force; and be it further

Sec. 6. Agency cooperation. Resolved: That the commissioner, the Commissioner of Conservation, the Commissioner of Economic and Community Development and the Chief Executive Officer of the Finance Authority of Maine shall each designate a representative from their respective agencies to serve as a resource to the task force, respond to information requests and attend task force meetings upon request; and be it further

Sec. 7. Final report. Resolved: That, no later than December 4, 2013, the commissioner shall submit a report that includes the findings and recommendations of the task force, including suggested legislation to implement the recommendations, for presentation to the joint standing committee of the Legislature having jurisdiction over agriculture matters; and be it further

Sec. 8. Authority to submit legislation. Resolved: That the joint standing committee of the Legislature having jurisdiction over agriculture matters may submit legislation pertaining to the Maine maple sugar industry to the Second Regular Session of the 126th Legislature.

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

Effective March 18, 2012.

CHAPTER 133

H.P. 176 - L.D. 199

Resolve, Directing the Secretary of State To Study Voter Participation and Registration and the Conduct of Elections in the State

Sec. 1. Report on voter participation, the registration of voters and the conduct of elections. Resolved: That the Secretary of State shall conduct a study of voter participation, the current system for registering voters and the conduct of elections

in the State. The Secretary of State shall report the findings of the study and any suggested legislation recommended for introduction to the First Regular Session of the 126th Legislature to the joint standing committee of the Legislature having jurisdiction over elections matters no later than February 1, 2013.

See title page for effective date.

CHAPTER 134

H.P. 1273 - L.D. 1724

Resolve, Regarding Legislative Review of Portions of Chapter 101: Maine Unified Special Education Regulation Birth to Age Twenty, a Major Substantive Rule of the Department of Education

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 Maine Revised Statutes, Title 5, chapter 375, subchapter 2-A requires legislative authorization before major substantive agency rules may be finally adopted by the agency; and

Whereas, the above-named major substantive rule has been submitted to the Legislature for review; and

Whereas, immediate enactment of this resolve is necessary to record the Legislature's position on final adoption of the rule; 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

Sec. 1. Adoption. Resolved: That final adoption of portions of Chapter 101: Maine Unified Special Education Regulation Birth to Age Twenty, a provisionally adopted major substantive rule of the Department of Education that has been submitted to the Legislature for review pursuant to the Maine Revised Statutes, Title 5, chapter 375, subchapter 2-A is authorized only if the following changes are made:

1. The rule must be amended in Section II to replace the definition of pre-referral procedures with language defining general education intervention;

2. The rule must be amended in Section V, subsection 6, paragraph F so that the educational observations are not described as unrestricted;