

MAINE STATE LEGISLATURE

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*State Of Maine
122nd Legislature*

Second Regular Session

Bill Summaries

*Joint Standing Committee
on
Agriculture, Conservation and Forestry*

July 2006

Members:

*Sen. John M. Nutting, Chair
Sen. Bruce S. Bryant
Sen. Kevin L. Raye*

*Rep. John F. Piotti, Chair
Rep. Jacqueline A. Lundeen
Rep. Joanne T. Twomey
Rep. Rodney C. Jennings
Rep. Roderick W. Carr
Rep. Arlan R. Jodrey
Rep. Roger L. Sherman
Rep. Patrick S. A. Flood
Rep. Donald G. Marean
Rep. Peter Edgecomb*

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Maine State Legislature



Office of Policy and Legal Analysis Office of Fiscal and Program Review

122nd Maine Legislature Second Regular Session

Summary of Legislation Before The Joint Standing Committees

Enclosed please find a summary of all bills, resolves, joint study orders, joint resolutions and Constitutional resolutions that were considered by the joint standing committees of the Maine Legislature this past session. The document is a compilation of bill summaries which describe each bill and relevant amendments, as well as the final action taken. Also included are statistical summaries of bill activity this session for the Legislature and each of its joint standing committees.

The document is organized for convenient reference to information on bills considered by the committees. It is arranged alphabetically by committee name and within committees by bill (LD) number. The committee report(s), prime sponsor for each bill and the lead co-sponsor(s), if designated, are listed below each bill title. All adopted amendments are listed by paper number. Two indices, a subject index and a numerical index by LD number are provided for easy reference to bills. They are located at the back of the document. A separate publication, History and Final Disposition of Legislative Documents, may also be helpful in providing information on the disposition of bills. These bill summaries also are available at the Law and Legislative Reference Library and on the Internet (www.state.me.us/legis/opla/billsumm.htm).

Final action on each bill is noted to the right of the bill title. The abbreviations used for various categories of final action are as follows:

CON RES XXX.....	Chapter # of Constitutional Resolution passed by both Houses
CONF CMTE UNABLE TO AGREE.....	Committee of Conference unable to agree; bill died
DIED BETWEEN BODIES.....	House & Senate disagree; bill died
DIED IN CONCURRENCE.....	One body accepts ONTP report; the other indefinitely postpones the bill
DIED ON ADJOURNMENT.....	Action incomplete when session ended; bill died
EMERGENCY.....	Enacted law takes effect sooner than 90 days
FAILED EMERGENCY ENACTMENT/FINAL PASSAGE.....	Emergency bill failed to get 2/3 vote
FAILED ENACTMENT/FINAL PASSAGE.....	Bill failed to get majority vote
FAILED MANDATE ENACTMENT.....	Bill imposing local mandate failed to get 2/3 vote
NOT PROPERLY BEFORE THE BODY.....	Ruled out of order by the presiding officers; bill died
INDEF PP.....	Bill Indefinitely Postponed
ONTP.....	Ought Not To Pass report accepted
OTP-ND.....	Committee report Ought To Pass In New Draft
P&S XXX.....	Chapter # of enacted Private & Special Law
PASSED.....	Joint Order passed in both bodies
PUBLIC XXX.....	Chapter # of enacted Public Law
RESOLVE XXX.....	Chapter # of finally passed Resolve
UNSIGNED (Pocket Veto).....	Bill held by Governor
VETO SUSTAINED.....	Legislature failed to override Governor's Veto

Please note that the effective date for all non-emergency legislation enacted in the Second Regular Session (unless otherwise specified in a particular law) is August 23, 2006.

Joint Standing Committee on Agriculture, Conservation and Forestry

Committee Amendment "B" (S-563) proposed replacing the definition of "agricultural composting" found in the bill with definitions of "agricultural composting operation" and "composting." It proposed removing the provision that proposed excluding workers in the employ of an agricultural composting operation from the definition of employment in Maine's unemployment compensation statute. It proposed removing the retroactivity provision in the bill.

Enacted law summary

Public Law 2005, chapter 638 enacts definitions of "agricultural composting operation" and "composting" in the statutory provision that declares certain farm operations not to be a nuisance under Title 17, Chapter 91. It includes agricultural composting operations in the definition of "commercial agricultural production" under Title 36, section 2013, allowing these operations to qualify for certain sales tax exemptions.

LD 1406 **An Act To Preserve Public Access and Job Opportunities in the North Woods** **ONTP**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
COWGER	ONTP MAJ	
PIOTTI	OTP-AM MIN	

LD 1406 proposed creating the Maine Woods Act and establishing the Maine Woods Board as a public instrumentality of the State. The board's central duty would be to support sustainable forestry and provide public access and recreational opportunities through the acquisition and maintenance of forest lands. The board would have independent bonding authority to fund acquisitions, as proposed in this bill.

Committee Amendment "A" (S-440) proposed the minority report of the Joint Standing Committee on Agriculture, Conservation and Forestry. It proposed changing the bill to a resolve directing the Commissioner of Conservation to develop recommendations for increasing access to capital for the purchase of forest land for the production of forest products and with continuing public access for recreation. The minority report was not adopted.

LD 1657 **An Act To Minimize the Risk to Maine's Marine Waters and Organisms Posed by the Application of Pesticides** **PUBLIC 553
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
PERCY	OTP-AM	H-885
DAMON		

LD 1657 proposed limits on the application of pesticides near the normal high tide mark for the control of browntail moths.

Committee Amendment "A" (H-885) proposed buffers and restrictions on the application of pesticides to control browntail moths in coastal areas of Cumberland, Sagadahoc and York counties. It proposed requiring the Department of Agriculture, Food and Rural Resources, Board of Pesticides Control to monitor certain pesticide applications, complete its assessment of risks and benefits of pesticide applications near coastal waters, and report

Joint Standing Committee on Agriculture, Conservation and Forestry

to the joint standing committee of the Legislature having jurisdiction over agriculture, conservation and forestry matters by January 2, 2007.

Enacted law summary

Public Law 2005, chapter 553 establishes buffers and restrictions on the application of pesticides to control browntail moths in coastal areas of Cumberland, Sagadahoc and York counties. These provisions are repealed March 31, 2007. Chapter 553 directs the Department of Agriculture, Food and Rural Resources, Board of Pesticides Control to monitor certain pesticide applications, complete its assessment of risks and benefits of pesticide applications near coastal waters, and report to the joint standing committee of the Legislature having jurisdiction over agriculture, conservation and forestry matters by January 2, 2007. It authorizes the committee to report out legislation to the 123rd Legislature on pesticide applications in coastal areas.

Public Law 2005, chapter 553 was enacted as an emergency measure effective April 7, 2006.

LD 1720

An Act To Make Revisions to the Maine Revised Statutes Relating to Agriculture

PUBLIC 512

Sponsor(s)

Committee Report
OTP-AM

Amendments Adopted
H-805

LD 1720 proposed technical changes and clarifications to several sections in Title 7. It proposed repealing and amending other provisions to improve administration and enforcement by the Department of Agriculture, Food and Rural Resources.

Committee Amendment "A" (H-805) proposed revising the number of days that apples must be kept under specified conditions to be represented as exposed to "controlled storage" and increasing the fine for violation of laws pertaining to the disposal of cull potatoes.

Enacted law summary

Public Law 2005, chapter 512, in addition to technical changes and corrections to Title 7, makes the following substantive changes:

1. It repeals the requirement that the Commissioner of Agriculture, Food and Rural Resources provide an opportunity for a hearing when the commissioner becomes cognizant of a violation of any provision in the Maine Revised Statutes, Title 7 or other statutes delegating responsibility to the commissioner or the department;
2. It amends a provision relating to farms purchased by the State for use by the Maine Agricultural Experiment Station to clarify that restrictions on use apply no matter when the farms were or are acquired;
3. It requires that annual reports by the county extension associations be sent to the University of Maine rather than its board of trustees;
4. It specifies that products sold at a farmers' market that are not grown or processed by the person selling the products must be purchased directly from another farmer who grew or processed the products;