

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

Staff:

Jill Ippoliti, Legislative Analyst

*Office of Policy and Legal Analysis
13 State House Station
Augusta, ME 04333
(207) 287-1670*

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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

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;

Joint Standing Committee on Agriculture, Conservation and Forestry

5. It enacts a provision for determining origin for products sold at a farmers' market to facilitate enforcement and revises an enforcement provision for determining origin of produce labeled "native";
6. It repeals the definition of the term "drug" and provisions in Title 7 relating to adulteration of drugs and meats. The Maine Pharmacy Act, enacted in 1988, Title 32, chapter 117, establishes the Maine Board of Pharmacy and charges the board with regulation of drugs. The Department of Agriculture, Food and Rural Resources is charged with administering and enforcing provisions pertaining to preparation of meat under Title 22, chapter 562-A;
7. It authorizes the commissioner to have analyses performed at public or private laboratories and repeals specific responsibilities of the Director of the Agricultural Experiment Station relating to analysis;
8. It clarifies ambiguous statutory provisions governing the sale of eggs;
9. It amends the definition of "product name" and uses the term "product name" to specify feed products to which a registration fee applies;
10. It revises the number of days that apples must be kept under specified conditions to be represented as exposed to "controlled storage" to reflect changes in technology and the industry standards; and
11. It increases the fine for violation of laws pertaining to the disposal of cull potatoes.

LD 1776

An Act To Establish the Maine Agricultural Water Management Board and the Sustainable Agricultural Water Source Program

**PUBLIC 559
EMERGENCY**

Sponsor(s)
WESTON

Committee Report
OTP-AM

Amendments Adopted
S-540

LD 1776 proposed establishment of the Maine Agricultural Water Management Board to develop, manage and regulate agricultural water source development and withdrawals in Maine. The bill proposed authorizing the board to establish a drought abatement program through rulemaking.

Committee Amendment "A" (S-540) proposed replacing the bill. It proposed establishment of the Maine Agricultural Water Management Board and the sustainable agricultural water source program. The amendment proposed specific responsibilities of the board, the Department of Agriculture, Food and Rural Resources and the Department of Environmental Protection.

Enacted law summary

Public Law 2005, chapter 559 establishes the Maine Agricultural Water Management Board and the sustainable agricultural water source program. The board's duties include overseeing and coordinating the development of water sources for agricultural use. The board is directed to work with the Department of Environmental Protection in fulfilling its duties. Chapter 559 establishes a process for the development of site specific flow standards and water levels for a water body used as source by agriculture and determination of compliance dates for agricultural users. Chapter 559 details the responsibilities of the board, the Department of Agriculture, Food and Rural Resources, and the Department of Environmental Protection in implementing the sustainable agricultural water source program.