

MAINE STATE LEGISLATURE

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STATE OF MAINE
123RD LEGISLATURE
FIRST REGULAR SESSION



Summaries of bills and adopted amendments and laws enacted or finally passed during the First Regular Session of the 123rd Maine Legislature coming from the

**JOINT STANDING COMMITTEE ON AGRICULTURE,
CONSERVATION AND FORESTRY**

July 2007

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JILL IPPOLITI, LEGISLATIVE ANALYST
OFFICE OF POLICY AND LEGAL ANALYSIS
13 STATE HOUSE STATION
AUGUSTA, ME 04333
(207) 287-1670

STATE OF MAINE

123RD LEGISLATURE

FIRST REGULAR SESSION

LEGISLATIVE DIGEST OF BILL SUMMARIES AND ENACTED LAWS



This *Legislative Digest of Bill Summaries and Enacted Laws* summarizes all bills and adopted amendments and all laws enacted or finally passed during the First Regular Session of the 123rd Maine Legislature, which was in session from December 6, 2006 to June 21, 2007.

The *Digest* is arranged alphabetically by committee, and within each committee by LD number. The committee report(s), prime sponsor and lead co-sponsor(s), if designated, are listed below each bill title. All adopted amendments are summarized and listed by paper number. A subject index is included with each committee. The appendices include a summary of relevant session statistics, an index of all bills by LD number and an index of enacted laws by law type and chapter number.

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 (or Accepted ONTP report).....	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.....	Bill held by Governor
VETO SUSTAINED.....	Legislature failed to override Governor's Veto

Please note that the effective date for non-emergency legislation enacted in the First Regular Session is **September 20, 2007**. The effective date for legislation enacted as an emergency measure is specified in the enacted law summary for those bills.

Joint Standing Committee on Agriculture, Conservation and Forestry

Committee Amendment "A" is the majority report. It removes the sections of the bill relating to retail pricing of milk. It removes proposed changes to the definition of "target price," authorizes the Maine Milk Commission to establish and amend target prices through major substantive rulemaking and, beginning July 1, 2007, establishes interim target prices that may be changed through adoption of major substantive rules.

Committee Amendment "B" (S-140)

Committee Amendment "B" is the minority report. It changes the threshold for determining excessive retail pricing to 275% of the basic price of milk that is received by farmers, instead of the 10% above the minimum retail price. The prohibition on excessive pricing applies to retail stores meeting the definition of "supermarket." It makes the same changes to the establishment of target prices as in the majority report. The minority report was not accepted.

Enacted Law Summary

Public Law 2007, chapter 262 authorizes the Maine Milk Commission to establish and amend target prices through major substantive rulemaking and establishes interim target prices, beginning July 1, 2007, that may be changed through adoption of major substantive rules. Identical provisions regarding target prices were included in Part 000 of the biennial budget enacted as Public Law, 2007, chapter 240.

Public Law 2007, chapter 262 was enacted as an emergency measure effective June 8, 2007.

LD 861 An Act To Require a Commercial Applicator's License To Use Pesticides in Licensed Food and Eating Establishments

PUBLIC 245

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
SAVIELLO	OTP-AM MAJ ONTP MIN	H-318

LD 861 requires a person applying pesticides anywhere in a food-handling establishment to have a commercial applicator license.

Committee Amendment "A" (H-318)

This amendment is the majority report of the committee. The minority report is Ought Not To Pass.

It clarifies that only food establishments and eating establishments required to be licensed are being required to use a commercial applicator for pesticides in nonpublic areas. It uses existing statutory definitions for "food establishment" and "eating establishment." It clarifies that the State Board of Pesticides Control's rules to provide exemptions or reduced licensing requirements for certain applications are routine technical rules. It directs the departments with licensing authority and inspection responsibilities for food establishments and eating establishments to amend their rules to reflect these changes.

It provides an exception to the requirement that pesticides be applied by a commercial applicator when the licensed establishment is ancillary to an agricultural business, the owner or an employee of the establishment is certified as a private applicator and the pesticides are not being applied in an area open to the public.

Enacted Law Summary

Public Law 2007, chapter 245 requires licensed food establishments and eating establishments to use a commercial applicator for applying pesticides in nonpublic areas as well as public areas. The State Board of Pesticides Control can provide exemptions or reduced licensing requirements for certain applications through rulemaking. It provides an exception to the requirement that pesticides be applied by a commercial applicator when the licensed establishment is ancillary to an agricultural business, the owner or an employee of the establishment is certified as a private applicator and the pesticides are not being applied in an area open to the

Joint Standing Committee on Agriculture, Conservation and Forestry

public.

LD 875 An Act To Continue the Protection of Marine Waters and Organisms from the Risks Posed by the Applications of Pesticides

**PUBLIC 50
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
	OTP-AM	H-46 PIEH

LD 875 extends the repeal date on statutory provisions relating to pesticides applications to control browntail moths by one year to March 31, 2008. In addition it amends the provisions to:

1. Allow application of pesticides by air-assisted sprayers to control browntail moths in the area between 50 and 250 feet of the mean high water mark;
2. Allow pesticides applications only when the wind is equal to or greater than 2 miles per hour and blowing away from marine waters;
3. Add applications by licensed commercial applicators using nonpowered equipment to other applications exempted from the restrictions and prohibitions in the Maine Revised Statutes, Title 22, section 1445;
4. Add Lincoln County to the area to which the restrictions apply;
5. Require the Department of Agriculture, Food and Rural Resources, Board of Pesticides Control to continue monitoring of allowed spray applications and direct the board to work with the Department of Marine Resources on sampling and analysis of marine water and sediment; and
6. Require the Board of Pesticides Control to report to the Joint Standing Committee on Agriculture, Conservation and Forestry by January 2, 2008.

House Amendment "A" (H-46)

This amendment enacts the restrictions on pesticide applications for browntail moths that were repealed on March 31, 2007 with the substantive changes proposed by LD 875 as amended by Committee Amendment "A". LD 875 as amended by Committee Amendment "A" was not enacted prior to March 31, 2007. Therefore, it was necessary to enact revised provisions rather than amending the provisions existing prior to March 31, 2007.

Enacted Law Summary

Public Law 2007, chapter 50 enacts a revised version of provisions originally enacted as Public Law 2005, chapter 50 establishing buffers and restrictions on the application of pesticides to control browntail moths in coastal areas of Cumberland, Lincoln, Sagadahoc and York Counties. These provisions are repealed on March 31, 2008. The Board of

Pesticides Control is required to monitor applications of pesticides using air-assisted sprayers in these areas and to report its findings and recommendations regarding air-assisted spraying to the Joint standing Committee on Agriculture, Conservation and Forestry and the Joint Standing Committee on Marine Resources by January 2, 2008.

Public Law 2007, chapter 50 was enacted as an emergency measure effective April 12, 2007.