

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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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

LD 1650 An Act To Amend the Laws Concerning Genetically Engineered Plants and Seeds

CARRIED OVER

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
SCHATZ		

LD 1650 amends the definition of "genetically engineered" and "seed dealer" and defines "technology use agreement." The bill requires the manufacturer of a genetically engineered plant part, seed or plant sold in the State to report annually to the Commissioner of Agriculture, Food and Rural Resources the total potential amount of acreage of genetically modified crops grown from that plant part, seed or plant in the State. It provides for a process by which a manufacturer of a genetically engineered plant part, seed or plant may investigate a violation of a technology use agreement and the rights of a farmer during an investigation.

It creates a right of action as and damages for a private nuisance against a manufacturer of a genetically engineered plant part, seed or plant that cross-contaminates a person's land and limits the liability of knowing and unknowing users and possessors of a genetically engineered plant part, seed or plant.

This bill was carried over to any special or regular session of the 123rd Legislature by Joint Order, H.P. 1369.

LD 1668 An Act To Create a Saco River Preservation Fund

ONTP

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MUSE	ONTP	

LD 1668 establishes a fee for a permit issued to allow a fire within the Saco River Corridor. It establishes the Saco River Preservation Fund and requires the Director of the Bureau of Forestry within the Department of Conservation to adopt rules to establish a process for reimbursing municipalities from the fund. Costs incurred in providing law enforcement, sanitation and emergency services within the Saco River Corridor are eligible for reimbursement from the fund along with costs to purchase equipment specifically to provide those services. See the bill summary for LD 1034 Resolve, To Preserve the Saco River.

LD 1673 An Act To Change the Registration Fees for Home-based Manufacturers of Pet Foods

PUBLIC 459

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
DOW	OTP-AM	S-149

LD 1673 reduces annual pet food registration and surcharge fees for home-based manufacturers of pet food that produce 10 or fewer product names and that sell directly to consumers. The total annual registration fee is \$100 and the total annual surcharge is \$20.

Committee Amendment "A" (S-149)

This amendment enacts a definition of "home-based manufacturer of pet food" and makes changes in the bill to reflect the presence of the definition.

Enacted Law Summary

Joint Standing Committee on Agriculture, Conservation and Forestry

Public Law 2007, chapter 459 reduces annual pet food registration and surcharge fees for home-based manufacturers of pet food that produce 10 or fewer product names and that sell directly to consumers. The total annual registration fee is \$100 and the total annual surcharge is \$20.

LD 1684 An Act To Create the Maine Agriculture Protection Act

CARRIED OVER

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
SHERMAN		

LD 1684 repeals the Maine Revised Statutes, Title 17, section 2805, which provides protection from nuisance suits for farm operations that use best management practices. It revises the repealed provisions for inclusion in Title 7 under a chapter proposed for enactment as the Agriculture Protection Act in Title 7. The bill establishes incentives to conserve and protect agricultural land and enterprises and to further encourage agricultural development. The bill also allows the State to create agriculture protection areas to foster and strengthen agriculture development.

This bill was carried over to any special or regular session of the 123rd Legislature by Joint Order, H.P. 1369.

LD 1698 An Act To Provide for Public Notification of Indoor Pesticide Applications

ONTP

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
SULLIVAN	ONTP	

LD 1698 directs the Board of Pesticides Control to establish certain notice requirements for the application of pesticides in occupied buildings other than school buildings. The bill would void the Board of Pesticides Control's rules on this subject.

LD 1700 Resolve, Regarding Legislative Review of Portions of Chapter 103: Board of Pesticides Control Regulatory Agenda, a Major Substantive Rule of the Department of Agriculture, Food and Rural Resources

ONTP

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
	ONTP	

LD 1700 was inadvertently printed as a committee bill. See bill summary for LD 1891 for the correct bill pertaining to designation of major substantive rules.

LD 1713 Resolve, Directing the Department of Agriculture, Food and Rural Resources To Implement a Pilot Program To Preserve Agricultural Land

ONTP

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
HOLMAN	ONTP	

LD 1713 directs the Department of Agriculture, Food and Rural Resources to develop a pilot program to discourage commercial and residential development outside of growth areas established by municipalities and to encourage farmers to defer development of actively productive farmlands through the purchase of