

MAINE STATE LEGISLATURE

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STATE OF MAINE
124TH LEGISLATURE
FIRST REGULAR SESSION



Summaries of bills, adopted amendments and laws enacted or finally passed during the First Regular Session of the 124th Maine Legislature coming from the

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

July 2009

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STATE OF MAINE

124TH 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 124th Maine Legislature.

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:

CARRIED OVER.....	Carried over to a subsequent session of the Legislature
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; bill died
ONTP (or Accepted ONTP report).....	Ought Not To Pass report accepted; bill died
P&S XXX.....	Chapter # of enacted Private & Special Law
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

The effective date for non-emergency legislation enacted in the First Regular Session of the 124th Legislature is September 12, 2009. 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 74 Resolve, To Review and Update Sales Tax Exemptions for Products Purchased for Agricultural Use

**RESOLVE 25
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
	OTP-AM	H-59

This resolve directs the Department of Agriculture, Food and Rural Resources to review the rules and bulletins of the Department of Administrative and Financial Services, Bureau of Revenue Services related to sales tax exemptions for commercial agricultural crop and animal production and to make recommendations to the bureau for changes to the rules and bulletins. It directs the bureau to review the recommendations and to report its findings and any recommendations to the Joint Standing Committee on Taxation and the Joint Standing Committee on Agriculture, Conservation and Forestry. It gives the Joint Standing Committee on Taxation authority to submit a bill to the Second Regular Session of the 124th Legislature.

Committee Amendment "A" (H-59)

This amendment requires the Department of Agriculture, Food and Rural Resources to confer with the Department of Conservation prior to making recommendations to the Department of Administrative and Financial Services, Bureau of Revenue Services regarding sales tax exemptions for products used in commercial agricultural crop production. It also requires the bureau to develop a protocol for responding to requests for interpretations regarding sales tax exemptions and refunds and to include a description of the protocol in the bureau's report. It authorizes both the Joint Standing Committee on Taxation and the Joint Standing Committee on Agriculture, Conservation and Forestry to submit legislation.

Enacted Law Summary

Resolve 2009, chapter 25 directs the Department of Agriculture, Food and Rural Resources to review the rules and bulletins of the Department of Administrative and Financial Services, Bureau of Revenue Services relating to sales tax exemptions for products used in commercial agricultural crop and animal production and sales tax refunds for machinery and equipment used in commercial agriculture. The department is directed to determine if appropriate products are included and to recommend changes to the Bureau of Revenue Services by September 15, 2009.

Chapter 25 directs the Bureau of Revenue Services to review the department's recommendations and to draft changes to the rules and bulletins based on those recommendations. The bureau must provide a response to the department's recommended changes that identifies any necessary statutory revisions and estimates the impact of the changes on revenues. The bureau shall submit its response and the draft rules to the Joint Standing Committee on Taxation and the Joint Standing Committee on Agriculture, Conservation and Forestry by January 15, 2010. Each committee is authorized to submit legislation to the Second Regular Session of the 124th Legislature relating to the report.

Resolve 2009, chapter 25 was enacted as an emergency measure effective May 4, 2009.

LD 75 Resolve, Directing the Department of Agriculture, Food and Rural Resources To Streamline Agricultural Regulation

ONTP

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

Joint Standing Committee on Agriculture, Conservation and Forestry

This resolve is submitted by the Joint Standing Committee on Agriculture, Conservation and Forestry under authority granted in Public Law 2007, chapter 660, An Act to Promote the Agricultural Economy. The resolve directs the Department of Agriculture, Food and Rural Resources to review regulatory processes affecting agricultural businesses and examine the feasibility of developing a one-stop, streamlined regulatory process and publicly accessible website portal. It directs the department to develop a regulatory flow chart and post it on its publicly accessible website by September 15, 2009. The resolve also directs the department to review and draft changes to the rules related to the licensing of certain types of food production and processing and the rules governing meat and poultry inspection and licensing. It requires the department to identify steps for streamlining the State's meat and poultry inspection and licensing process and to enhance coordination with the United States Department of Agriculture's inspection program as well as leverage federal resources, including resources to increase the availability of hazard analysis and critical control points training. The resolve requires the department to present a report to the Joint Standing Committee on Agriculture, Conservation and Forestry by January 15, 2010 that includes findings and recommendations including any draft legislation and proposed rule changes needed to implement the recommendations. The resolve gives the Joint Standing Committee on Agriculture, Conservation and Forestry authority to submit a bill to the Second Regular Session of the 124th Legislature related to the report.

LD 134 An Act To Amend the Occupancy Limits for Campsites in the Unorganized Territories

**PUBLIC 16
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
THERIAULT JACKSON	OTP	

This bill amends the law that limits occupancy in a campsite under the jurisdiction of the Maine Land Use Regulation Commission to change the occupancy limit from 90 consecutive days to 120 days in a calendar year.

Enacted Law Summary

Public Law 2009, chapter 16 extends the limit for occupancy of campsites located within the jurisdiction of the Maine Land Use Regulation Commission from 90 consecutive days to 120 days in a calendar year.

Public Law 2009, chapter 16 was enacted as an emergency measure effective March 31, 2009.

LD 170 An Act To Ensure the Integrity of Harness Horse Racing Track Conditions

**LEAVE TO
WITHDRAW**

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

This bill authorizes the State Harness Racing Commission to allow a fine against a commercial racetrack licensee of up to \$10,000 per horse for any race that is cancelled because the racetrack conditions are not properly maintained.