

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

Resolve 2009, chapter 36 directs the Commissioner of Agriculture, Food and Rural Resources to convene a working group to assist the commissioner in developing recommendations to promote good equine husbandry in the State. The commissioner is required to report findings and recommendations to the Joint Standing Committee on Agriculture, Conservation and Forestry no later than January 15, 2010 and the committee is authorized to submit legislation to the Second Session of the 124th Legislature.

LD 474 An Act To Clarify Land Planning in the Unorganized and Deorganized Townships ONTP

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

This bill amends the process by which the Maine Land Use Regulation Commission adopts a comprehensive land use plan for the unorganized and deorganized townships of the State. It requires the commission to submit a tentative plan to the Legislature for approval prior to the commission's final vote on the plan.

LD 494 Resolve, Regarding Legislative Review of Portions of Chapter 22: Standards for Outdoor Application of Pesticides by Powered Equipment in Order To Minimize Off-target Deposition, a Major Substantive Rule of the Department of Agriculture, Food and Rural Resources, Board of Pesticides Control RESOLVE 114 EMERGENCY

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
	OTP-AM A OTP B OTP-AM C	H-508

This resolve provides for legislative review of portions of Chapter 22: Standards for Outdoor Application of Pesticides by Powered Equipment in Order to Minimize Off-target Deposition, a major substantive rule of the Department of Agriculture, Food and Rural Resources, Board of Pesticides Control.

Committee Amendment "A" (H-508)

This amendment is the majority report of the Joint Standing Committee on Agriculture, Conservation and Forestry. It authorizes final adoption of Chapter 22 of the Board of Pesticides Control's rules, but only if specific revisions are made.

Enacted Law Summary

Resolve 2009, chapter 114 authorizes final adoption of the Board of Pesticides Rules Chapter 22 provided the following revisions are made.

1. The provision that a detectable pesticide residue in a sensitive area likely to be occupied is considered prima facie evidence that pesticides were not applied in a manner to minimize pesticide drift is removed and replaced with a provision that pesticides residues in a sensitive area likely to be occupied that are 1% or greater of the intended residue in the target area is prima facie evidence that the applicator did not apply the pesticides in a manner to minimize pesticide drift to the maximum extent practicable.
2. The language regarding prima facie evidence is rewritten to clarify that detection of residue is not prima

Joint Standing Committee on Agriculture, Conservation and Forestry

facie evidence of a violation but rather evidence that the application was not conducted in a manner to minimize drift to the maximum extent practicable. The board must review the site specific application checklist completed by the applicator and other relevant information to determine if a violation has occurred.

3. Specific distances for buffer zones must be removed from the rule, allowing site specific buffer zones to be used.

4. A revision is made in the section of the rule that establishes documentation of human illness as a standard of harm. The rule must be revised to state that for this standard to be met the board must receive verification from 2 physicians that an individual has experienced a negative health effect from exposure to an applied pesticide and that the effect is consistent with epidemiological documentation of human sensitivity to the applied pesticide.

The Board of Pesticides Control is not required to hold hearings or conduct other formal proceedings prior to finally adopting the rule in accordance with this resolve.

Resolve 2009, chapter 114 was finally passed as an emergency measure effective June 9, 2009.

**LD 495 Resolve, Regarding Legislative Review of Portions of Chapter 10:
Definitions and Terms, a Major Substantive Rule of the Department of
Agriculture, Food and Rural Resources, Board of Pesticides Control**

**RESOLVE 41
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
	OTP-AM MAJ OTP-AM MIN	H-151

This resolve provides for legislative review of portions of Chapter 10: Definitions and Terms, a major substantive rule of the Department of Agriculture, Food and Rural Resources, Board of Pesticides Control.

Committee Amendment "A" (H-151)

This amendment is the majority report of the Joint Standing Committee on Agriculture, Conservation and Forestry. It authorizes final adoption of portions of Chapter 10: Definitions and Terms as long as the definition of "sensitive area likely to be occupied" is amended.

Committee Amendment "B" (H-152)

This amendment is the minority report of the Joint Standing Committee on Agriculture, Conservation and Forestry. It denies authorization for final adoption of the provisionally adopted revisions to portions of Chapter 10: Definitions and Terms, a major substantive rule of the Department of Agriculture, Food and Rural Resources, Board of Pesticides Control.

Enacted Law Summary

Public Law 2009, chapter 41 authorizes final adoption of portions of Chapter 10: Definitions and Terms as long as the definition of "sensitive area likely to be occupied" is amended to remove explicit expansion of the definition to include areas other than the 4 areas delineated in the provisionally adopted definition, and to clarify that structures other than buildings that are likely to be occupied by humans are also included in the definition.

Resolve 2009, chapter 41 was enacted as emergency legislation effective May 14, 2009.