

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
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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

Chapter 356 allows the Department of Conservation, Bureau of Parks and Lands to acquire land by eminent domain only after legislative review. It directs the Executive Department, State Planning Office and the Department of Agriculture, Food and Rural Resources to provide municipal and regional planning committees with examples of provisions included in ordinances to protect farmland.

LD 1158 Resolve, Authorizing Certain Land Transactions by the Department of Conservation, Bureau of Parks and Lands

RESOLVE 64

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
PIEH NUTTING J	OTP-AM	H-194

This resolve authorizes the Department of Conservation, Bureau of Parks and Lands to sell or transfer interest in certain designated lands. Under Article IX, Section 23 of the Maine Constitution, the transfer or change in use of lands held by the State for conservation or recreational purposes, the designated lands, requires a 2/3rds vote of the Legislature.

Committee Amendment "A" (H-194)

This amendment requires that 2 of the transfers authorized in the resolve be conveyed for appraised fair market value. These are the transfers authorized in the resolve to convey access rights either by fee or by easement over land in the Town of Brownville in Piscataquis County and to convey minority interests in common undivided interests in land in T12 R17 WELS in Aroostook County. Appraisals are not required for the other transactions authorized in the resolve.

Enacted Law Summary

Resolve 2009, chapter 64 allows the Department of Conservation, Bureau of Parks and Lands to sell or swap a portion of the Shell Heaps Lots in the Town of Damariscotta, with the concurrence of the Maine Historic Preservation Commission, in order to advance a plan for recreational trail development on adjacent parcels. The resolve allows the Bureau of Parks and Lands to sell an access easement crossing the Bangor and Aroostook Trail in the Town of Van Buren. It allows the Bureau of Parks and Lands to sell an easement or sell a fee portion to an abutter of a parcel of land owned by the Bureau of Parks and Lands in the Town of Brownville near the Katahdin Iron Works Multi-use Trail. It allows the Bureau of Parks and Lands to sell its minority common undivided interests in land in T12 R17 in Aroostook County. The resolve also provides for the resolution of a boundary dispute in Chesuncook Village in Piscataquis County by allowing the Bureau of Parks and Lands to transfer a fraction of an acre each to Piscataquis County and to an abutter.

LD 1159 An Act Relating to Industrial Hemp

PUBLIC 320

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
WELSH	OTP-AM MAJ ONTP MIN	H-356

This bill allows a person to grow industrial hemp if that person holds a license issued by the Commissioner of Agriculture, Food and Rural Resources and the hemp is grown under a federal permit in compliance with the conditions of that permit. Except for employees of the Maine Agricultural Experiment Station and the University of Maine System involved in research and related activities, a criminal history record check must be completed on an

Joint Standing Committee on Agriculture, Conservation and Forestry

applicant for licensure. A person with a prior criminal conviction is not eligible for licensure. Industrial hemp is subject to being tested during its growth, and the growing and harvesting of industrial hemp is subject to supervision.

Committee Amendment "A" (H-356)

This amendment is the majority report of the Joint Standing Committee on Agriculture, Conservation and Forestry. It enacts a definition of "industrial hemp." In addition to the legal description of the land, as required by the bill, this amendment also requires a map, an aerial photograph or global positioning coordinates sufficient for locating the land area to be used for industrial hemp. It clarifies elements of rules necessary to implement the licensing of industrial hemp growers. It directs the Commissioner of Agriculture, Food and Rural Resources to establish application fees and per acre monitoring fees that are reasonable and necessary to cover the cost of implementing the licensing and monitoring of industrial hemp production.

This amendment specifies that the commissioner may not issue a license to grow industrial hemp unless the definition of "marihuana" in the federal Controlled Substances Act is amended to exclude industrial hemp or the United States Department of Justice, Drug Enforcement Agency acts positively on a permit application for the growing of industrial hemp. LD 1159, as amended, was reviewed and evaluated by the Joint Standing Committee on Judiciary pursuant to Maine Revised Statutes, Title 1, section 434, which requires review and evaluation of new exceptions to laws governing public records.

Enacted Law Summary

Public Law 2009, chapter 320 enacts a definition of "industrial hemp" and allows a person to grow industrial hemp if that person holds a license issued by the Commissioner of Agriculture, Food and Rural Resources and the hemp is grown under a federal permit in compliance with the conditions of that permit. A person with a prior criminal conviction is not eligible for licensure. Industrial hemp is subject to being tested during its growth, and the growing and harvesting of industrial hemp is subject to supervision.

It directs the Commissioner of Agriculture, Food and Rural Resources to establish application fees and per acre monitoring fees that are reasonable and necessary to cover the cost of implementing the licensing and monitoring of industrial hemp production. The commissioner may not issue a license to grow industrial hemp unless the definition of "marihuana" in the federal Controlled Substances Act is amended to exclude industrial hemp or the United States Department of Justice, Drug Enforcement Agency acts positively on a permit application for the growing of industrial hemp.

LD 1182 An Act To Prevent Price Gouging in the Sale of Milk

Carried Over

Sponsor(s)

MILLS P

Committee Report

Amendments Adopted

This bill prohibits the sale of milk for an unconscionably excessive price. It authorizes the Maine Milk Commission to investigate to determine whether the price is unconscionably excessive whenever the retail price to consumers for milk exceeds twice what is paid to producers of the milk. If the commission finds probable cause to believe that the price is unconscionably excessive, it may after notice and hearing make findings and issue orders to prohibit such practices. The bill specifies certain circumstances that are evidence of an unconscionably excessive price. It authorizes the commission to assess a penalty of up to \$100 per day for each violation with the proceeds to be remitted to the Women, Infants and Children Special Supplemental Food Program to be used to purchase milk and milk products for clients of the program. This bill was carried over to any special or regular session of the 124th