

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

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

Joint Standing Committee on Agriculture, Conservation and Forestry

Legislature by joint order, H.P. 1053.

LD 1202 An Act Regarding the Use of Genetically Engineered Plants

**DIED BETWEEN
HOUSES**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
PRATT	OTP-AM A OTP-AM B OTP-AM C	H-430

This bill provides a process by which a manufacturer of a genetically engineered plant part, seed or plant may investigate a possible violation of a technology use agreement and establishes 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.

Committee Amendment "A" (H-430)

This committee amendment is the majority report and strikes everything in the bill except the provisions requiring the manufacturer of genetically engineered plants, plant parts or seeds to provide written instructions to a grower that includes the identity, relevant traits or characteristics of the genetically engineered plant and requirements for its safe handling, storage, transport and use. This amendment also directs the Commissioner of Agriculture, Food and Rural Resources to provisionally adopt major substantive rules requiring a person planning to grow a genetically engineered crop to select fields and cultivate the crop in a manner that maintains the integrity of all crops and minimizes potential conflicts between farmers and submit the rules to the Executive Director of the Legislative Council by no later than December 15, 2009 for review in accordance with the Maine Revised Statutes, Title 5, chapter 375, subchapter 2-A.

Committee Amendment "B" (H-431)

This amendment is a minority report of the committee and clarifies that the provisions regarding actions alleging a violation of a technology use agreement apply only to technology use agreements entered into after October 1, 2009. It removes a provision regarding the unknowing possession or use of genetically engineered plants that is similar to a provision in the Maine Revised Statutes, Title 7, section 1053. This amendment also directs the Commissioner of Agriculture, Food and Rural Resources to provisionally adopt major substantive rules requiring a person planning to grow a genetically engineered crop to select fields and cultivate the crop in a manner that maintains the integrity of all crops and minimizes potential conflicts between farmers and submit the rules to the Executive Director of the Legislative Council by no later than December 15, 2009 for review in accordance with Title 5, chapter 375, subchapter 2-A.

Committee Amendment "C" (H-432)

This amendment is a minority report of the committee. It removes the language that requires a manufacturer of genetically engineered plants to have a court order before enter property owned by a farmer under a technology use agreement to acquire samples of crops that are the subject of that agreement. It removes the requirement that a manufacturer pay costs incurred by the Department of Agriculture, Food and Rural Resources while investigating an alleged violation of a technology use agreement and clarifies that the provisions regarding actions alleging a violation of a technology use agreement apply only to technology use agreements entered into after October 1, 2009. It removes provisions pertaining to liability from cross contamination. The amendment also directs the Commissioner of Agriculture, Food and Rural Resources to provisionally adopt major substantive rules requiring a person planning to grow a genetically engineered crop to select fields and cultivate the crop in a manner that maintains the integrity of all crops and minimizes potential conflicts between farmers and submit the rules to the Executive Director of the Legislative Council by no later than December 15, 2009 for review in accordance with the