

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

Maine Revised Statutes, Title 5, chapter 375, subchapter 2-A.

LD 1238 An Act Concerning the National Animal Identification System

Carried Over

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

This bill requires the Commissioner of Agriculture, Food and Rural Resources to adopt rules to implement a national animal identification system if federal law makes the system mandatory including informing farmers of their right to opt out of the system if the system has an opt-out provision. If the national identification system is voluntary, this bill prohibits the commissioner from forcing participation in the system, withholding indemnity from a person who does not participate in the system or denying or revoking permits, licenses, services, grants or other benefits or incentives to a person who does not participate in the system. The bill prohibits a municipality or political subdivision from enacting or maintaining an ordinance requiring participation in an animal identification system except to conform to a state requirement and the commissioner from disseminating any confidential information to the national animal identification system unless to prevent or control a disease or to protect the public health, safety or welfare. This bill was carried over to any special or regular session of the 124th Legislature by joint order, H.P. 1053.

LD 1239 An Act To Establish a Revenue Source for the Maine Pesticide Education Fund

Carried Over

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

This bill establishes a 15¢ per container fee on the retail sale of pesticides. The proceeds of the fee are deposited in the Maine Pesticide Education Fund, which is used to fund the Integrated Pest Management Fund, the Board of Pesticides Control and the University of Maine Cooperative Extension for pest management education programs. This bill was carried over to any special or regular session of the 124th Legislature by joint order, H.P. 1053.

LD 1255 An Act To Amend Certain Laws Related to the Department of Agriculture, Food and Rural Resources

PUBLIC 393

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MCCABE NUTTING J	OTP-AM	H-440 H-454 PIEH H-551 PIEH

The bill makes several revisions to the statutes administered by the Department of Agriculture, Food and Rural Resources.

Joint Standing Committee on Agriculture, Conservation and Forestry

Committee Amendment "A" (H-440)

This amendment:

1. Modifies the Board of Agriculture to allow certain members to appoint designees to serve in their stead and adds a 20th member to represent the aquaculture industry;
2. Provides that annual beekeeper license fees are established as routine technical rules of the Department of Agriculture, Food and Rural Resources;
3. Clarifies the provision of the bill relating to confidentiality of certain information obtained from the Federal Government to make it clear that only information that is designated pursuant to federal rules as confidential or required to be protected from public disclosure is exempted from the State's public records law; and
4. Clarifies the language of the bill relating to the incorporation of certain federal rules applicable to meat and poultry inspection into rules of the Department of Agriculture, Food and Rural Resources.

House Amendment "A" To Committee Amendment "A" (H-454)

This amendment refines the language pertaining to the confidentiality of information obtained from the United States Department of Agriculture, Food Safety and Inspection Service and the United States Food and Drug Administration. LD 1255, 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.

House Amendment "A" (H-551)

House Amendment "A" requires a person registering commercial fertilizers to report the tonnage sold and pay a fee based on the amount sold. The fee is deposited in a dedicated account used for sampling, administration and enforcement of laws pertaining to the analysis of commercial fertilizers and agricultural liming materials.

Enacted Law Summary

Public Law 2009, chapter 393 directs the Department of Agriculture, Food and Rural Resources to set fees for the cost of licensing bee colonies through rulemaking eliminating the maximum and minimum fees set in statute. It enacts a provision making a grower who has failed to pay for seed purchased from the Seed Potato Board ineligible for listing in the annual Maine seed certification book. It repeals provisions pertaining to the chemical control of vertebrates. Federal standards for chemical control of vertebrates will continue to apply in Maine. Chapter 393 provides for staggered expiration dates for certain licenses issued by the department. It adopts portions of the Code of Federal Regulations pertaining to the State's meat and poultry inspection program. It requires the Commissioner of Agriculture, Food and Rural Resources to keep confidential certain information provided to the department by the United States Department of Agriculture, Food Safety and Inspection Service and the United States Food and Drug Administration.

Chapter 393 modifies membership on the Board of Agriculture, allowing certain members to appoint designees to serve in their stead and adds a 20th member to represent the aquaculture industry. It requires a person registering commercial fertilizers to report the tonnage sold and pay a fee based on the amount sold. The fee is deposited in a dedicated account used for sampling, administration and enforcement of laws pertaining to the analysis of commercial fertilizers and agricultural liming materials.