

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 1370 An Act To Reform the Land Use and Planning Authority within the Unorganized Territories of the State

INDEF PP

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
JOY SHERMAN	ONTP MAJ OTP-AM MIN	

This bill eliminates the Maine Land Use Regulation Commission, effective July 15, 2010, and directs the Maine Land Use Regulation Commission prior to its elimination to develop a plan to provide authority over land use planning in the unorganized territory to the counties in which the land is located. The Maine Land Use Regulation Commission is required to submit its proposal, together with implementing legislation necessary to effectuate the repeal of the Maine Land Use Regulation Commission and the transfer of its duties, to the Joint Standing Committee on Agriculture, Conservation and Forestry by December 2, 2009.

Committee Amendment "A" (H-494)

This amendment is the minority report of the Joint Standing Committee on Agriculture, Conservation and Forestry. It clarifies that each county containing land under Maine Land Use Regulation Commission jurisdiction is to establish its own process for revising the 1997 Comprehensive Land Use Plan. It limits to 2 years the restriction that assessments not exceed the assessments for commission operations. It requires each county to retain the 1997 Comprehensive Land Use Plan as the basis for planning for a minimum of 2 years. It removes the requirement that the Maine Land Use Regulation Commission include implementing legislation in its report to the Joint Standing Committee on Agriculture, Conservation and Forestry and removes the committee's authority to submit legislation to the Second Regular Session of the 124th Legislature.

LD 1406 An Act To Transfer the Seed Potato Board to the Maine Potato Board

PUBLIC 379

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MARTIN J L	OTP-AM	H-441

This bill transfers the ownership and operations of the Seed Potato Board from the Department of Agriculture, Food and Rural Resources to the Maine Potato Board. The bill requires the Department of Agriculture, Food and Rural Resources to provide funds to the Maine Potato Board in support of the Seed Potato Board for fiscal year 2009-10 in an amount not to exceed \$250,000 and for fiscal year 2010-11 in the amount of \$175,000. The bill strikes the provision of law that exempts the Seed Potato Board from the bidding, contract and review procedures contained in the Maine Revised Statutes, Title 5, chapter 153 for any public improvement project with a value of less than \$10,000.

Committee Amendment "A" (H-441)

This amendment restructures provisions within the Seed Potato Board statutes for clarity. It directs the Maine Potato Board to establish a seed potato account and cross-references that account in statutory provisions for the Seed Potato Board. The amendment also adds an appropriations and allocations section.

Enacted Law Summary

Public Law 2009, chapter 379 transfers the ownership and operations of the Seed Potato Board from the Department

Joint Standing Committee on Agriculture, Conservation and Forestry

of Agriculture, Food and Rural Resources to the Maine Potato Board. The bill requires the Department of Agriculture, Food and Rural Resources to provide funds to the Maine Potato Board in support of the Seed Potato Board for fiscal year 2009-10 and for fiscal year 2010-11.

**LD 1460 *Resolve, Regarding Legislative Review of Portions of Chapter 41: Special Restrictions on Pesticide Use, a Major Substantive Rule of the Department of Agriculture, Food and Rural Resources, Board of Pesticides Control* **RESOLVE 118
EMERGENCY****

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

This resolve provides for legislative review of portions of Chapter 41: Special Restrictions on Pesticide Use, a major substantive rule of the Department of Agriculture, Food and Rural Resources, Board of Pesticides Control.

Enacted Law Summary

Resolve 2009, chapter 118 authorizes final adoption of revisions to Chapter 41, rules adopted by the Board of Pesticides Control to establish special restrictions on the use of certain pesticides. The revisions are in response to requests to register Bt sweet corn for use in Maine.

Resolve 2009, chapter 118 was finally passed as an emergency measure effective June 6, 2009.

**LD 1488 *An Act To Provide Free Admission to State Parks to All Maine Veterans* **PUBLIC 440
EMERGENCY****

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
CORNELL DU HOUX BLISS	OTP-AM MAJ OTP-AM MIN	H-572 S-340 BLISS

This bill provides for the issuance of a free day use pass to state parks and historic sites to a veteran who is a resident of this State and who received an honorable discharge or general discharge under honorable conditions. It removes the requirement that a veteran must have served for a minimum of 3 continuous months outside the United States between October 1, 2001 and January 1, 2015 either on an operational mission for which members of the reserve were ordered to active duty or during a period of war declared by the United States Congress or a period of national emergency declared by the President of the United States or Congress. It also removes language that repeals on June 30, 2015 the sections of the law that provide day use passes to veterans.

Committee Amendment "A" (H-572)

This amendment is the majority report of the Joint Standing Committee on Agriculture, Conservation and Forestry. It specifies that free day use passes to state parks and historic sites issued to veterans provides free admission only to the veteran and that this benefit does not terminate. It directs the Department of Defense, Veterans and Emergency Management to begin issuing passes under the new criteria within 6 months after the effective date of the legislation. It requires the Commissioner of Defense, Veterans and Emergency Management to confer with the Commissioner of Conservation to determine if other identification held by veterans may be used to determine eligibility for free admission pending the issuance of the passes. This amendment authorizes the Joint Standing Committee on