

MAINE STATE LEGISLATURE

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STATE OF MAINE
124TH LEGISLATURE
SECOND REGULAR SESSION



Summaries of bills, adopted amendments and laws enacted or finally passed during the Second Regular Session of the 124th Maine Legislature coming from the

**JOINT STANDING COMMITTEE ON AGRICULTURE,
CONSERVATION AND FORESTRY**

April 2010

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STATE OF MAINE

124TH LEGISLATURE
SECOND 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 Second 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:

<i>CARRIED OVER</i>	<i>Carried over to a subsequent session of the Legislature</i>
<i>CON RES XXX</i>	<i>Chapter # of Constitutional Resolution passed by both Houses</i>
<i>CONF CMTE UNABLE TO AGREE</i>	<i>Committee of Conference unable to agree; bill died</i>
<i>DIED BETWEEN HOUSES</i>	<i>House & Senate disagree; bill died</i>
<i>DIED IN CONCURRENCE</i>	<i>One body accepts ONTP report; the other indefinitely postpones the bill</i>
<i>DIED ON ADJOURNMENT</i>	<i>Action incomplete when session ended; bill died</i>
<i>EMERGENCY</i>	<i>Enacted law takes effect sooner than 90 days</i>
<i>FAILED EMERGENCY ENACTMENT/FINAL PASSAGE</i>	<i>Emergency bill failed to get 2/3 vote</i>
<i>FAILED ENACTMENT/FINAL PASSAGE</i>	<i>Bill failed to get majority vote</i>
<i>FAILED MANDATE ENACTMENT</i>	<i>Bill imposing local mandate failed to get 2/3 vote</i>
<i>NOT PROPERLY BEFORE THE BODY</i>	<i>Ruled out of order by the presiding officers; bill died</i>
<i>INDEF PP</i>	<i>Bill Indefinitely Postponed; bill died</i>
<i>ONTP (or Accepted ONTP report)</i>	<i>Ought Not To Pass report accepted; bill died</i>
<i>P&S XXX</i>	<i>Chapter # of enacted Private & Special Law</i>
<i>PUBLIC XXX</i>	<i>Chapter # of enacted Public Law</i>
<i>RESOLVE XXX</i>	<i>Chapter # of finally passed Resolve</i>
<i>UNSIGNED</i>	<i>Bill held by Governor</i>
<i>VETO SUSTAINED</i>	<i>Legislature failed to override Governor's Veto</i>

The effective date for non-emergency legislation enacted in the Second Regular Session of the 124th Legislature is Monday, July 12, 2010. 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 1585

Resolve, To Enhance Protection of Maine Farms and Nurseries

**RESOLVE 159
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MCCABE NUTTING J	OTP-AM	H-620

This bill requires the Department of Agriculture, Food and Rural Resources to adopt rules to regulate the sale of annual plants by large-scale retailers and the producers that supply those retailers with plants on consignment.

Committee Amendment "A" (H-620)

The amendment replaces the bill with a resolve directing the Commissioner of Agriculture, Food and Rural Resources to adopt a rule requiring a person shipping tomato seedlings into the State to notify the State Horticulturist prior to shipment. It also requires the commissioner to examine license fees in other states, consider the benefits of a dedicated account to receive license fees and make recommendations to the Joint Standing Committee of the Legislature having jurisdiction over agriculture matters regarding licenses to sell nursery stock.

Enacted Law Summary

Resolve 2009, chapter 159 directs the Commissioner of Agriculture, Food and Rural Resources to adopt a rule requiring a person shipping tomato seedlings into the State to notify the State Horticulturist prior to shipment. It also requires the commissioner to examine license fees in other states, consider the benefits of a dedicated account to receive license fees and make recommendations to the Joint Standing Committee of the Legislature having jurisdiction over agriculture matters regarding licenses to sell nursery stock.

Resolve 2009, chapter 159 was finally passed as an emergency measure on March 9, 2010.

LD 1586 An Act To Amend the Definition of "Farmers' Market"

**PUBLIC 547
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
PIEH NUTTING J	OTP-AM	H-666

Current law requires that at least 75% of products offered for sale by each seller at a farmers' market must be grown or processed by that seller. This bill changes the definition of "farmers' market" to require that only 75% of the sellers at a farmers' market must meet this requirement.

Committee Amendment "A" (H-666)

This amendment clarifies that only vendors selling farm or food products at a farmers' market must meet the requirement that 75% of those products be grown or processed by the vendor or under the vendor's direction. It requires a vendor selling farm or food products grown or processed by another person to identify the farm and location on which the product originated. The amendment specifically includes fiber and fiber products in the definition of farm and food products. It exempts people selling baked goods at farmers' markets from certain rules in the State of Maine Food Code 2001, Chapter 331 of Department of Agriculture, Food and Rural Resources rules. It adds an emergency preamble and emergency clause to the bill.

Enacted Law Summary