

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

Public Law 2009, chapter 585 requires the Director of the Bureau of Forestry within the Department of Conservation to use existing rule-making authority to establish restrictions on the transportation of firewood into the State to protect the forest from introduction of the emerald ash borer and the Asian longhorned beetle. It requires the director to seek funding sufficient to implement restrictions on the transportation of firewood into the State. The Act contains a definition of "firewood." It also requires the director to use available resources to conduct surveillance to detect the presence of the emerald ash borer and the Asian longhorned beetle.

The Bureau of Forestry and the Bureau of Parks and Lands within the Department of Conservation are directed to work together on restricting firewood transported into state parks and other lands managed by the Bureau of Parks and Lands to protect the forests from the introduction of the emerald ash borer and the Asian longhorned beetle.

Public Law 2009, chapter 585 was enacted as emergency legislation effective April 1, 2010.

**LD 1684 An Act To Amend the Laws That Provide an Exemption for
Agricultural Guard Dogs from Municipal Ordinances Governing
Barking Dogs**

ONTP

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
STRANG BURGESS DAVIS G	ONTP	

This bill restricts the exemption from barking dog ordinances for agricultural working dogs to dogs engaged in agricultural guarding or herding activities on land that is classified as farmland under the State's current use taxation program for farmland and land that is not classified as farmland but meets other criteria relating to size, use and location.

LD 1698 An Act To Prevent the Spread of Eastern Equine Encephalitis

ONTP

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

This bill is a concept draft pursuant to Joint Rule 208. It proposes to establish a state-municipal partnership to improve suppression, prevention and reporting of eastern equine encephalitis.

**LD 1726 Resolve, Regarding Legislative Review of Portions of Chapter 28:
Notification Provisions for Outdoor Pesticide Applications, a Major
Substantive Rule of the Department of Agriculture, Food and Rural
Resources, Board of Pesticides Control**

**RESOLVE 173
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
	OTP-AM	H-683

Joint Standing Committee on Agriculture, Conservation and Forestry

This resolve provides for legislative review of portions of Chapter 28: Notification Provisions for Outdoor Pesticide Applications, a major substantive rule of the Department of Agriculture, Food and Rural Resources, Board of Pesticides Control.

Committee Amendment "A" (H-683)

This amendment denies authorization for final adoption of portions of Chapter 28: Notification Provisions for Outdoor Pesticide Applications, a provisionally adopted major substantive rule of the Department of Agriculture, Food and Rural Resources, Board of Pesticides Control.

Enacted Law Summary

Resolve 2009, chapter 173 denies authorization for final adoption of rules proposed by the Department of Agriculture, Food and Rural Resources, Board of Pesticides Control and pertaining to notification for outdoor pesticides applications.

Resolve 2009, chapter 173 was finally passed as an emergency measure effective March 25, 2010.

See the bill summary for LD 1547 for statutory changes to pesticides notification requirements.

LD 1744 Resolve, Regarding Legislative Review of Chapter 9: Rule Requiring Best Management Practices for Growing Crops To Minimize Cross Contamination, a Major Substantive Rule of the Department of Agriculture, Food and Rural Resources

**RESOLVE 174
EMERGENCY**

Sponsor(s)

Committee Report

Amendments Adopted

OTP-AM

H-668

This resolve provides for legislative review of Chapter 9: Rule Requiring Best Management Practices for Growing Crops to Minimize Cross Contamination, a major substantive rule of the Department of Agriculture, Food and Rural Resources.

Committee Amendment "A" (H-668)

This amendment authorizes final adoption of the rule only if certain minor changes are made to clarify that the list of potential protective measures in Chapter 9, section 4, subsection 2 is a list of measures to consider; only measures appropriate to the crop and site need be employed.

Enacted Law Summary

Resolve 2009, chapter 174 authorizes final adoption of a major substantive rule of the Department of Agriculture, Food and Rural Resources. The Chapter 9 rule requires use of best management practices for growing crops to minimize cross contamination.

Resolve 2009, chapter 174 was finally passed as an emergency measure effective March 16, 2010.