

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:

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 HOUSES..... 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 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 1753 An Act To Adjust the Milk Handling Fee

**PUBLIC 468
EMERGENCY**

Sponsor(s)

Committee Report

Amendments Adopted

This bill adjusts the milk handling fee, establishing a minimum fee of 4¢ per gallon and a maximum fee of 84¢ per gallon.

Enacted Law Summary

Public Law 2009, chapter 468 adjusts the rate schedule for the milk handling fee, establishing a minimum fee of 4¢ per gallon and a maximum fee of 84¢ per gallon.

Public Law 2009, chapter 468 was enacted as an emergency measure effective February 12, 2010.

LD 1758 An Act To Implement the Recommendations of the Task Force on the Sustainability of the Dairy Industry in Maine

**PUBLIC 467
EMERGENCY**

Sponsor(s)

Committee Report

Amendments Adopted

LD 1758 is the report of the Joint Standing Committee on Agriculture, Conservation and Forestry authorized by Public Law 2009, chapter 213, Part TTT, section 9. This bill makes statutory changes to the Maine dairy stabilization program and gives directives in unallocated law for further study and rulemaking by the Maine Milk Commission. It repeals provisions for the Maine Milk Income Loss Contract.

It raises the cap on transfers from the dairy stabilization program in fiscal years 2009-10 and 2010-11. It requires the Maine Milk Commission to report to the joint standing committee of the Legislature having jurisdiction over agriculture matters by January 15, 2011 and authorizes the committee to submit legislation to the 125th Legislature.

Enacted Law Summary

Public Law 2009, chapter 467 directs the Maine Milk Commission to develop a method of comprehensive data collection to improve the reliability of future cost of production studies and to report on the method to the joint standing committee of the Legislature having jurisdiction over agriculture matters by January 15, 2011. The report must include a timeline for implementing the new data collection method and revising the tiers of production and target prices.

It requires the Maine Milk Commission to establish 4 tiers of production within the dairy stabilization program rather than 3 and establishes 4 tiers of production and target prices to be in effect until the next cost-of-production study is complete and revised production levels and target prices are adopted through rulemaking. It repeals provisions for a Maine Milk Income Loss Contract.

PL 2009, chapter 467 raises the cap on transfers from the dairy stabilization program in fiscal years 2009-10 and 2010-11 from \$13,349,000 to \$17,361,291 and authorizes the administrator of the Maine Milk Pool to make monthly adjustments in payments as needed in fiscal year 2010-11. It establishes methods for calculating payments and

Joint Standing Committee on Agriculture, Conservation and Forestry

specifies that reductions in payments for milk produced in June, July and August of 2010 are to reflect a 1:2 ratio between adjacent tiers.

Chapter 467 authorizes the joint standing committee of the Legislature having jurisdiction over agriculture matters to submit legislation to revise the tiers and target prices used to calculate dairy stabilization payments to the 125th Legislature.

Public Law 2009, chapter 467 was enacted as an emergency measure effective February 12, 2010.

See the bill summary for LD 1829 for subsequent revisions pertaining to the distribution of payments.

LD 1765 Resolve, Regarding Legislative Review of Chapter 348: Poultry Slaughter and Processing with Grower/Producer Exemption, a Major Substantive Rule of the Department of Agriculture, Food and Rural Resources

**RESOLVE 185
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
	OTP-AM MAJ OTP-AM MIN	H-728

This resolve provides for legislative review of Chapter 348: Poultry Slaughter and Processing with Grower/Producer Exemption, a major substantive rule of the Department of Agriculture, Food and Rural Resources.

Committee Amendment "A" (H-728)

This amendment is the majority report of the Joint Standing Committee on Agriculture, Conservation and Forestry. It requires the Commissioner of Agriculture, Food and Rural Resources to include requirements for the humane handling and slaughter of poultry in Chapter 348: Poultry Slaughter and Processing with Grower/Producer Exemption prior to final adoption and authorizes the commissioner to finally adopt the rule without additional hearings or proceedings.

Enacted Law Summary

Resolve 2009, chapter 185 authorizes final adoption of Chapter 348: Poultry Slaughter and Processing with Grower/Producer Exemption provided requirements for the humane handling and slaughter of poultry are included in the rule.

Resolve 2009, chapter 185 was finally passed as an emergency measure effective March 31, 2010.

LD 1788 Resolve, Directing the Commissioner of Agriculture, Food and Rural Resources To Examine the Collection of the Milk Handling Fee on Packaged Milk for Out-of-state Sales

RESOLVE 183

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
FLEMINGS NASS R	OTP-AM	H-737 S-458 NUTTING J