

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

This bill provides a credit to a milk handler for any fee paid under Title 36, chapter 721 on packaged milk that is sold or shipped out of state by a person other than the handler that paid the fee. The credit applies as long as that milk is not later imported for sale into this State.

Committee Amendment "A" (H-737)

This amendment changes the bill to a resolve. It directs the Commissioner of Agriculture, Food and Rural Resources to convene a stakeholder group to examine the collection of the milk handling fee and possible impacts of the fee on the sale of milk produced in Maine and destined for out-of-state retail markets. It requires the commissioner to report to the Joint Standing Committee on Agriculture, Conservation and Forestry no later than October 29, 2010 and directs the committee to discuss and develop recommendations during an authorized interim meeting of the committee. It authorizes the joint standing committee of the Legislature having jurisdiction over agricultural matters to submit a bill to the First Regular Session of the 125th Legislature pertaining to the collection of the milk handling fee and barriers to increasing sales of Maine-produced milk in other states.

Senate Amendment "A" To Committee Amendment "A" (S-458)

This amendment removes authority for the joint standing committee of the Legislature having jurisdiction over agricultural matters to submit a bill to the First Regular Session of the 125th Legislature.

Enacted Law Summary

Resolve 2009, chapter 183 directs the Commissioner of Agriculture, Food and Rural Resources to convene a stakeholder group to examine the collection of the milk handling fee and possible impacts of the fee on the sale of milk produced in Maine and destined for out-of-state retail markets. It requires the commissioner to report to the Joint Standing Committee on Agriculture, Conservation and Forestry no later than October 29, 2010.

LD 1803

Resolve, Authorizing Certain Land Transactions by the Department of Conservation, Bureau of Parks and Lands and the Department of Inland Fisheries and Wildlife and Directing the Initiation of Negotiations Regarding Easements on Certain Land

RESOLVE 209

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
PIEH	OTP-AM	H-723 H-824 FLAHERTY S-509 RAYE

This resolve authorizes land transactions and conveyance of easements on designated lands held by the Bureau of Parks and Lands within the Department of Conservation and by the Department of Inland Fisheries and Wildlife.

Committee Amendment "A" (H-723)

This amendment terminates authorization for conveying power line easements in the Town of Sullivan and the Town of Franklin on April 1, 2013.

Senate Amendment "B" (S-509)

This amendment authorizes the Director of the Bureau of Parks and Lands within the Department of Conservation to convey by quitclaim deed without covenant, for negotiated value, a parcel of land on the edge of a public boating facility to the municipal government of the Town of Lubec.

Joint Standing Committee on Agriculture, Conservation and Forestry

House Amendment "A" (H-824)

This amendment directs the Commissioner of Inland Fisheries and Wildlife to initiate negotiations with interested parties, including but not limited to abutting property owners, regarding granting easements on land adjacent to the Eastern Trail near the intersection of Blackpoint Road in Scarborough, Cumberland County, with such terms and conditions as the commissioner may direct.

Enacted Law Summary

Resolve 2009, chapter 209 allows the Director of the Bureau of Parks and Lands within the Department of Conservation to:

1. Convey to the municipal government of Monhegan Plantation any interests in Monhegan Plantation that may have reverted to the bureau;
2. Convey the right to cross the St. John Heritage Valley Trail in the Town of St. Francis to an abutter.
3. Convey a transmission line easement to Bangor Hydro Electric Company near Donnell Pond and Tunk Lake in the Town of Sullivan and the Town of Franklin in Hancock County providing the easement is conveyed prior to April 1, 2013;
4. Together with the Land for Maine's Future Board, to allow the Frenchman Bay Conservancy to convey a transmission line easement to Bangor Hydro Electric Company across Schoodic Bog in the Town of Sullivan in Hancock County providing the easement is conveyed prior to April 1, 2013;
5. Sell a lot with a garage in Big Lake Township in Washington County; and
6. Convey a parcel of land to the Town of Lubec.

Chapter 209 also authorizes the Commissioner of Inland Fisheries and Wildlife to convey a parcel of land in the Town of Kennebunk in York County to Central Maine Power Company and directs the Commissioner of Inland Fisheries and Wildlife to initiate negotiations to grant easements on land adjacent to the Eastern Trail near the intersection of Black Point Road in Scarborough.

LD 1806 An Act To Implement the Recommendations of the Joint Standing Committee on Agriculture, Conservation and Forestry Regarding Review of the Department of Agriculture, Food and Rural Resources under the State Government Evaluation Act

PUBLIC 552

Sponsor(s)

Committee Report

Amendments Adopted

H-686 HAYES

This bill is the report of the Joint Standing Committee on Agriculture, Conservation and Forestry authorized under the Government Evaluation Act. It changes the names of the divisions within the department to reflect the restructuring that began with the elimination of a director's position for the Division of Marketing and Production in Public Law 2009, chapter 462, An Act to Implement the Recommendations of the Initiative to Streamline State Government and to Make Other Necessary Changes to Law.

It amends Resolve 2009, c 63 to remove the requirement that the Commissioner of Agriculture, Food, and Rural Resources establish best management practices for poultry production in rule. It also updates the proposed schedule