

# MAINE STATE LEGISLATURE

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**STATE OF MAINE**  
124<sup>TH</sup> LEGISLATURE  
SECOND REGULAR SESSION



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

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

April 2010

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# STATE OF MAINE

124<sup>TH</sup> 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 124<sup>th</sup> 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 &amp; 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&amp;S XXX</i> .....	<i>Chapter # of enacted Private &amp; 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 124<sup>th</sup> 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

for agency reviews under the Government Evaluation Act.

## House Amendment "A" (H-686)

This amendment, presented on behalf of the Committee on Bills in the Second Reading, corrects dates for agency reviews under the Government Evaluation Act.

### Enacted Law Summary

Public Law 2009, chapter 552 revises the names of the divisions within the department to reflect the restructuring of the Department of Agriculture, Food, and Rural Resources from 4 divisions to 3: the Division of Quality Assurance and Regulation, the Division of Agriculture Resources Development and the Division of Animal and Plant Health.. It removes the requirement that the commissioner establish best management practices for poultry production in rule. It also updates the proposed schedule for agency reviews under the Government Evaluation Act. The Department of Agriculture, Food, and Rural Resources and the Baxter State Park Authority are scheduled for review again in 2017.

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 for agency reviews under the Government Evaluation Act.

**LD 1809**

## **An Act To Facilitate Communication between the Department of Administrative and Financial Services, Bureau of Revenue Services and the Department of Conservation, Bureau of Forestry**

**PUBLIC 568  
EMERGENCY**

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

This bill requires the Department of Conservation, Bureau of Forestry, to make information contained in certain landowner reports available to the State Tax Assessor for use in administering the commercial forestry excise tax and other taxes in the Maine Revised Statutes, Title 36. It authorizes employees of the Department of Administrative and Financial Services, Bureau of Revenue Services to disclose information pertaining to the assessment and collection of the commercial forestry excise tax to the Department of Conservation to facilitate administration of the commercial forestry excise tax.

### Enacted Law Summary

Public Law 2009, chapter 568 requires the Department of Conservation, Bureau of Forestry to make information in the harvest and silvicultural practices reports submitted by owners of forest land available to the State Tax Assessor for use in administering tax laws in the Maine Revised Statutes, Title 36. Prior to enactment of chapter 568, the bureau was required to make this information available to the Bureau of Revenue Services for use in administering the Tree Growth Tax Law. It also authorizes employees of the Department of Administrative and Financial Services, Bureau of Revenue Services to disclose information pertaining to the assessment and collection of the commercial forestry excise tax to the Department of Conservation to facilitate administration of the commercial forestry excise tax.

Public Law 2009, chapter 568 extends the requirement that the Department of Conservation, Bureau of Forestry make information in forest harvest reports and silvicultural practices reports available to the State Tax Assessor for use in administering the Tree Growth Tax Law, making that information available for administering the commercial forestry excise tax and other taxes laws in the Maine Revised Statutes, Title 36. It also authorizes employees of the Department of Administrative and Financial Services, Bureau of Revenue Services to disclose information pertaining to the assessment and collection of the commercial forestry excise tax to the Department of Conservation

# Joint Standing Committee on Agriculture, Conservation and Forestry

to facilitate administration of the commercial forestry excise tax.

Public Law 2009, chapter 568 was enacted as an emergency effective March 29, 2010.

## LD 1821 An Act Pertaining to Sales Tax Exemptions for Products Purchased for Agricultural Use

PUBLIC 632

Sponsor(s)

Committee Report

Amendments Adopted

This bill is the report of the Joint Standing Committee on Agriculture, Conservation and Forestry submitted pursuant to Resolve 2009, chapter 25, section 3. It clarifies that antiseptics and cleaning agents used in commercial animal agricultural production are exempt from sales tax. It requires the State Tax Assessor to post certain information on the website maintained by the Bureau of Revenue Services.

### Enacted Law Summary

Public Law 2009, chapter 632 clarifies that antiseptics and cleaning agents used in commercial animal agricultural production are exempt from sales tax. It requires the State Tax Assessor to post on the Bureau of Revenue Services' publicly accessible website a list of products used in agricultural production for which a determination on tax exempt status has been made. The State Tax Assessor is required to post information regarding the process by which a person can request a refund for or appeal a decision by the assessor regarding sales tax paid on products used in commercial agricultural and silvicultural production or in animal agriculture and refunds of sales taxes paid on depreciable machinery and equipment or electricity for use in commercial agricultural production, commercial fishing or commercial aquacultural production.

## LD 1829 An Act To Support the Dairy Industry

PUBLIC 594

Sponsor(s)

Committee Report

Amendments Adopted

PIEH  
BRYANT B

This bill directs the administrator of the Maine Milk Pool to reduce payments under the dairy stabilization program only if projections indicate that total distributions from the dairy stabilization program will exceed \$17,361,291 prior to March 1, 2011. Prior legislation enacted as Public Law 2009, chapter 467 authorized payment reductions if projections indicated the cap would be reached before June 30, 2011. It clarifies that the mechanism established in chapter 467 for calculating payments on milk produced in June 2010, July 2010 and August 2010 is only used if projections indicate that the cap will be reached prior to March 1, 2011. (See bill summary for LD 1758)

### Enacted Law Summary

Public Law 2009, chapter 594 directs the administrator of the Maine Milk Pool to reduce payments under the dairy stabilization program if projections indicate that total distributions from the dairy stabilization program will exceed \$17,361,291 prior to March 1, 2011. It clarifies that the mechanism provided in Public Law 2009, chapter 467 for calculating payments on milk produced in June 2010, July 2010 and August 2010 is only used if projections indicate that the cap will be reached prior to March 1, 2011.