

MAINE STATE LEGISLATURE

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STATE OF MAINE
125TH LEGISLATURE
FIRST REGULAR SESSION



Summaries of bills, adopted amendments and laws enacted or finally passed

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

July 2011

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JILL IPPOLITI, LEGISLATIVE ANALYST
OFFICE OF POLICY AND LEGAL ANALYSIS
13 STATE HOUSE STATION
AUGUSTA, ME 04333
(207) 287-1670

STATE OF MAINE
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LEGISLATIVE DIGEST OF BILL SUMMARIES AND
ENACTED LAWS

This *Legislative Digest of Bill Summaries and Enacted Laws* summarizes all LDs and adopted amendments and all laws enacted or finally passed during the First Regular Session of the 125th Maine Legislature.

The *Digest* is arranged alphabetically by committee and within each committee by Legislative Document (LD) number. The committee report(s), prime sponsor and lead co-sponsor(s), if designated, are listed below each LD 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 LD is noted to the right of the LD title. The following describes the various final actions.

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; legislation died
DIED BETWEEN HOUSES..... House & Senate disagreed; legislation died
DIED IN CONCURRENCE..... defeated in each house, but on different motions; legislation died
DIED ON ADJOURNMENT..... action incomplete when session ended; legislation died
EMERGENCY..... enacted law takes effect sooner than 90 days after session adjournment
FAILED, EMERGENCY ENACTMENT or FINAL PASSAGE emergency failed to receive required 2/3 vote
FAILED, ENACTMENT or FINAL PASSAGE..... failed to receive final majority vote
FAILED, MANDATE ENACTMENT legislation proposing local mandate failed required 2/3 vote
HELD BY GOVERNOR..... Governor has not signed; final disposition to be determined at subsequent session
LEAVE TO WITHDRAW..... sponsor's request to withdraw legislation granted
NOT PROPERLY BEFORE THE BODY ruled out of order by the presiding officer; legislation died
INDEF PP..... indefinitely postponed; legislation died
ONTP, ACCEPTED, MAJORITY, MINORITY or REPORT X... ought-not-to-pass report accepted; legislation died
P&S XXX..... chapter # of enacted private & special law
PUBLIC XXX..... chapter # of enacted public Law
RESOLVE XXX..... chapter # of finally passed resolve
VETO SUSTAINED..... Legislature failed to override Governor's veto

The effective date for non-emergency legislation enacted in the First Regular Session of the 125th Legislature is September 28, 2011. The effective date for legislation enacted as an emergency measure may be found in the enacted law summary for that legislation.

Joint Standing Committee on Agriculture, Conservation and Forestry

the original bill. It removes the requirement from the statutes that the 2 public members of the Board of Pesticides Control have a demonstrated interest in environmental protection. The amendment also removes the requirement from the statutes that the scientist from the University of Maine System serving on the board specialize in either agronomy or entomology. The amendment also adds an application clause stating that these changes do not require the termination of current members of the board.

Enacted Law Summary

Public Law 2011, chapter 119 removes the requirement from the statutes that the 2 public members of the Board of Pesticides Control have a demonstrated interest in environmental protection. It also removes the requirement from the statutes that the scientist from the University of Maine System serving on the board specialize in either agronomy or entomology.

LD 330 An Act To Exempt Farm Food Products and Homemade Food Offered for Sale or for Consumption at Certain Events from Certain Licensing Requirements ONTP

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

LD 330 facilitates direct sales between Maine farmers and consumers. It allows people preparing food in their own homes to sell directly to consumers or to offer homemade food at certain events without being licensed as food establishments.

LD 362 Resolve, Directing the Department of Conservation To Acquire an Easement To Provide Access to the Dead River Carried Over

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

LD 362 directs the Department of Conservation, Bureau of Parks and Lands to acquire a public right-of-way approximately 16 miles in length along the Lower Enchanted Road, from Route 201 in West Forks Plantation westward to and including an area commonly used for vehicle parking, trip staging and watercraft access to the Dead River near its confluence with Spencer Stream.

This bill was carried over to any special and/or regular session of the 125th Legislature by joint order, H.P. 1190.

LD 363 An Act To Facilitate Local Food Production INDEF PP

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
TILTON SHERMAN	OTP-AM MAJ ONTP MIN	

Joint Standing Committee on Agriculture, Conservation and Forestry

LD 363 exempts fruit and vegetable growers who process and bottle beverages for sale in this State from the laws requiring collection of a deposit on beverage containers. It also directs the Department of Agriculture, Food and Rural Resources to review all state laws and rules pertaining to the production and processing of food and beverages in this State for sale in this State and to develop recommendations to exempt small-scale agricultural producers and food processors from certain laws and rules and reduce the regulatory burdens on those producers and processors. The department is directed to submit legislation to implement its recommendations to the Second Regular Session of the 125th Legislature.

Committee Amendment "A" (H-346)

This amendment is the majority report of the Joint Standing Committee on Agriculture, Conservation and Forestry. It exempts apple cider and juice drinks containing 25% or more by volume of juice from wild blueberries from the provisions of the beverage container law in Title 32, chapter 28. It also narrows the scope of the directive to the Department of Agriculture, Food and Rural Resources to review laws and rules for their impact on small-scale food producers and small-scale food processors only. It extends the time period allowed for the department to complete its review. The majority report was not adopted.

**LD 366 An Act Regarding the Sale of Raw Milk MAJ (ONTP)
REPORT**

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

LD 366 proposes clarifying in statute that a license is not required of any person who produces and sells milk only on the premises of the producer and seller. It defines "premises" to include a motor vehicle and portable farm stand owned by a producer if sales on these premises are made by that producer or an employee of that producer.

Committee Amendment "A" (H-194)

This amendment is the minority report of the Joint Standing Committee on Agriculture, Conservation and Forestry. It establishes criteria for exempting a milk producer from licensing requirements under the Maine Revised Statutes, Title 7, chapter 601. It restricts sales to direct sales to end use consumers on the dairy farm premises and requires the milk container to state that the farm is not inspected or licensed. It also requires a warning to be displayed on the premises when an unlicensed producer is selling unpasteurized milk. It clarifies the existing exemption from licensing under Title 7, chapter 603.

The minority amendment was not adopted.

**LD 382 Resolve, Authorizing Adjustments to Payments under the Dairy ONTP
Stabilization Program**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MARTIN J SAVIELLO	ONTP	

LD 382 authorizes the administrator of the Maine Milk Pool to adjust payments under the dairy stabilization program in fiscal year 2011-12 when projections indicate that payments will exceed \$9,835,826. This figure is the