

MAINE STATE LEGISLATURE

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STATE OF MAINE
125TH LEGISLATURE
SECOND REGULAR SESSION



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

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

June 2012

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STATE OF MAINE

125TH LEGISLATURE
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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 Second 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.

<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; legislation died</i>
<i>DIED BETWEEN HOUSES</i>	<i>House & Senate disagreed; legislation died</i>
<i>DIED IN CONCURRENCE</i>	<i>defeated in each house, but on different motions; legislation died</i>
<i>DIED ON ADJOURNMENT</i>	<i>action incomplete when session ended; legislation died</i>
<i>EMERGENCY</i>	<i>enacted law takes effect sooner than 90 days after session adjournment</i>
<i>FAILED, EMERGENCY ENACTMENT or FINAL PASSAGE</i>	<i>emergency failed to receive required 2/3 vote</i>
<i>FAILED, ENACTMENT or FINAL PASSAGE</i>	<i>failed to receive final majority vote</i>
<i>FAILED, MANDATE ENACTMENT</i>	<i>legislation proposing local mandate failed required 2/3 vote</i>
<i>HELD BY GOVERNOR</i>	<i>Governor has not signed; final disposition to be determined at subsequent session</i>
<i>LEAVE TO WITHDRAW</i>	<i>sponsor's request to withdraw legislation granted</i>
<i>NOT PROPERLY BEFORE THE BODY</i>	<i>ruled out of order by the presiding officer; legislation died</i>
<i>INDEF PP</i>	<i>indefinitely postponed; legislation died</i>
<i>ONTP, ACCEPTED, MAJORITY, MINORITY or REPORT X</i> ...	<i>ought-not-to-pass report accepted; legislation 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>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 125th Legislature is Thursday, August 30, 2012. 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

Future Program from the Executive Department, State Planning Office to the Department of Conservation, instead of to the Department of Agriculture, Food and Rural Resources, as proposed in the bill. See the bill summary for LD 1903 under the Joint Standing Committee on Appropriations and Financial Affairs. Part II of LD 1903, which became Public Law 2011, chapter 655, includes provisions similar to those proposed by LD 1120.

LD 1602 An Act To Remove the \$100 Reporting Fee for Fertilizer and Agricultural Liming Materials Sold

PUBLIC 607

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
LIBBY SHERMAN	OTP-AM	H-854

This bill removes the \$100 fee for each brand and grade of fertilizer and each brand of agricultural liming material sold during a 12-month period.

Committee Amendment "A" (H-854)

This amendment directs the Department of Agriculture, Food and Rural Resources to review the types and quantities of fertilizers and liming products for which registration is required in the State and to review regulation of residuals for agronomic use. The department is directed to review certain definitions and terms. The department is directed to report to the legislative committee of jurisdiction with its findings and recommendations and to submit legislation necessary to implement those recommendations. This amendment also adds an appropriations and allocations section to the bill establishing an ongoing Consumer Protection Inspector position funded from the dedicated account receiving tonnage fees for fertilizers and liming materials sold in the State.

Enacted Law Summary

Public Law 2011, chapter 607 removes the \$100 fee for each brand and grade of fertilizer and each brand of agricultural liming material sold during a 12-month period while retaining the \$1 per ton fee. It directs the Department of Agriculture, Food and Rural Resources to review the types and quantities of fertilizers and liming products for which registration is required and to review regulation of residuals for agronomic use. The department is directed to review certain definitions and terms. The department is directed to report to the legislative committee of jurisdiction with its findings and recommendations and to submit legislation necessary to implement those recommendations. It also adds an appropriations and allocations section to the bill establishing an ongoing Consumer Protection Inspector position funded from the dedicated account receiving tonnage fees for fertilizers and liming materials sold in the State.

LD 1649 An Act To Authorize the Registration of Farmland

**PUBLIC 608
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
SAVIELLO	OTP-AM	S-500

This bill allows a landowner to register farmland in 2012 and 2013 under the Maine Revised Statutes, Title 7, chapter 2-B. Under current law, the time period for registering farmland was limited to between June 1st and June 15th in 1990 and 1991. The purpose of farmland registration is to ensure a farmer's ability to engage in agricultural practices without adversely affecting neighboring landowners.

Committee Amendment "A" (S-500)

Joint Standing Committee on Agriculture, Conservation and Forestry

This amendment allows a landowner to register farmland on an ongoing basis beginning on July 1, 2012. The bill restricted the registration to a 2-year period. The amendment revises eligibility requirements for farmland registered on or after July 1, 2012, and clarifies the landowner's responsibility for filing the registration. It requires a landowner to submit a copy of the registration to the Department of Agriculture, Food and Rural Resources and removes the requirement for a municipality to maintain a registry. To renew the registration of farmland registered in 1990 or 1991, a landowner must submit documentation of the original registration. All landowners with registered farmland must renew registration every 5 years. It changes the income-producing requirement for registering farmland from at least \$300 per acre for at least 3 of the previous 6 calendar years to at least \$2,000 from the sales value of farm products in one of the 2, or 3 of the 5, preceding calendar years.

Enacted Law Summary

Public Law 2011, chapter 608 allows a landowner to register farmland on an ongoing basis beginning on July 1, 2012. The purpose of farmland registration is to ensure a farmer's ability to engage in agricultural practices without adversely affecting neighboring landowners. An owner of abutting land may not develop or use land within 50 feet of farmland registered on or after July 1, 2012 for a well, drinking water spring or water supply intake. To retain the registration of farmland registered in 1990 or 1991, a landowner must submit documentation of the original registration. When such documentation is provided, the registration is renewed with the protections provided under the original registration. An owner of land abutting farmland registered in 1990 or 1991 is restricted in the use of land within 100 feet of the registered farmland.

All landowners with registered farmland must renew registration every 5 years. Farmland registered on or after July 1, 2012 is not required to be enrolled under the Farm and Open Space Tax law.

Public Law 2011, chapter 608 was enacted as an emergency measure with an effective date of July 1, 2012.

LD 1689 **Resolve, To Revise Requirements of the Maine Land Use Regulation Commission Pertaining to Maple Sugarhouses**

RESOLVE 123

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
BLACK	OTP-AM	H-716

This resolve directs the Maine Land Use Regulation Commission to amend its rules to exempt maple sugarhouses from the 1,000-foot setback requirement.

Committee Amendment "A" (H-716)

This amendment replaces the resolve. It directs the Maine Land Use Regulation Commission to revise its rules establishing setbacks for leased lots in subdivisions created to establish maple sugar processing operations. The rules must establish setbacks equal to the setbacks for maple sugar processing operations that are not in a maple sugar processing subdivision. It directs the commission to revise its rules to allow pairings of abutting lots in a maple sugar processing subdivision while requiring a 1,000-foot separation between paired lots and single lots. It also requires the deed restrictions on leased lots in a maple sugar processing subdivision to be recorded at the registry of deeds when the subdivision is created.

Enacted Law Summary

Resolve 2011, chapter 123 directs the Maine Land Use Regulation Commission to eliminate the 1,000-foot setbacks required in rule for leased lots in subdivisions created to establish maple sugar processing operations, making the setbacks from roads, great ponds, flowing waters and other development equal to the setbacks for maple sugar processing operations that are not in a maple sugar processing subdivision. It directs the commission to revise its