

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
SECOND REGULAR SESSION



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

Resolve 2011, chapter 151 does not authorize final adoption of the target prices for the dairy stabilization program that were provisionally adopted in Chapter 26: Producer Margins, a provisionally adopted major substantive rule of the Maine Milk Commission. Resolve 2011, chapter 151. The Joint Standing Committee on Agriculture, Conservation and Forestry reported out a bill to establish revised target prices for the dairy stabilization program. See the bill summary for LD 1905.

Resolve 2011, chapter 151 was finally passed as an emergency measure effective April 9, 2012.

LD 1830

An Act To Establish the Department of Agriculture, Conservation and Forestry

**DIED ON
ADJOURNMENT**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
TIMBERLAKE THIBODEAU	OTP-AM A ONTP B OTP-AM C	H-876 H-910 TIMBERLAKE

This bill establishes the Department of Agriculture, Conservation and Forestry.

1. It directs the Department of Agriculture, Conservation and Forestry to assume the duties and responsibilities of the current Department of Agriculture, Food and Rural Resources and the current Department of Conservation.
2. It does not repeal any provisions of the Maine Revised Statutes, Title 7, which sets forth the laws and policies implemented by the current Department of Agriculture, Food and Rural Resources, or of Title 12, which sets forth the laws and policies implemented by the current Department of Conservation.
3. It eliminates one commissioner position.

Committee Amendment "A" (H-876)

This amendment is the majority report of the Joint Standing Committee on Agriculture, Conservation and Forestry. It expands oversight by the joint standing committee of the Legislature having jurisdiction over agriculture, conservation and forestry matters during the transition from two departments to one. It also amends the membership of the Land for Maine's Future Board and the Interagency Task Force on Invasive Aquatic Plants and Nuisance Species to reflect the consolidation of the Department of Agriculture, Food and Rural Resources and the Department of Conservation into one department with one commissioner.

House Amendment "C" To Committee Amendment "A" (H-910)

This amendment retains those provisions of the bill that establish the consolidated department but makes the following changes.

1. It establishes the consolidated Department of Agriculture, Conservation and Forestry in the Maine Revised Statutes, Title 7-A, rather than in Title 12-A as proposed in the bill.
2. It enacts a provision expressing the intent of the Legislature that a bill to consolidate relevant portions of the Maine Revised Statutes, Title 7 and Title 12 in the new Title be enacted into law by the 126th Legislature.
3. It provides that if a bill that consolidates the relevant portions of the Maine Revised Statutes, Title 7 and Title 12 in the new Title is not enacted into law by the date on which the 127th Legislature convenes, the statute that establishes the consolidated department is repealed.

Joint Standing Committee on Agriculture, Conservation and Forestry

The provisions in this bill, as amended by Committee Amendment "A" and House Amendment "C," are incorporated into Public Law 2011, chapter 657, Parts V,W, X and Y. See the bill summary for LD 1746 under the Joint Standing Committee on Appropriations and Financial Affairs.

LD 1869 An Act To Establish the Dairy Improvement Fund

**PUBLIC 625
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
PLOWMAN	OTP-AM	S-512

This bill creates the Dairy Improvement Fund within the Department of Agriculture, Food and Rural Resources to fund programs and activities to improve the economic viability of the dairy industry. The bill provides that revenue from slot machines operated by a casino operator that is distributed to the department for dairy stabilization under current law would instead be transferred to the improvement fund.

Committee Amendment "A" (S-512)

This amendment clarifies the process for the distribution of 1% of the net slot machine revenues under the Maine Revised Statutes, Title 8, section 1036, subsection 2-A, paragraph K credited to support payments under the dairy stabilization program. Effective July 1, 2013, the 1% credited for dairy stabilization payments will be reduced to 1/2 of 1%, with the other 1/2 of 1% being credited to the Dairy Improvement Fund established in the bill. It provides for the Dairy Improvement Fund to be deposited with and maintained by the Finance Authority of Maine. The fund provides loans to dairy farmers for capital improvements.

Enacted Law Summary

Public Law 2011, chapter 625 provides a process for the distribution of 1% of the net slot machine revenues under the Maine Revised Statutes, Title 8, section 1036, subsection 2-A, paragraph K credited to support payments under the dairy stabilization program. Effective July 1, 2013, the 1% credited for dairy stabilization payments will be reduced to 1/2 of 1%, with the other 1/2 of 1% being credited to the Dairy Improvement Fund established in the bill. It provides for the Dairy Improvement Fund to be deposited with and maintained by the Finance Authority of Maine. The fund provides loans to dairy farmers for capital improvements.

Public Law 2011, chapter 625 was enacted as emergency measure effective April 12, 2012.

LD 1892 An Act To Implement the Recommendations of the Joint Standing Committee on Agriculture, Conservation and Forestry under the State Government Evaluation Act

PUBLIC 579

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

This bill is the report of the Joint Standing Committee on Agriculture, Conservation and Forestry pursuant to the Maine Revised Statutes, Title 3, section 955, subsection 4. It establishes dates for the next review of agencies under the State Government Evaluation Act. It removes the Wild Blueberry Advisory Committee and the Seed Potato Board from the list of agencies to be reviewed. It ensures continuing staggered terms for members of the Wild