

# MAINE STATE LEGISLATURE

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**STATE OF MAINE**  
126<sup>TH</sup> LEGISLATURE  
FIRST REGULAR SESSION



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

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

July 2013

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# STATE OF MAINE

126<sup>TH</sup> LEGISLATURE

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## LEGISLATIVE DIGEST OF BILL SUMMARIES AND ENACTED LAWS

This *Legislative Digest of Bill Summaries and Enacted Laws* contains summaries of all LDs and adopted amendments and all laws enacted or finally passed during the First Regular Session of the 126<sup>th</sup> 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 126<sup>th</sup> Legislature is October 9, 2013. 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*

**Senate Amendment "A" To Committee Amendment "A" (S-330)**

This amendment removes the appropriations and allocations section.

**Enacted Law Summary**

Public Law 2013, chapter 403 changes the governing authority of the Potato Marketing Improvement Fund from the Department of Agriculture, Conservation and Forestry to the Maine Potato Board. It establishes the Potato Marketing Improvement Fund Committee in statute and changes the membership of the committee. Public Law 2013, chapter 403 authorizes the Finance Authority of Maine, at the discretion of the Commissioner of Agriculture, Conservation and Forestry, to make payments to the board from the fund to carry out the purposes of the fund. It also requires the authority to provide written annual reports to the commissioner and the joint standing committee of the Legislature having jurisdiction over agriculture, conservation and forestry matters regarding the payments.

**LD 33**

**Resolve, Regarding Pesticide Applications and Public Notification in Schools**

**RESOLVE 63  
EMERGENCY**

Sponsor(s)

Committee Report

Amendments Adopted

OTP-AM

H-308

This resolve provides for legislative review of portions of Chapter 27: Standards for Pesticide Applications and Public Notification in Schools, a major substantive rule of the Department of Agriculture, Conservation and Forestry, Board of Pesticides Control.

**Committee Amendment "A" (H-308)**

This amendment changes the title of the resolve. The amendment provides for legislative review of portions of Chapter 27: Standards for Pesticide Applications and Public Notification in Schools, a major substantive rule of the Department of Agriculture, Conservation and Forestry, Board of Pesticides Control.

The amendments to Chapter 27 prescribe standards intended to ensure that pests are managed in a manner that minimizes risks to students and staff, relying on widely accepted science of integrated pest management. The amendments to the rules require school staff and contractors to choose the lowest-risk strategies for managing pests.

The proposed rules also strengthen the role of the Integrated Pest Management coordinator in each school, establish training requirements for the coordinator, and reduce the burden of record-keeping while making records easier to access.

The amendment also adds a section to the resolve that requires that, by March 15, 2014, the Commissioner of Education and the director of the Board of Pesticides Control report to the Joint Standing Committee on Education and Cultural Affairs and the Joint Standing Committee on Agriculture, Conservation and Forestry on developing standards and guidelines for landscaping design for school grounds that will minimize or eliminate the need to use pesticides on school grounds for any newly constructed school facilities.

**Enacted Law Summary**

Resolve 2013, chapter 63 adopts amendments to portions of Chapter 27: Standards for Pesticide Applications and Public Notification in Schools, a major substantive rule. Resolve 2013, chapter 63 adopts amendments to Chapter 27 that prescribe standards intended to ensure that pests are managed in a manner that minimizes risks to students and staff. The amendments to the rules require school staff and contractors to choose the lowest-risk strategies for managing pests. The amended rules also strengthen the role of the Integrated Pest Management coordinator in each school, establish training requirements for the coordinator, and reduce the burden of record keeping while making records easier to access.

*Joint Standing Committee on Agriculture, Conservation and Forestry*

Resolve 2013, chapter 63 also requires that, by March 15, 2014, the Commissioner of Education and the Director of the Board of Pesticides Control report to the Joint Standing Committee on Education and Cultural Affairs and the Joint Standing Committee on Agriculture, Conservation and Forestry on developing standards and guidelines for landscaping design for school grounds that will minimize or eliminate the need to use pesticides on school grounds for any newly constructed school facilities.

Resolve 2013, chapter 63 was enacted as an emergency measure effective June 22, 2013.

**LD 59      An Act Relating to the Unlawful Cutting of Trees**

**PUBLIC 412**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
LANGLEY THOMAS	OTP-AM	S-175

This bill provides that a person who violates state law regarding the unlawful cutting of trees more than once must obtain bonding to the satisfaction of the Commissioner of Agriculture, Conservation and Forestry and seek approval from the Department of Agriculture, Conservation and Forestry before commencing any further tree harvesting. This bill creates a new Class D crime of knowingly engaging in the unlawful cutting of trees.

**Committee Amendment "A" (S-175)**

This amendment replaces the bill, which establishes criminal penalties for the unlawful cutting of trees in the Maine Revised Statutes, Title 17, section 2510. The amendment requires the Division of Forestry to establish a process that applies to a person that has committed 2 violations of unlawful cutting of trees. The process must include requiring written approval from the division prior to harvesting, requiring bonding in an amount not less than \$500,000 before harvesting and the division issuing a stop-work order if the requirements of prior approval and bonding are not met at the time harvesting is occurring. The Department of Agriculture, Conservation and Forestry is required to adopt major substantive rules to carry out the provisions of this legislation.

The amendment also adds an appropriations and allocations section.

**Enacted Law Summary**

Public Law 2013, chapter 412 requires the Division of Forestry to establish a process that applies to a person that has committed 2 violations of unlawful cutting of trees. The process must include requiring written approval from the division prior to harvesting, requiring bonding in an amount not less than \$500,000 before harvesting and the division issuing a stop-work order if the requirements of prior approval and bonding are not met at the time harvesting is occurring. Public Law 2013, chapter 412, requires the Department of Agriculture, Conservation and Forestry to adopt major substantive rules to carry out the provisions of this law.

**LD 218      An Act To Promote Small-scale Poultry Farming**

**PUBLIC 323**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
KUMIEGA	OTP-AM	H-476 H-497 KUMIEGA

This bill proposes to create 2 categories of poultry producers that are exempt from inspection under the Maine Revised Statutes, Title 22, section 2512. The first category is for poultry producers that slaughter and process under 1,000 birds annually on the farm where the poultry are raised and that meet other sales and licensing requirements. The bill proposes to exempt these producers from the rules established by the Department of Agriculture,