

MAINE STATE LEGISLATURE

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STATE OF MAINE
126TH 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

126TH 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 126th 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 126th 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

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,

Joint Standing Committee on Agriculture, Conservation and Forestry

Conservation and Forestry governing facilities and sanitary processes used by small poultry producers and establishes certain labeling requirements. The 2nd category is for poultry producers that slaughter and process more than 999 and fewer than 2,000 birds annually on the farm where the poultry are raised and that meet similar sales and licensing requirements. Under this bill, these producers would not be exempt from the rules governing facilities and sanitary processes used by small poultry producers.

Committee Amendment "A" (H-476)

This amendment strikes and replaces the bill. It creates a registration category for poultry producers that are exempt from inspection under the Maine Revised Statutes, Title 22, section 2512. The registration category is an alternative to licensing under Title 22, section 2514 and is available to custom slaughterers, custom processors and producers that process fewer than 1,000 birds annually. The amendment also allows a poultry producer that processes fewer than 20,000 birds annually to slaughter that producer's own poultry without an inspector being present during slaughtering as long as the producer meets certain criteria related to licensing, state food processing rules, sanitary standards, sales and labeling. The amendment also creates a small enterprise exemption that allows a business to slaughter, dress and cut up poultry without an inspector being present during processing if that business meets certain criteria related to licensing, state food processing rules, sanitary standards, sales and labeling.

House Amendment "A" To Committee Amendment "A" (H-497)

This amendment expresses the intent of the Legislature that the current meat and poultry inspection program be maintained while allowing for maximum flexibility.

Enacted Law Summary

Public Law 2013, chapter 323 creates a registration category for poultry producers who are exempt from inspection under the Maine Revised Statutes, Title 22, section 2512. The registration category is an alternative to licensing under Title 22, section 2514 and is available to custom slaughterers, custom processors and producers that process fewer than 1,000 birds annually. Public Law 2013, chapter 323 also allows a poultry producer that processes fewer than 20,000 birds annually to slaughter that producer's own poultry without an inspector being present during slaughtering as long as the producer meets certain criteria related to licensing, state food processing rules, sanitary standards, sales and labeling. It also creates a small enterprise exemption that allows a business to slaughter, dress and cut up poultry without an inspector being present during processing if that business meets certain criteria related to licensing, state food processing rules, sanitary standards, sales and labeling. Public Law 2013, chapter 323 expresses the intent of the Legislature that the current meat and poultry inspection program be maintained while allowing for maximum flexibility.

LD 259 An Act To Allow a Person To Rent a Slaughterhouse for the Slaughtering and Processing of Poultry

PUBLIC 252

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
TIMBERLAKE MASON G	OTP-AM	H-407

This bill allows a licensed slaughterhouse to contract with certain poultry producers for the rental of the slaughterhouse for the purposes of slaughtering poultry. The bill requires the renting producer's poultry to be slaughtered by the owner or operator of the slaughterhouse. It prohibits the poultry slaughtered and processed under the rental contract from being sold or transported for interstate commerce. The bill also requires certain information to be printed on labels of the poultry products produced for the renting producer. It also authorizes the Commissioner of Agriculture, Conservation and Forestry to adopt rules governing fees charged by licensed slaughterhouses for the rental of their facilities.

Committee Amendment "A" (H-407)

This amendment strikes and replaces the bill and changes the title. It establishes a registration process for certain