

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

FIRST REGULAR SESSION



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

**LD 421 An Act To Prohibit the Unauthorized Harvesting of Wild Mushrooms
and Fiddleheads**

**ACCEPTED
MAJORITY
(ONTP) REPORT**

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

The purpose of this bill is to protect woodland owners by requiring anyone harvesting wild mushrooms or fiddleheads commercially to have written permission or a bill of sale from the landowner before harvesting or transporting. The permission requirements and enforcement provisions of this bill are the same as currently exist in Maine law for commercial harvesting of Christmas trees and boughs for wreaths. The bill also authorizes the Department of Health and Human Services to decline to certify or revoke the certification under the Maine Wild Mushroom Harvesting Certification Program of any person found in violation of the prohibition.

Committee Amendment "A" (H-351)

This amendment is the minority report. It removes fiddleheads from the title of the bill. The amendment deletes from the bill prohibitions against commercially harvesting fiddleheads without written permission or a bill of sale from the landowner. The amendment also deletes from the bill the definition of "fiddlehead." The minority amendment was not adopted.

**LD 457 An Act To Eliminate Certain Data Collection Requirements of the
Forest Health and Monitoring Program of the Division of Forestry**

PUBLIC 37

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

This bill eliminates a requirement that the Department of Agriculture, Conservation and Forestry, Division of Forestry monitor the implementation of recommendations it makes regarding forest insects and diseases to individuals and municipalities as part of the forest health and monitoring program.

Enacted Law Summary

Public Law of 2013, chapter 37 eliminates a requirement that the Department of Agriculture, Conservation and Forestry, Division of Forestry monitor the implementation of recommendations it makes regarding forest insects and diseases to individuals and municipalities as part of the forest health and monitoring program.

LD 475 An Act To Increase Food Sovereignty in Local Communities

**ACCEPTED
MAJORITY
(ONTP) REPORT**

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

This bill is a concept draft pursuant to Joint Rule 208.

Joint Standing Committee on Agriculture, Conservation and Forestry

This bill proposes to enact measures designed to:

1. Preserve the ability of local communities to produce, process, sell, purchase and consume local foods;
2. Ensure the preservation of family farms; and
3. Enhance the economic, environmental and social wealth of local communities by supporting family farms and sustainable agricultural practices and promoting the unimpeded ability of individuals, families and other entities to process or prepare foods for home consumption.

Committee Amendment "A" (H-155)

This amendment is the minority report of the committee. It replaces the concept draft. The amendment establishes the Maine Food Sovereignty Act of 2013 to encourage food self-sufficiency. The amendment states that the purposes of the Act are to preserve the ability of local communities to produce, process, sell and purchase locally produced foods, to ensure the preservation of family farms, to reduce hunger and increase food security and to enhance the economic, environmental and social wealth of rural communities. The amendment authorizes local governments to regulate food systems by local ordinance. The minority report was not adopted.

LD 476 Resolve, Directing the Department of Agriculture, Conservation and Forestry To Develop a Policy To Reduce Food Waste in All State-funded Institutions ONTP

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

This resolve requires the Commissioner of Agriculture, Conservation and Forestry and the Commissioner of Environmental Protection to develop a comprehensive policy to reduce food waste in all state-funded buildings and institutions and to submit a report detailing the policy, together with any recommendations, to the Joint Standing Committee on Agriculture, Conservation and Forestry by December 4, 2013. The committee may submit legislation to the Second Regular Session of the 126th Legislature to implement recommendations contained in the report.

LD 484 An Act To Revise the Animal Welfare Laws PUBLIC 115

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
GIFFORD BOYLE	OTP-AM ONTP	H-107

This bill makes several changes to the animal welfare laws. The bill includes small animals under the laws relating to animal shelters and animal control officers and provides guidelines for the disposition of small animals. The bill permits applicants for licenses as animal shelters and boarding kennels to receive conditional licenses to be able to begin operations pending completion of the full licensing process. The bill provides standards to permit the humane trapping of animals by animal control officers and clarifies that humane trapping of domestic animals for population control or animal control is excluded from the crime of cruelty to animals. The bill provides that laws relating to abandoned dogs apply to all abandoned animals excluding animals that are part of a population control program. The bill also adds dog licensing agents as license issuers and resolves a conflict regarding the distribution of licensing fees.

Committee Amendment "A" (H-107)

This amendment is the majority report of the committee. The amendment changes the definition of "population