

# 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*

services.

**Committee Amendment "A" (S-50)**

This amendment is the unanimous report of the Joint Standing Committee on Agriculture, Conservation and Forestry. The amendment removes a requirement that the contracting party provide a per species price when notifying a contractor of the price to be paid under a service contract for harvesting or hauling wood. It also specifies that price notification must be in writing and that price notification may be communicated by mail or private courier or electronically.

**Enacted Law Summary**

Public Law 2013, chapter 154 proposes that contractors hired to harvest or haul wood be notified by the contracting party of the price per ton to be paid for the wood harvested or hauled under a service contract prior to the contractor's providing the services. It also specifies that price notification must be in writing and that price notification may be communicated by mail or private courier or electronically.

**LD 657      Resolve, Directing the Department of Agriculture, Conservation and Forestry To Review, Clarify and Update Its Rules Pertaining to the Maple Syrup Industry**

**RESOLVE 30**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
BLACK SHERMAN	OTP-AM	H-106

This resolve directs the Department of Agriculture, Conservation and Forestry to review, clarify and update its rules relating to the licensing of maple syrup processors.

**Committee Amendment "A" (H-106)**

This amendment requires the Commissioner of Agriculture, Conservation and Forestry to report on the results of the Department of Agriculture, Conservation and Forestry's review of rules relating to the licensing of maple syrup processors to the Joint Standing Committee on Agriculture, Conservation and Forestry by December 15, 2013.

**Enacted Law Summary**

Resolve 2013, chapter 30 directs the Department of Agriculture, Conservation and Forestry to review, clarify and update its rules relating to the licensing of maple syrup processors. It also requires the Commissioner of Agriculture, Conservation and Forestry to report on the results of the Department of Agriculture, Conservation and Forestry's review of rules relating to the licensing of maple syrup processors to the Joint Standing Committee on Agriculture, Conservation and Forestry by December 15, 2013.

**LD 658      An Act To Change the Grade Standards of the Maine Maple Syrup Industry**

**PUBLIC 117**

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

This bill replaces the existing maple syrup grading system for the State with a new grading system that has been proposed by the International Maple Syrup Institute. It proposes a uniform grade of maple syrup: Grade A for maple syrup sold at retail. The bill takes effect only upon adoption of the new grading system by the United States Department of Agriculture and the Canadian federal government and notice of those actions being provided by the Commissioner of Agriculture, Conservation and Forestry to the Secretary of State, the Secretary of the Senate, the

*Joint Standing Committee on Agriculture, Conservation and Forestry*

Clerk of the House of Representatives and the Revisor of Statutes.

**Enacted Law Summary**

Public Law 2013, chapter 117 replaces the existing maple syrup grading system for the State with a new grading system that has been proposed by the International Maple Syrup Institute. It proposes a uniform grade of maple syrup: Grade A for maple syrup sold at retail. Public Law 2013, chapter 117 takes effect only upon adoption of the new grading system by the United States Department of Agriculture and the Canadian federal government and notice of those actions being provided by the Commissioner of Agriculture, Conservation and Forestry to the Secretary of State, the Secretary of the Senate, the Clerk of the House of Representatives and the Revisor of Statutes.

**LD 707      An Act To Refund the Sales Tax Paid on Fuel Used in Commercial      CARRIED OVER**  
**Agricultural Production**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
CUSHING GIFFORD	OTP-AM	

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

This bill proposes to limit hauling costs of milk by a milk transportation company for a dairy farmer to the mileage between the dairy farm and the nearest milk plant still operating in the State, regardless of the final disposition of the milk.

**Committee Amendment "A" (S-168)**

This amendment requires the refund of sales tax on purchases of fuel for use in commercial agricultural production and permits the issuance of a certificate permitting the purchases of such fuel without paying sales tax if the purchaser obtains a certificate verifying eligibility from the State Tax Assessor. The amendment provides an application date of October 1, 2013.

This bill was committed to the Joint Standing Committee on Appropriations and Financial Affairs and carried over to any special or regular session of the 126th Legislature by joint order, H.P. 1145 as amended by H-B (H-580) and H-C (H-582).

**LD 714      An Act To Clarify the Laws Governing the Rule-making Authority of      PUBLIC 196**  
**the Maine Forest Service**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MCCABE	OTP-AM ONTP	H-171

This bill amends the rule-making authority of the Maine Forest Service when dealing with introduced forest insects or diseases. Under current law, the agency has the authority to destroy or order the destruction of trees infested with a plant pathogen or insect that is the subject of a quarantine. This bill provides that the agency may develop rules to destroy or order the destruction or other mitigation of nearby trees that are likely to become infested in order to control the spread of the outbreak.

**Committee Amendment "A" (H-171)**

This amendment is the majority report of the Joint Standing Committee on Agriculture, Conservation and Forestry.