

# 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*

Under current law, the Maine Forest Service 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. The amendment clarifies the provisions of the bill that provide that the Maine Forest Service may adopt 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. The amendment provides that the Maine Forest Service may exercise its authority under current law to establish a quarantine on the transportation of trees or parts of trees notwithstanding any other provision of law. The amendment also requires the Director of the Maine Forest Service to submit a report on the rules adopted to the Joint Standing Committee on Agriculture, Conservation and Forestry by December 15, 2013.

### **Enacted Law Summary**

Public Law 2013, chapter 196 amends the laws governing the rule-making authority of the Maine Forest Service. Under current law, the Maine Forest Service 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. Public Law 2013, chapter 196 clarifies the provisions of the bill that provide that the Maine Forest Service may adopt 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. It provides that the Maine Forest Service may exercise its authority under current law to establish a quarantine on the transportation of trees or parts of trees notwithstanding any other provision of law. Public Law 2013, chapter 196 also requires the Director of the Maine Forest Service to submit a report on the rules adopted to the Joint Standing Committee on Agriculture, Conservation and Forestry by December 15, 2013.

**LD 718**

### **An Act To Protect Maine Food Consumers' Right To Know about Genetically Engineered Food and Seed Stock**

**HELD BY  
GOVERNOR**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
HARVELL CAIN	OTP-AM OTP-AM OTP-AM	H-393 H-444 TIMBERLAKE

This bill requires disclosure of genetic engineering at the point of retail sale of food and seed stock and provides that food or seed stock for which the disclosure is not made is considered to be misbranded and subject to the sanctions for misbranding. The bill provides that food or seed stock may not be labeled as "natural" if it has been genetically engineered. The bill exempts products produced without knowledge that the products, or items used in their production, were genetically engineered; animal products derived from an animal that was not genetically engineered but was fed genetically engineered food; and products with only a minimum content produced by genetic engineering. The bill also provides that the disclosure requirements do not apply to restaurants, alcoholic beverages or medical food. The disclosure provisions are administered by the Department of Agriculture, Conservation and Forestry.

#### **Committee Amendment "A" (H-393)**

This amendment is the majority report. The amendment adds a purpose section to the proposed new chapter on genetically engineered products in the Maine Revised Statutes, Title 22. It also changes the conditions governing the effective date and the repeal date of the bill. The amendment establishes a process for the Commissioner of Agriculture, Conservation and Forestry to report to the Secretary of State, the Revisor of Statutes and the joint standing committee of the Legislature having jurisdiction over agriculture, conservation and forestry matters when 4 other northeastern states have adopted mandatory labeling legislation. The amendment provides that the section of the bill that enacts Title 22, chapter 565 takes effect 30 days after the date of the commissioner's certification. The amendment also removes all references to seed stock.

#### **Committee Amendment "C" (H-395)**

This amendment is one of 2 minority reports. It differs from the majority report by requiring substantially similar

***Joint Standing Committee on Agriculture, Conservation and Forestry***

legislation to have been enacted in 5 contiguous states including Maine before it takes effect. The amendment adds a purpose section to the new chapter on genetically engineered products. It also changes the conditions governing the contingent effective date and the contingent repeal date of the bill. The amendment establishes a process for the Commissioner of Agriculture, Conservation and Forestry to report to the Secretary of State, the Revisor of Statutes and the joint standing committee of the Legislature having jurisdiction over agriculture, conservation and forestry matters when 5 contiguous states including Maine have adopted substantially similar legislation. The amendment provides that the section of the bill that enacts Title 22, chapter 565 takes effect 30 days after the date of the commissioner's certification. The amendment also proposes to exempt from the labeling requirements of the bill food products derived from any highly refined ingredients, where the effect of the purification process is to remove DNA or novel protein.

**Committee Amendment "B" (H-394)**

This amendment, which is one of 2 minority reports, changes the bill into a resolve. It directs the Commissioner of Agriculture, Conservation and Forestry to petition the United States Secretary of Agriculture and the United States Commissioner of Food and Drugs to develop a nationwide system to more fully evaluate, monitor and provide for necessary labeling to reinforce consumer confidence in the safety of the nation's food system.

**House Amendment "B" To Committee Amendment "A" (H-444)**

This amendment defines "food" to mean food intended for human consumption and changes the contingent effective date to provide that the Act takes effect when legislation requiring mandatory labeling of genetically engineered food has been adopted by 5 contiguous states including Maine.

**LD 745 An Act To Promote Sustainable Food Policies**

**VETO  
SUSTAINED**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
ALFOND MCCABE	ONTP OTP-AM	S-136 S-298 JACKSON T

This bill includes ongoing General Fund appropriations of \$1,000,000 beginning in fiscal year 2013-14 to the Department of Agriculture, Conservation and Forestry for grants to municipalities to support sustainable food practices. It also includes ongoing General Fund appropriations of \$100,000 beginning in fiscal year 2013-14 to the department to establish and administer a pilot project to support sustainable food practices.

**Committee Amendment "A" (S-136)**

This amendment is the minority report. The amendment replaces the bill with a resolve. It proposes to establish an 11-member Commission on Statewide Food Sustainability to study issues related to food sustainability and food insecurity in the State. The amendment requires that by December 4, 2013, the commission report its findings and recommendations to the Joint Standing Committee on Agriculture, Conservation and Forestry.

**Senate Amendment "A" To Committee Amendment "A" (S-298)**

This amendment strikes the minority report and replaces it with language that:

1. Establishes the Maine Farm-to-Plate Commission to collaborate with and advise the Commissioner of Agriculture, Conservation and Forestry on critical issues of agricultural regulation, food safety and local and regional food-related issues;
2. Directs the commission to develop a strategic plan for agricultural economic development;
3. Directs the commission to use the information gathered in the course of developing and upgrading the strategic