

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

LD 836 An Act Regarding the Use of Mobile Poultry Processing Units

PUBLIC 304

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
DAUGHTRY JACKSON T	OTP	

This bill defines "mobile poultry processing unit" and adds mobile poultry processing unit operators to persons required to be licensed by the State to buy, sell, prepare, process, pack, store, transport or otherwise handle meat, meat food products or poultry products in the State. It also permits a poultry producer to sell product exempt from inspection to locally owned restaurants and grocery stores.

Enacted Law Summary

Public Law 2013, chapter 304 defines "mobile poultry processing unit" and adds mobile poultry processing unit operators to persons required to be licensed by the State to buy, sell, prepare, process, pack, store, transport or otherwise handle meat, meat food products or poultry products in the State. It also permits a poultry producer to sell product exempt from inspection to locally owned restaurants and grocery stores.

LD 837 An Act To Clarify the Laws Establishing the Department of Agriculture, Conservation and Forestry

PUBLIC 405

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
FREDETTE	OTP-AM ONTP	H-339 H-354 DILL

This bill:

1. Establishes the Potato Marketing Improvement Fund Committee to advise the Maine Potato Board on the development of programs and activities that improve the economic viability of the potato industry and, together with the board and subject to approval of the commissioner, to administer the Potato Marketing Improvement Fund;
2. Transfers responsibility for maintaining the Aroostook County office from the Department of Agriculture, Conservation and Forestry to the Maine Potato Board;
3. Expands the mission statement of the Department of Agriculture, Conservation and Forestry to more accurately reflect the mission of the department;
4. Amends the principles that guide the department in the performance of its duties;
5. Refines the scope of the 2 deputy commissioners' oversight and specifies the qualifications of the Commissioner of Agriculture, Conservation and Forestry;
6. Authorizes the Finance Authority of Maine to make payments from the Potato Marketing Improvement Fund directly to the Maine Potato Board; and
7. Clarifies the intent of the Legislature regarding the incorporation of statutory language and removes contingent repeal language.

Committee Amendment "A" (H-339)

This amendment is the majority report. It strikes and replaces the bill.

Joint Standing Committee on Agriculture, Conservation and Forestry

Part A:

1. Expands the mission statement of the Department of Agriculture, Conservation and Forestry to more accurately reflect the mission of the department;
2. Amends the principles that guide the department in the performance of its duties;
3. Eliminates one of 2 deputy commissioner positions and creates the position of natural resource marketing and economic development specialist within the office of the Commissioner of Agriculture, Conservation and Forestry;
4. Specifies the qualifications of the Commissioner of Agriculture, Conservation and Forestry;
5. Reorganizes the department's divisions and units into 4 bureaus;
6. Establishes the position of the director of the Land for Maine's Future program within the Department of Agriculture, Conservation and Forestry, Bureau of Resource Information and Land Use Planning;
7. Clarifies the intent of the Legislature regarding the incorporation of statutory language and removes contingent repeal language; and
8. Requires the commissioner to provide written reports to the Joint Standing Committee on Agriculture, Conservation and Forestry on both November 1, 2013 and February 1, 2014.

Part B:

1. Corrects a conflict created when Public Law 2011, chapter 682 amended and chapter 655 repealed the Maine Revised Statutes, Title 12, section 685-C, subsection 1, paragraph B by repealing paragraph B and enacting a new paragraph B-1 based on chapter 682;
2. Corrects a conflict created when Public Law 2011, chapter 655 amended and chapter 682 repealed Title 12, section 685-C, subsection 1, paragraph C by repealing that paragraph;
3. Changes references in Title 23, section 3360-A, subsection 5-I, paragraph A to the Maine Land Use Regulation Commission by referring to it as "the former commission" and adds references to the new Maine Land Use Planning Commission to implement the intent of Public Law 2011, chapter 682, section 38; and
4. Corrects a conflict created when Public Law 2011, chapter 653 amended and chapter 682 repealed Title 38, section 488, subsection 9 by repealing that subsection.

Part C makes the following changes:

1. Public Law 2011, chapter 657, Part V reorganizes the Department of Agriculture, Food and Rural Resources and the Department of Conservation into one department, the Department of Agriculture, Conservation and Forestry. Pursuant to Part W of that public law, the Bureau of Geology and Natural Areas within the former Department of Conservation is renamed the Division of Geology and Natural Areas. In Public Law 2011, chapter 655, Part KK, section 14, the bureau is renamed the Bureau of Geology, Natural Areas and Coastal Resources. This Part corrects that conflict by combining the action of both public laws and renaming the agency the Division of Geology, Natural Areas and Coastal Resources;
2. A reference to the Maine Land Use Regulation Commission is corrected to reflect the changed name of that agency pursuant to Public Law 2011, chapter 682; and

Joint Standing Committee on Agriculture, Conservation and Forestry

3. This Part also updates references to the former departments and makes corrections in punctuation and usage.

Part D makes the following changes:

1. Public Law 2011, chapter 657, Part V reorganizes the Department of Agriculture, Food and Rural Resources and the Department of Conservation into one department, the Department of Agriculture, Conservation and Forestry. This Part makes changes to reflect that reorganization in sections where various technical corrections were required, as follows:

A. Language is added to allow the law to apply to actions taken by both the former Department of Conservation and the new department;

B. Obsolete language and references to past dates are removed and technical changes are made;

C. Reference to one of the departments where both appear is eliminated and a technical change is made;

D. The word "former" is added to a reference to a past publication of the Department of Conservation;

E. Reference to one of the commissioners where both appear is eliminated and a technical change is made; and

F. The reorganization of a bureau within the Department of Conservation to a division within the new department is implemented and what had been the Off-road Recreational Vehicle Division within that bureau is designated as the Off-road Recreational Vehicle Office.

Part E adds an appropriations and allocations section.

House Amendment "A" To Committee Amendment "A" (H-354)

This amendment expresses the Legislature's intent that curtailments imposed upon the Department of Agriculture, Conservation and Forestry be imposed proportionally among the major units within the department having substantive jurisdiction over distinct policy areas.

Enacted Law Summary

Public Law 2013, chapter 405 amends the laws governing the merger of the Department of Agriculture, Food and Rural Resources with the Department of Conservation, which was initiated by the 125th Legislature with the merging of the offices of the commissioners of the two departments. Part A of Public Law 2013, chapter 405:

1. Expands the mission statement of the Department of Agriculture, Conservation and Forestry to more accurately reflect the current mission of the merged department;
2. Amends the principles that guide the department in the performance of its duties;
3. Eliminates one of 2 deputy commissioner positions and creates the position of natural resource marketing and economic development specialist within the office of the Commissioner of Agriculture, Conservation and Forestry;
4. Specifies the qualifications of the Commissioner of Agriculture, Conservation and Forestry;
5. Reorganizes the department's divisions and units into 4 bureaus;
6. Establishes the position of the director of the Land for Maine's Future program within the Department of Agriculture, Conservation and Forestry, Bureau of Resource Information and Land Use Planning;

Joint Standing Committee on Agriculture, Conservation and Forestry

7. Clarifies the intent of the Legislature regarding the incorporation of statutory language and removes contingent repeal language; and
8. Requires the commissioner to provide written reports to the Joint Standing Committee on Agriculture, Conservation and Forestry on both November 1, 2013 and February 1, 2014.

Part B of Public Law 2013, chapter 405:

1. Corrects a conflict created when Public Law 2011, chapter 682 amended and chapter 655 repealed the Maine Revised Statutes, Title 12, section 685-C, subsection 1, paragraph B by repealing paragraph B and enacting a new paragraph B-1 based on chapter 682;
2. Corrects a conflict created when Public Law 2011, chapter 655 amended and chapter 682 repealed Title 12, section 685-C, subsection 1, paragraph C by repealing that paragraph;
3. Changes references in Title 23, section 3360-A, subsection 5-I, paragraph A to the Maine Land Use Regulation Commission by referring to it as the former commission and adds references to the new Maine Land Use Planning Commission to implement the intent of Public Law 2011, chapter 682, section 38; and
4. Corrects a conflict created when Public Law 2011, chapter 653 amended and chapter 682 repealed Title 38, section 488, subsection 9 by repealing that subsection.

Part C of Public Law 2013, chapter 405 makes the following changes:

1. Public Law 2011, chapter 657, Part V reorganizes the Department of Agriculture, Food and Rural Resources and the Department of Conservation into one department, the Department of Agriculture, Conservation and Forestry. Pursuant to Part W of that public law, the Bureau of Geology and Natural Areas within the former Department of Conservation is renamed the Division of Geology and Natural Areas. In Public Law 2011, chapter 655, Part KK, section 14, the bureau is renamed the Bureau of Geology, Natural Areas and Coastal Resources. This Part corrects that conflict by combining the action of both public laws and renaming the agency the Division of Geology, Natural Areas and Coastal Resources;
2. Corrects a reference to the Maine Land Use Regulation Commission to reflect the changed name of that agency pursuant to Public Law 2011, chapter 682; and
3. Updates references to the former departments and makes corrections in punctuation and usage.

Part D of Public Law 2013, chapter 405 makes the following changes:

1. Public Law 2011, chapter 657, Part V reorganizes the Department of Agriculture, Food and Rural Resources and the Department of Conservation into one department, the Department of Agriculture, Conservation and Forestry. This Part makes changes to reflect that reorganization in sections where various technical corrections were required, as follows:
 - A. Language is added to allow the law to apply to actions taken by both the former Department of Conservation and the new department;
 - B. Obsolete language and references to past dates are removed and technical changes are made;
 - C. Eliminates reference to one of the departments where both appear and makes a technical change;
 - D. Adds the word "former" to a reference to a past publication of the Department of Conservation;

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E. Eliminates a reference to one of the commissioners where both appear and makes a technical change; and

F. Implements the reorganization of a bureau within the Department of Conservation to a division within the new department and designates what had been the Off-road Recreational Vehicle Division within that bureau as the Off-road Recreational Vehicle Office.

Part E of Public Law 2013, chapter 405 states that it is the intent of the Legislature that curtailment of allotments imposed on the Department of Agriculture, Conservation and Forestry be imposed proportionally among the major units within the department with jurisdiction over distinct policy areas.

LD 838 Resolve, To Establish a Working Group To Study Issues Relating to Liability of Apiary Owners and Operators

**ACCEPTED
MAJORITY
(ONTP) REPORT**

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

This resolve directs the Commissioner of Agriculture, Conservation and Forestry to establish a working group to review the liability issues relating to apiary owners and operators. The resolve directs the commissioner to submit a written report of findings and recommendations to the Joint Standing Committee on Agriculture, Conservation and Forestry no later than February 1, 2014. The resolve gives the Joint Standing Committee on Agriculture, Conservation and Forestry authority to submit a bill to the Second Regular Session of the 126th Legislature relating to the subject matter of the report.

LD 903 An Act To Enhance the Development and Implementation of Integrated Pest Management Programs

PUBLIC 290

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
CRAY JACKSON T	OTP-AM	H-291

This bill increases the annual registration fee for pesticides from \$150 to \$165 effective January 1, 2014. The bill requires that the additional funds raised from the increase in the registration fees for pesticides are to be deposited in an account of the University of Maine Cooperative Extension and may be used only for integrated pest management programs established and administered by the University of Maine Cooperative Extension with advice from the Integrated Pest Management Council. It also requires that 10% of the fee increase be used for competitive grants for integrated pest management projects by the faculty and staff at the University of Maine.

Committee Amendment "A" (H-291)

This amendment replaces the bill. The amendment increases the annual registration fee for pesticides from \$150 to \$160 effective January 1, 2014. The amendment requires that the Department of Agriculture, Conservation and Forestry, Board of Pesticides Control award an annual grant of not less than \$135,000 each April 1st to the University of Maine Cooperative Extension for development and implementation of integrated pest management programs. The amendment also requires that the Board of Pesticides Control monitor the funds to ensure adequate funding for this grant and other grants for integrated pest management programs upon advice from the Integrated Pest Management Council. The amendment also requires the board to report to the joint standing committee of the Legislature having jurisdiction over agriculture, conservation and forestry matters by February 15th of each year.