

# 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

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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*

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.

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

**Enacted Law Summary**

Public Law 2013, chapter 290 increases the annual registration fee for pesticides from \$150 to \$160 effective January 1, 2014. It 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. Public Law 2013, chapter 290 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. It 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.

**LD 961 An Act To Ensure Safe School Grounds**

**DIED BETWEEN HOUSES**

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

This bill restricts the use of pesticides on school grounds. It allows their use only in situations that pose a health threat to a student or staff member, when the presence of animals or insects have been identified as a public health nuisance, on athletic fields if there is a 14-day waiting period after application of the pesticides or on agricultural fields in accordance with the manufacturer's instructions. It requires the Commissioner of Education to adopt rules to implement landscaping design that minimizes or avoids the necessity of the use of pesticides on school grounds for new construction of school facilities.

**Committee Amendment "A" (H-285)**

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

The amendment amends the bill to allow the use of pesticides on school grounds in areas where bare ground of 25 square feet or greater exists as the result of pest problems. The amendment also amends the bill by replacing section 2, which directed the Commissioner of Education to adopt rules, with a provision that requires the Commissioner of Education to collaborate with the Department of Agriculture, Conservation and Forestry, Board of Pesticides Control in developing school ground construction standards and guidelines and requires a report to the Joint Standing Committee on Education and Cultural Affairs and the Joint Standing Committee on Agriculture, Conservation and Forestry by March 15, 2014. The amendment also adds a mandate preamble and an appropriations and allocations section. The minority report was not adopted.

**LD 987 An Act To Amend the Procedures Used To Identify and Select Appointees to the Maine Land Use Planning Commission and To Make Other Technical Changes to the Agriculture, Conservation and Forestry Laws**

**PUBLIC 256**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
SHERMAN GIFFORD	OTP-AM OTP-AM	S-158

This bill:

1. Requires that certain information in annual reports to the Legislature be compiled from data from the previous fiscal year rather than from the previous calendar year, consistent with the State's budgeting process;