

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

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;

Joint Standing Committee on Agriculture, Conservation and Forestry

2. Clarifies that the Department of Agriculture, Conservation and Forestry, Division of Forestry regulates water crossings by land management roads in those portions of unorganized and deorganized areas of the State zoned by the Maine Land Use Planning Commission as protection districts and management districts;
3. Makes references to boards of county commissioners consistent in provisions regarding the Maine Land Use Planning Commission;
4. Clarifies that appointments made by the boards of county commissioners will be reviewed according to the same process as applies to gubernatorial appointments and changes language regarding appointments made by the county commissioners and Governor to comport with language in the Constitution of Maine;
5. Adds unallocated language indicating that the terms of the members of the Maine Land Use Planning Commission appointed after January 2013 must be staggered; and
6. Makes corrections by updating the name of the Department of Agriculture, Conservation and Forestry to the enabling legislation of the Wells National Estuarine Research Reserve Management Authority and replacing the director of the former State Planning Office with the Director of the Maine Coastal Program as an ex officio nonvoting member of the board of directors.

Committee Amendment "A" (S-158)

This amendment is the majority report. It changes the process by which a board of county commissioners seeks and selects appointees to the Maine Land Use Planning Commission. The amendment provides that a person may not simultaneously serve as a county commissioner and a member of the Maine Land Use Planning Commission. The amendment clarifies that a vacancy in a seat on the Maine Land Use Planning Commission is filled by the same authority that appointed the member who vacated the seat. It also updates the filing of financial information for the Wells National Estuarine Research Reserve Management Authority.

Committee Amendment "B" (S-159)

This amendment is the minority report. It changes the process by which a board of county commissioners seeks and selects appointees to the Maine Land Use Planning Commission. The amendment also clarifies that a vacancy in a seat on the Maine Land Use Planning Commission is filled by the same authority that appointed the member who vacated the seat. It also updates the filing of financial information for the Wells National Estuarine Research Reserve Management Authority.

Enacted Law Summary

Public Law 2013, chapter 256 makes several changes to the statutes governing the Land Use Planning Commission.

1. It 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;
2. It clarifies that the Department of Agriculture, Conservation and Forestry, Division of Forestry regulates water crossings by land management roads in those portions of unorganized and deorganized areas of the State zoned by the Maine Land Use Planning Commission as protection districts and management districts;
3. It clarifies that appointments made by the boards of county commissioners will be reviewed according to the same process as applies to gubernatorial appointments and changes language regarding appointments made by the county commissioners and Governor to comport with language in the Constitution of Maine;
4. It makes corrections by updating the name of the Department of Agriculture, Conservation and Forestry to the enabling legislation of the Wells National Estuarine Research Reserve Management Authority and replacing the director of the former State Planning Office with the Director of the Maine Coastal Program as an ex officio

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nonvoting member of the board of directors.

5. It changes the process by which a board of county commissioners seeks and selects appointees to the Maine Land Use Planning Commission.

6. It provides that a person may not simultaneously serve as a county commissioner and a member of the Maine Land Use Planning Commission.

7. It clarifies that a vacancy in a seat on the Maine Land Use Planning Commission is filled by the same authority that appointed the member who vacated the seat.

8. Public Law 2013, chapter 256 also updates the filing of financial information for the Wells National Estuarine Research Reserve Management Authority.

LD 1009 An Act Concerning Fertilizer and Lime Products

**PUBLIC 204
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
CRAY SHERMAN	OTP-AM	H-170 H-218 DILL

This bill adds the definitions of "biosolids," "packaged biosolids" and "unpackaged biosolids" to the Maine Commercial Fertilizer Law. The bill also amends the definition of "commercial fertilizer" to mean a substance containing one or more recognized fertilizer materials bearing a guaranteed analysis on the product label of a packaged product. The bill also exempts unpackaged biosolids and packaged biosolids derived primarily from residuals regulated by the Department of Environmental Protection from being registered before being offered for sale and from the tonnage report.

Committee Amendment "A" (H-170)

This amendment changes the bill to remove references to estimates and averages from the labeling requirements for packaged and unpackaged biosolids and unpackaged industrial byproducts derived primarily from residuals regulated by the Department of Environmental Protection and exempted from being registered as commercial fertilizers before being offered for sale and from the tonnage report. The amendment also requires that, if a fertilizer material percentage statement appears on a label or accompanying delivery documentation, that product must be registered as a fertilizer.

House Amendment "A" To Committee Amendment "A" (H-218)

This amendment clarifies that a product with a fertilizer percentage statement that appears on a label or accompanying delivery documentation must be registered as a fertilizer with the exception of those products for which delivery documentation is required by Department of Environmental Protection rule.

Enacted Law Summary

Public Law 2013, chapter 204 adds the definitions of "biosolids," "packaged biosolids" and "unpackaged biosolids" to the Maine Commercial Fertilizer Law. It also amends the definition of "commercial fertilizer" to mean a substance containing one or more recognized fertilizer materials bearing a guaranteed analysis on the product label of a packaged product. Public Law 2013, chapter 204 also exempts unpackaged biosolids and packaged biosolids derived primarily from residuals regulated by the Department of Environmental Protection from being registered before being offered for sale and from the tonnage report. It also requires that, if a fertilizer material percentage statement appears on a label or accompanying delivery documentation, that product must be registered as a fertilizer. Public Law 2013, chapter 204 clarifies that a product with a fertilizer percentage statement that appears on a label or accompanying delivery documentation must be registered as a fertilizer with the exception of those