

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

FIRST REGULAR SESSION



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

This amendment is the minority report. It provides that rules adopted by the Commissioner of Agriculture, Conservation and Forestry governing the use of the Livestock Damage Compensation Fund established in the bill are major substantive rules. The minority report was not adopted.

LD 1391 Resolve, To Provide a Pesticide Spraying Notification Process

**ACCEPTED
MAJORITY
(ONTP) REPORT**

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

This resolve directs the Department of Agriculture, Conservation and Forestry to establish a publicly accessible website that allows a person to place that person's name on a registry of those who wish to be notified of pesticides application by aircraft or air-carrier equipment in a given county. A person may register for notifications of pesticides application in more than one county. The publicly accessible website must allow a person who is going to apply pesticides by aircraft or air-carrier equipment to enter information about the application date, time and location and the types of pesticides to be applied and other information as determined by the department into the publicly accessible website at least one week before the application. The publicly accessible website must then generate e-mail messages to those listed on the appropriate county registry notifying them of the application of pesticides.

Committee Amendment "A" (S-101)

This amendment is the minority report. It clarifies that air-carrier equipment used in outdoor pesticides applications does not include air-assisted application equipment in which the airstream is directed to specific targeted specimens. The minority report was not adopted.

LD 1521 Resolve, Directing the Department of Agriculture, Conservation and Forestry To Create a Pilot Program To Support the State's Small Food Processors

CARRIED OVER

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MCCABE		

This resolve directs the Department of Agriculture, Conservation and Forestry to develop a pilot program to assist small food processors similar to the Maine Farms for the Future program.

This bill was carried over to any special or regular session of the 126th Legislature by joint order, H.P. 1145, H-B (H-580) and H-C (H-582).

LD 1527 Resolve, Authorizing the Department of Agriculture, Conservation and Forestry, Division of Parks and Public Lands To Convey Certain Lands and Enter into Certain Leases with the Federal Government

RESOLVE 56

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
DILL JACKSON T	OTP-AM	H-258

Joint Standing Committee on Agriculture, Conservation and Forestry

This resolve allows the Director of the Division of Parks and Public Lands within the Department of Agriculture, Conservation and Forestry to lease rights and lands within the Coburn Mountain public reserved lands in Upper Enchanted Township, Somerset County to the United States Government or the United States Customs and Border Protection to maintain, operate, expand, modernize and improve existing public safety communications facilities.

The resolve allows the director to sell 2 parcels of land in Dover-Foxcroft, Piscataquis County to an abutter, Dead River Company, to resolve a boundary issue.

The resolve allows the director to sell a parcel of land in Dover-Foxcroft, Piscataquis County to an abutter, McKusick Petroleum Company, to resolve a boundary issue.

The resolve allows the director to sell parcels of land in Adamstown Township, Oxford County to the West Richardson Pond Public Lot Association.

Committee Amendment "A" (H-258)

This amendment requires the Director of the Division of Parks and Public Lands within the Department of Agriculture, Conservation and Forestry to obtain at least 2 appraisals to establish the fair market value of the 10 camp lots on West Richardson Pond that may be conveyed to the West Richardson Pond Public Lot Association pursuant to the resolve. The amendment also directs the director to ensure continued public access to West Richardson Pond by retaining state ownership of a specific lot in the Richardson Pond cottage lot subdivision.

Enacted Law Summary

Resolve 2013, chapter 56 allows the Director of the Division of Parks and Public Lands within the Department of Agriculture, Conservation and Forestry to lease rights and lands within the Coburn Mountain public reserved lands in Upper Enchanted Township, Somerset County to the United States Government or the United States Customs and Border Protection to maintain, operate, expand, modernize and improve existing public safety communications facilities. It also allows the director to sell 2 parcels of land in Dover-Foxcroft, Piscataquis County to an abutter, Dead River Company, to resolve a boundary issue. Resolve 2013, chapter 56 also allows the director to sell a parcel of land in Dover-Foxcroft, Piscataquis County to an abutter, McKusick Petroleum Company, to resolve a boundary issue. It also allows the director to sell parcels of land in Adamstown Township, Oxford County to the West Richardson Pond Public Lot Association. Resolve 2013, chapter 56 requires the Director of the Division of Parks and Public Lands within the Department of Agriculture, Conservation and Forestry to obtain at least 2 appraisals to establish the fair market value of the 10 camp lots on West Richardson Pond that may be conveyed to the West Richardson Pond Public Lot Association pursuant to the resolve. It also directs the director to ensure continued public access to West Richardson Pond by retaining state ownership of a specific lot in the Richardson Pond cottage lot subdivision.

LD 1531 An Act To Maintain Access to Safe Medical Marijuana

**PUBLIC 371
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
SAVIELLO	OTP-AM ONTP	S-271

This bill prohibits the use of pesticides in the cultivation of medical marijuana unless the pesticide is authorized by the Department of Agriculture, Conservation and Forestry, Board of Pesticides Control. The bill directs the board to establish, for authorized use in the cultivation of medical marijuana, a list of minimum risk pesticides that are exempt from federal regulation under the Federal Insecticide, Fungicide and Rodenticide Act, Section 25(b).

Committee Amendment "A" (S-271)

This amendment, which is the majority report, strikes and replaces the bill but retains the emergency provisions. It