

# 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***

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

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prohibits the use of a pesticide in the cultivation of medical marijuana unless the pesticide is exempt from federal registration requirements and is registered with the Department of Agriculture, Conservation and Forestry, Board of Pesticides Control. The amendment requires that at least one applicator of an authorized pesticide must be certified by the board and all other employees of a registered dispensary or a registered primary caregiver who have direct contact with treated plants or who are involved in the handling of the pesticide must first complete the federal training requirements for agricultural workers or pesticide handlers.

**Enacted Law Summary**

Public Law 2013, chapter 371 prohibits the use of a pesticide in the cultivation of medical marijuana unless the pesticide is exempt from federal registration requirements and is registered with the Department of Agriculture, Conservation and Forestry, Board of Pesticides Control. Public Law 2013, chapter 371 requires that at least one applicator of an authorized pesticide must be certified by the board and all other employees of a registered dispensary or a registered primary caregiver who have direct contact with treated plants or who are involved in the handling of the pesticide must first complete the federal training requirements for agricultural workers or pesticide handlers.

Public Law 2013, chapter 371 was enacted as an emergency measure effective June 27, 2013.

**LD 1567      Resolve, Regarding Legislative Review of Portions of Chapter 22:  
Standards for Outdoor Application of Pesticides by Powered Equipment  
in Order To Minimize Off-Target Deposition, a Late-filed Major  
Substantive Rule of the Department of Agriculture, Conservation and  
Forestry** **CARRIED OVER**

Sponsor(s)

Committee Report

Amendments Adopted

This resolve provides for legislative review of portions of Chapter 22: Standards for Outdoor Application of Pesticides by Powered Equipment in Order to Minimize Off-Target Deposition, a major substantive rule of the Department of Agriculture, Conservation and Forestry that was filed outside the legislative rule acceptance period.

This resolve 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 1568      Resolve, Regarding Legislative Review of Portions of Chapter 20:  
Special Provisions, a Late-filed Major Substantive Rule of the  
Department of Agriculture, Conservation and Forestry** **CARRIED OVER**

Sponsor(s)

Committee Report

Amendments Adopted

This resolve provides for legislative review of portions of Chapter 20: Special Provisions, a major substantive rule of the Department of Agriculture, Conservation and Forestry that was filed outside the legislative rule acceptance period.

This resolve 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).