

# MAINE STATE LEGISLATURE

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**STATE OF MAINE**  
126<sup>TH</sup> LEGISLATURE  
SECOND REGULAR SESSION



Summaries of bills, adopted amendments and laws enacted or finally passed

**JOINT STANDING COMMITTEE ON AGRICULTURE,  
CONSERVATION AND FORESTRY**

May 2014

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**STATE OF MAINE**  
126<sup>TH</sup> LEGISLATURE  
SECOND REGULAR SESSION  
**LEGISLATIVE DIGEST OF BILL SUMMARIES AND**  
**ENACTED LAWS**

The *Digest* is arranged 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.

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 Second Regular Session of the 126<sup>th</sup> Legislature is August 1, 2014. 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 1569**    **Resolve, Regarding Legislative Review of Portions of Chapter 51: Notice of Aerial Pesticide Application, a Late-filed Major Substantive Rule of the Department of Agriculture, Conservation and Forestry**

**RESOLVE 86**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
	OTP-AM ONTP	H-592

This bill was carried over from the First Regular Session of the 126th Legislature.

The resolve provides for legislative review of portions of Chapter 51: Notice of Aerial Pesticide Application, a major substantive rule of the Department of Agriculture, Conservation and Forestry that was filed outside the legislative rule acceptance period.

**Committee Amendment "A" (H-592)**

This amendment, which is the majority report, removes the emergency preamble and emergency clause from the resolve.

**Enacted Law Summary**

Resolve 2013, chapter 86 adopts portions of Chapter 51: Notice of Aerial Pesticide Application, a major substantive rule of the Department of Agriculture, Conservation and Forestry.

Chapter 51 describes the notification requirements for persons contracting aerial pesticide applications to control forest, ornamental plant, right-of-way, biting fly and public health pests. The rule adopted pursuant to this resolve exempts most of the requirements in Chapter 51 when the Maine Center for Disease Control and Prevention recommends spraying due to vector-borne disease threats, as notice requirements are included in Chapter 20, as adopted pursuant to Resolve 2013, chapter 87. The requirement for notice to the Board of Pesticides Control and the Maine Poison Control Center in Chapter 51 are not exempted.

**LD 1586**    **An Act To Strengthen Enforcement Standards for Potatoes**

**PUBLIC 475**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
SAUCIER LANGLEY	OTP-AM ONTP	H-632

This bill increases fines for violating the provisions of law regarding minimum standards for planting potatoes in the State and allows the Department of Agriculture, Conservation and Forestry access to planted fields for auditing purposes.

**Committee Amendment "A" (H-632)**

This amendment, which is the majority report of the committee, clarifies the bill's intent that the fine for violating the provision of law regarding minimum standards for planting potatoes in the State is \$1,000 plus not more than \$400 per acre for each acre or part of an acre planted in violation of the law.

**Enacted Law Summary**

Public Law 2013, chapter 475 increases fines for violating minimum standards for planting potatoes in the State and allows the Department of Agriculture, Conservation and Forestry access to planted fields for auditing purposes. The law provides that the fine for violating minimum standards for planting potatoes in the State is \$1,000 plus not more

*Joint Standing Committee on Agriculture, Conservation and Forestry*

than \$400 per acre for each acre or part of an acre planted in violation of the law.

**LD 1587      An Act To Temporarily Ban the Use of Neonicotinoid Pesticides      ONTP**

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

This bill bans the use, sale, and distribution of neonicotinoid pesticides for two years. It also directs the joint standing committee of the Legislature having jurisdiction over agricultural matters to review the use and effects of neonicotinoid pesticides.

**LD 1665      An Act To Clarify the Confidentiality of Wood Processor Report Information      PUBLIC 513**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
LANGLEY WILSON	OTP-AM OTP-AM	S-452

This bill clarifies that all information, not just volume information, submitted by wood processing facilities annually to the Department of Agriculture, Conservation and Forestry, Maine Forest Service is confidential.

**Committee Amendment "A" (S-452)**

This amendment, which strikes and replaces the bill, makes a technical correction. Unlike the bill, which proposes to make all information submitted by word processing facilities to the Department of Agriculture, Conservation and Forestry, Maine Forest Service confidential, the amendment specifies which information submitted by roundwood processing operations and importers and exporters of forest products annually to the Maine Forest Service is confidential.

**Enacted Law Summary**

Public Law 2013, chapter 513 specifies which information submitted annually by roundwood processing operations, and importers and exporters of forest products to the Department of Agriculture, Conservation and Forestry, Maine Forest Service is confidential.

**LD 1673      An Act To Further Delegate Permit-granting Authority to the Bureau of Forestry      PUBLIC 570**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
BOYLE MAREAN	OTP-AM ONTP	S-428 S-541 HILL

Under the Natural Resources Protection Act, the Department of Environmental Protection and the Department of Agriculture, Conservation and Forestry, Bureau of Forestry each have permitting authority with respect to timber harvesting activities. This bill consolidates this permitting authority under the bureau.

**Committee Amendment "A" (S-428)**

The bill provides that the Department of Agriculture, Conservation and Forestry, Bureau of Forestry must issue permits under the Natural Resources Protection Act for timber harvesting activities in all areas of the State, except