

MAINE STATE LEGISLATURE

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STATE OF MAINE
126TH 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
126TH 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 HOUSESHouse & 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
EMERGENCYenacted 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 126th 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 1678 An Act To Protect Maine's Lobster Fishery

ONTP

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
KUMIEGA JOHNSON C	ONTP	

This bill prohibits the use of methoprene or resmethrin, two chemicals used for mosquito control, in any body of water that drains into the Gulf of Maine or on land from which runoff could enter into any such waterway.

LD 1680 An Act To Protect the Integrity of Funding for Harness Racing Purses

**PUBLIC 490
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MAREAN COLLINS	OTP-AM	H-654

This bill requires a person licensed to conduct harness horse racing by the Department of Agriculture, Conservation and Forestry, State Harness Racing Commission, to establish a trust account for the benefit of the persons who race horses at that licensee's facility. All funds, that by statute must be used to pay purses, must be deposited in that account and used exclusively to pay purses. If a licensee fails to conduct a race meet during a calendar year, all remaining funds held in the trust account established by that licensee must be returned to the commission and redistributed by the commission to the trust accounts of all racetracks that continue to conduct racing. It also requires a statewide association of horsemen to have been qualified as a tax-exempt organization under federal law before January 1, 2007 in order to be eligible to receive funds designated to supplement purses. It allows one new racetrack to replace a commercial track that closes.

Committee Amendment "A" (H-654)

This amendment removes the requirement proposed in the bill that a statewide association of horsemen qualify as a tax-exempt organization under federal law before January 1, 2007 in order to be eligible to receive funds designated to supplement harness racing purses. The amendment requires instead, that a majority of the membership of a statewide association of horsemen be composed of owners, trainers and drivers, or any combination of owners, trainers and drivers licensed by the Department of Agriculture, Conservation and Forestry, State Harness Racing Commission in order to be eligible to receive funds designated to supplement harness racing purses.

The amendment specifies which funds used to pay harness racing purses must be deposited into a licensee's trust account for the benefit of persons who race horses. The amendment also provides that funds in the trust account are not considered to be property of the licensee, may not be pledged as security for the debts of the licensee and are not subject to attachment or execution by creditors of the licensee. The amendment provides that a licensee, solely for the purpose of funding racing operations, may make interim use of the funds in the trust account if certain conditions are met.

The amendment clarifies that if one new racetrack replaces a commercial track that ceases operations, the new racetrack is not required to have conducted racing during the preceding two calendar years but is required to conduct racing during each calendar year after initial licensure.

The amendment also provides that if one new racetrack replaces a commercial track that ceases operations, the racetrack that ceases operations is entitled to distribution of funds maintained by the State based on the number of days on which racing was conducted, not including funds used exclusively to pay harness racing purses.

Joint Standing Committee on Agriculture, Conservation and Forestry

Enacted Law Summary

Public Law 2013, chapter 490 requires that a majority of the membership of a statewide association of horsemen be composed of owners, trainers and drivers, or any combination of owners, trainers and drivers licensed by the Department of Agriculture, Conservation and Forestry, State Harness Racing Commission in order to be eligible to receive funds designated to supplement harness racing purses.

The law specifies which funds used to pay harness racing purses must be deposited into a licensee's trust account for the benefit of persons who race horses. It also provides that funds in the trust account are not considered to be property of the licensee, may not be pledged as security for the debts of the licensee, and are not subject to attachment or execution by creditors of the licensee. It provides that a licensee, solely for the purpose of funding racing operations, may make interim use of the funds in the trust account if certain conditions are met.

The law clarifies that if one new racetrack replaces a commercial track that ceases operations, the new racetrack is not required to have conducted racing during the preceding two calendar years but is required to conduct racing during each calendar year after initial licensure.

The law also provides that if one new racetrack replaces a commercial track that ceases operations, the racetrack that ceases operations is entitled to distribution of funds maintained by the State based on the number of days on which racing was conducted, not including funds used exclusively to pay harness racing purses.

Public Law 2013, chapter 490 was enacted as an emergency measure effective March 22, 2014.

**LD 1732 Resolve, Directing the Director of the Bureau of Parks and Lands To
Convey the Chesuncook Community Church Building in Chesuncook
Township to the Greenville Union Evangelical Church**

RESOLVE 108

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
JOHNSON P	OTP-AM	H-660

This resolve directs the Director of the Bureau of Parks and Lands within the Department of Agriculture, Conservation and Forestry to convey the Chesuncook Community Church building in Chesuncook Township to the Greenville Union Evangelical Church.

Committee Amendment "A" (H-660)

This amendment incorporates a fiscal note.

Enacted Law Summary

Resolve 2013, chapter 108 directs the Director of the Bureau of Parks and Lands, within the Department of Agriculture, Conservation and Forestry to convey the Chesuncook Community Church building in Chesuncook Township to the Greenville Union Evangelical Church.