

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 1786

An Act To Allow the Sale of Unregulated Farm-produced Dairy Products at the Site of Production

Accepted Report B (ONTP)

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

This bill facilitates direct sales of dairy products sold on the same farm on which the product is produced by exempting those sales from state licensing and inspection requirements if certain conditions are met.

Committee Amendment "A" (H-761)

This amendment, which is the majority report, strikes and replaces the bill. The amendment provides that the term "unpasteurized" has the same meaning as "not pasteurized." Current law defines a "milk distributor" as any person who offers for sale or sells to another person any milk or milk products in their final form. The amendment provides that a milk distributor who sells unpasteurized milk or unpasteurized milk product is exempt from licensing requirements if the following conditions are met.

1. The sale of the unpasteurized milk or unpasteurized milk product in its final form is made directly to the end consumer on the premises of the dairy farm, including a farm stand or eating establishment located on property contiguous to the dairy farm.
2. The milk distributor allows each person who purchases unpasteurized milk or unpasteurized milk product to visually inspect the dairy farm where the unpasteurized milk or unpasteurized milk product is produced. The milk distributor may require a person who chooses to inspect the dairy farm to follow sanitary procedures determined by the milk distributor.
3. The milk distributor does not promote the unpasteurized milk or unpasteurized milk product in any manner other than in person or a face-to-face exchange between the milk distributor and the end consumer.
4. Prior to selling unpasteurized milk or unpasteurized milk product, the milk distributor must complete a course on the sanitation of milk offered by the University of Maine Cooperative Extension. The milk distributor must complete this course at least every 3 years.
5. The milk distributor must sample source water and recirculating water on the dairy farm at least once a year, maintain records of all sampling results at the dairy farm, and post the most recent sampling result in a conspicuous place in locations where sales may occur. This requirement does not apply if the dairy farm's water is from a public source.
6. The unpasteurized milk or unpasteurized milk product must be sold in a package that meets applicable labeling requirements in law and has a label containing the name, address and phone number of the milk distributor and the following statement: "This food has been produced by a milk distributor that is exempt from licensing and inspection by the State of Maine."

The amendment also provides that the Commissioner of Agriculture, Conservation and Forestry may inspect a dairy farm when investigating an outbreak of foodborne illness.

Committee Amendment "B" (H-762)

This amendment, which is a minority report, strikes and replaces the bill. The amendment provides that the term "unpasteurized" has the same meaning as "not pasteurized." Current law defines a "milk distributor" as any person

Joint Standing Committee on Agriculture, Conservation and Forestry

who offers for sale or sells to another person any milk or milk products in their final form. The amendment provides that a milk distributor who sells unpasteurized milk or unpasteurized milk product is exempt from licensing requirements if the following conditions are met.

1. The sale of the unpasteurized milk or unpasteurized milk product in its final form is made directly to the end consumer on the premises of the dairy farm, including a farm stand or eating and lodging place located on property contiguous to the dairy farm.
2. The milk distributor allows each person who purchases unpasteurized milk or an unpasteurized milk product to visually inspect the dairy farm where the unpasteurized milk or unpasteurized milk product is produced. The milk distributor may require a person who chooses to inspect the dairy farm to follow sanitary procedures determined by the milk distributor.
3. The milk distributor does not promote the unpasteurized milk or unpasteurized milk product in any manner other than in person or a face-to-face exchange between the milk distributor and the end consumer.
4. The unpasteurized milk or unpasteurized milk product must be sold in a package that meets applicable labeling requirements in law and has a label containing the name, address and phone number of the milk distributor and the following statement: "This food has been produced by a milk distributor that is exempt from licensing and inspection by the State of Maine."

The amendment also provides that the Commissioner of Agriculture, Conservation and Forestry may inspect a dairy farm when investigating an outbreak of foodborne illness.

LD 1808 An Act To Protect the Public from Mosquito-borne Diseases

PUBLIC 548

<u>Sponsor(s)</u>	<u>Committee Report</u> OTP-AM ONTP	<u>Amendments Adopted</u> H-780
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This bill is reported out by the Joint Standing Committee on Agriculture, Conservation and Forestry pursuant to Resolve 2013, chapter 13, section 2.

The bill establishes that the Department of Health and Human Services is the lead agency in the State for monitoring for mosquito-borne diseases. It authorizes the Commissioner of Health and Human Services to declare a mosquito-borne disease public health threat. The bill also establishes the state policy for managing disease-carrying mosquitoes and authorizes the Department of Agriculture, Conservation and Forestry, after consulting with affected municipalities, to conduct appropriate mosquito management activities in response to mosquito-borne disease public health threats. In addition, the bill authorizes municipalities to cooperate in managing mosquitoes through the formation of mosquito management districts. It establishes the Maine Mosquito Management Fund to provide funding for mosquito management activities.

Committee Amendment "A" (H-780)

The amendment adds an appropriations and allocations section.

Enacted Law Summary

Public Law 2013, chapter 548 establishes that the Department of Health and Human Services is the lead agency in the State for monitoring for mosquito-borne diseases. The law authorizes the Commissioner of Health and Human Services to declare a mosquito-borne disease public health threat. It also establishes the state policy for managing disease-carrying mosquitoes and authorizes the Department of Agriculture, Conservation and Forestry, after