

MAINE STATE LEGISLATURE

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STATE OF MAINE
127TH LEGISLATURE
FIRST REGULAR SESSION



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

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

August 2015

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127TH LEGISLATURE

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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 127th 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. An appendix provides a summary of relevant session statistics.

Final action on each LD is noted to the right of the LD title. The following describes the various final actions.

<i>CARRIED OVER</i>	<i>carried over to a subsequent session of the Legislature</i>
<i>CON RES XXX</i>	<i>chapter # of constitutional resolution passed by both houses</i>
<i>CONF CMTE UNABLE TO AGREE</i>	<i>Committee of Conference unable to agree; legislation died</i>
<i>DIED BETWEEN HOUSES</i>	<i>House & Senate disagreed; legislation died</i>
<i>DIED IN CONCURRENCE</i>	<i>defeated in each house, but on different motions; legislation died</i>
<i>DIED ON ADJOURNMENT</i>	<i>action incomplete when session ended; legislation died</i>
<i>EMERGENCY</i>	<i>enacted law takes effect sooner than 90 days after session adjournment</i>
<i>FAILED, EMERGENCY ENACTMENT or FINAL PASSAGE</i>	<i>emergency failed to receive required 2/3 vote</i>
<i>FAILED, ENACTMENT or FINAL PASSAGE</i>	<i>failed to receive final majority vote</i>
<i>FAILED, MANDATE ENACTMENT</i>	<i>legislation proposing local mandate failed required 2/3 vote</i>
<i>HELD BY GOVERNOR</i>	<i>Governor has not signed; final disposition to be determined at subsequent session</i>
<i>LEAVE TO WITHDRAW</i>	<i>sponsor's request to withdraw legislation granted</i>
<i>NOT PROPERLY BEFORE THE BODY</i>	<i>ruled out of order by the presiding officer; legislation died</i>
<i>INDEF PP</i>	<i>indefinitely postponed; legislation died</i>
<i>ONTP, ACCEPTED, MAJORITY, MINORITY or REPORT X</i>	<i>ought-not-to-pass report accepted; legislation died</i>
<i>P&S XXX</i>	<i>chapter # of enacted private & special law</i>
<i>PUBLIC XXX</i>	<i>chapter # of enacted public law</i>
<i>RESOLVE XXX</i>	<i>chapter # of finally passed resolve</i>
<i>VETO SUSTAINED</i>	<i>Legislature failed to override Governor's veto</i>

The effective date for non-emergency legislation enacted in the First Regular Session of the 127th Legislature is October 15, 2015. 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 1098 An Act To Protect Children from Exposure to Pesticides

ONTP

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

This bill is a concept draft pursuant to Joint Rule 208.

The bill proposes to extend laws and rules regarding pesticides in schools and on school grounds to other areas when children are present.

**LD 1099 An Act To Establish a Fund for the Operations and Outreach Activities
of the University of Maine Cooperative Extension Animal and Plant
Disease and Insect Control Laboratory**

CARRIED OVER

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

This bill creates the Animal and Plant Disease and Insect Control Fund to pay for pest management and pesticide safety outreach and education and for operating costs relating to pesticide management and insect control of the University of Maine Cooperative Extension's animal and plant disease and insect control laboratory. The Animal and Plant Disease and Insect Control Fund is funded by a 20 cent fee on every container of consumer packaged pesticides, with some exceptions.

Committee Amendment "A" (H-458)

This amendment, which replaces the bill, includes the provisions in the bill creating the Animal and Plant Disease and Insect Control Fund to pay for pest management and pesticide safety outreach and education and for operating costs relating to pesticide management and insect control of the University of Maine Cooperative Extension's animal and plant disease and insect control laboratory. The Animal and Plant Disease and Insect Control Fund is funded by a 20 cent fee on every container of consumer packaged pesticides, with some exceptions.

In addition, the amendment establishes that the fund may not be used to pay for any administrative costs incurred by the University of Maine or by the University of Maine Cooperative Extension. It also provides that retailers may retain three cent of the 20 cent fee in order to help offset the costs of collection. It establishes that the Board of Pesticides Control must, by rule, establish the universe of products upon which a fee will be imposed and the types of products that are exempted from the fee. It expands the Board of Pesticides Control's responsibilities and provides that a report be submitted biennially to the joint standing committee of the Legislature having jurisdiction over pest management matters, which has authority to report out a bill implementing changes to this program upon receipt of the report.

The amendment also adds an appropriations and allocations section.

Senate Amendment "A" To Committee Amendment "A" (S-313)

This amendment decreases the pesticide container fee proposed under Committee Amendment "A" to 10 cents per container and removes the exemption from the fee for packages sold by retail stores of less than 7,000 square feet of space. The amendment repeals the pesticide container fee on May 1, 2017. The Commissioner of Agriculture, Conservation and Forestry is given administrative control over the Animal and Plant Disease and Insect Control Fund after that date and provided the authority to disburse the funds to the University of Maine Cooperative

Joint Standing Committee on Agriculture, Conservation and Forestry

Extension for pest management and pesticide safety education and laboratory costs.

This amendment was not adopted.

Senate Amendment "B" To Committee Amendment "A" (S-314)

This amendment repeals the pesticide container fee on May 1, 2017. The Commissioner of Agriculture, Conservation and Forestry is given administrative control over the Animal and Plant Disease and Insect Control Fund after that date and provided the authority to disburse the funds to the University of Maine Cooperative Extension for pest management and pesticide safety education and laboratory costs.

This amendment was not adopted.

Senate Amendment "D" To Committee Amendment "A" (S-316)

This amendment decreases the pesticide container fee proposed under Committee Amendment "A" to 10 cents per container and replaces the appropriations and allocations section accordingly.

This amendment was not adopted.

This bill was reported out of committee, then committed back to the Joint Standing Committee on Agriculture, Conservation and Forestry and carried over to any special or regular session of the 127th Legislature by joint order, H.P. 998.

LD 1105 An Act To Protect Populations of Bees and Other Pollinators ONTP

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

This bill prohibits labeling or advertising an annual plant, bedding plant or other plant, plant material or nursery stock as beneficial to pollinators if the plant or material has been treated with an insecticide absorbed by a plant that makes the plant lethal to pollinators.

LD 1106 An Act To Compensate Beekeepers for Hive Losses ONTP

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

This bill provides for compensation to honeybee owners for honeybee death from the application of pesticides. Under the bill, if honeybee death or loss of a honeybee colony was caused by an acute pesticide poisoning and the pesticide applicator cannot be identified or the pesticide applicator applied the pesticide product in a manner consistent with the pesticide product's label, the Department of Agriculture, Conservation and Forestry may compensate the honeybee owner for the fair market value of the honeybees or honeybee colony. If the pesticide applicator can be identified and the applicator applied the pesticide product in a manner inconsistent with the product's label, the department may collect a penalty from the pesticide applicator sufficient to compensate the honeybee owner for the fair market value of the honeybees or honeybee colony and shall award the money to the honeybee owner. The bill provides that fair market value is determined by the department upon recommendation by academic experts and honeybee owners.