

MAINE STATE LEGISLATURE

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STATE OF MAINE
128TH LEGISLATURE
FIRST SPECIAL, SECOND REGULAR AND SECOND SPECIAL SESSIONS



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

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

October 2018

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STATE OF MAINE

128TH LEGISLATURE

FIRST SPECIAL, SECOND REGULAR AND SECOND SPECIAL SESSIONS



LEGISLATIVE DIGEST OF BILL SUMMARIES AND ENACTED LAWS

This *Legislative Digest of Bill Summaries and Enacted Laws* contain summaries of all LDs and adopted amendments and all laws enacted or finally passed during the First Special, Second Regular and Second Special Sessions of the 128th 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.

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 dates for non-emergency legislation enacted in the First Special, Second Regular or Second Special Sessions of the 128th Legislature are: Monday, February 5, 2018; Wednesday, August 1, 2018; and Thursday, December 13, 2018, respectively. 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

Maine Revised Statutes, Title 25, section 2804-B; an additional basic forest ranger training program developed by the state supervisor of the forest protection unit of the Bureau of Forestry within the Department of Agriculture, Conservation and Forestry and approved by the board that is specific to the duties of a forest ranger; in-service law enforcement training that is specifically approved by the board as prescribed in Title 25, section 2804-E; and a firearms training program equivalent to a firearms training program of a full-time law enforcement officer trained at the Maine Criminal Justice Academy that is developed and approved by the board.

The training program exempts forest rangers from basic law enforcement training and other requirements under Title 25, section 2804-C, but completion of the basic training under section 2804-C exempts a person from the preservice training requirement.

The training program satisfies requirements necessary for forest rangers to carry firearms in the course of their duties. Public Law 2017, chapter 456 also specifies that beginning July 1, 2019, all forest rangers and the state supervisor must successfully complete the training requirements established under Title 25, section 2803-A, subsection 8-D.

LD 173 An Act To Reduce Food Insecurity

**Died On
Adjournment**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
HERBIG E DAVIS P	OTP-AM	H-121

This bill was reported out of committee in the First Regular Session of the 128th Legislature and then carried over to the Second Regular Session on the Special Appropriations Table. This bill was again carried over, still on the Special Appropriations Table, from the Second Regular Session to the next special session by joint order S.P. 748.

This bill provides an appropriation of \$5,000,000 to allow the Department of Agriculture, Conservation and Forestry to contract with the Good Shepherd Food Bank or a successor organization for statewide hunger relief services.

Committee Amendment "A" (H-121)

This amendment reduces the appropriation in the bill to \$2,500,000.

**LD 174 An Act To Require Schools To Submit Pest Management Activity Logs
and Inspection Results to the Board of Pesticides Control for the
Purposes of Providing Information to the Public**

**Died On
Adjournment**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
DAUGHTRY M	OTP-AM	H-374

This bill was reported out of committee in the First Regular Session of the 128th Legislature and then carried over to the Second Regular Session on the Special Appropriations Table. This bill was again carried over, still on the Special Appropriations Table, from the Second Regular Session to the next special session by joint order S.P. 748.

This bill restricts the use of pesticides on school grounds. It allows their use only in situations that pose a health threat to a student or staff member, in response to the presence of animals or insects identified as a public health nuisance, or on agricultural fields in accordance with the manufacturer's instructions. It permits their use on athletic

Joint Standing Committee on Agriculture, Conservation and Forestry

fields when determined necessary by the school for the health and safety of the field and students. It requires the Commissioner of Education to adopt rules to implement landscaping design that minimizes or avoids the necessity of the use of pesticides on school grounds for new construction of school facilities.

Committee Amendment "A" (H-374)

This amendment strikes and replaces the bill.

The amendment establishes in law certain requirements of the Department of Agriculture, Conservation and Forestry, Board of Pesticides Control related to pest management on school property, including the maintenance of records related to the application of pesticides. It requires this information to be provided annually to the board and requires the board to post that information on its publicly accessible website. It also requires that the board post on its publicly accessible website a list of all board inspections of a school's use of pesticides and the results of those inspections.

The fiscal note on the amendment identifies certain requirements in this amendment as a potential state mandate. In order to be a mandate pursuant to the Constitution of Maine, a provision must require a local unit of government to expand or modify its activities so as to necessitate additional expenditures from local revenue. The committee finds the provisions identified as a potential mandate do not require a local unit of government to expand or modify its activities so as to necessitate additional expenditures from local revenue. The requirement in the amendment that a school submit a copy of its pest management activity log, which is already required by rule to be maintained, does not require an expansion or modification of activities so as to necessitate additional expenditures from local revenue. The committee does not feel that the act of submitting once per year a pest management activity log that is already required to be maintained constitutes additional expenditures from local revenue.

LD 637 An Act To Protect Maine's Lands

ONTP

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
DUNPHY M JACKSON T	ONTP	

This bill was carried over from the First Regular Session to the Second Regular Session of the 128th Legislature.

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

This bill proposes to enact measures to protect Maine's lands.

LD 742 An Act To Allow Hemp Growers To Grow Hemp from Clones and To Grow Hemp Indoors

Accepted Majority (ONTP) Report

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
HARVELL L DILL J	ONTP OTP-AM	

This bill was carried over from the First Regular Session to the Second Regular Session of the 128th Legislature.

This bill provides that a person licensed to grow industrial hemp may, in addition to existing permitted activities, grow industrial hemp from a clone or tissue cultures removed from live crops grown from certified seeds. It also requires the Commissioner of Agriculture, Conservation and Forestry to adopt rules to allow for licensing of indoor industrial hemp production.