

MAINE STATE LEGISLATURE

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STATE OF MAINE
129TH LEGISLATURE
FIRST REGULAR SESSION



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

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

August 2019

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STATE OF MAINE

129TH 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 129th 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 date for non-emergency legislation enacted in the First Regular Session of the 129th Legislature is Thursday, September 19, 2019. 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 620 An Act Regarding Licensing of Land-based Aquaculture Facilities

ONTP

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
DODGE J MIRAMANT D	ONTP	

This bill amends the law allowing the Commissioner of Agriculture, Conservation and Forestry to refuse to issue a land-based aquaculture license, or revoke an existing license, when the aquaculture activity presents an unreasonable risk to indigenous marine or freshwater life or its environment and specifies that the activity is either alone in the use of a body of water in combination with the aquaculture activity of any other land-based aquaculture operations using the same body of water.

LD 630 An Act To Clarify That Food, Food Additives and Food Products Containing Hemp-derived Cannabidiol Produced and Sold within the State Are Not Adulterated and To Match the State's Definition of "Hemp" to the Definition in Federal Law

**PUBLIC 12
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
HICKMAN C JACKSON T	OTP-AM	H-10

Part A of this bill provides that food and food products containing hemp-derived cannabidiol that are produced and sold within the State are not considered to be "adulterated" under state law, and the production, marketing, sale or distribution of food or food products containing hemp may not be prohibited.

Part B of this bill changes the term in Maine law "industrial hemp" to "hemp" and defines "hemp" to match the definition of "hemp" in the federal Agriculture Improvement Act of 2018.

Committee Amendment "A" (H-10)

This amendment strikes and replaces Part A of the bill and provides that food, food additives and food products that contain hemp and hemp products, including hemp-derived cannabidiol, are not considered to be "adulterated" under state law and that the nonpharmaceutical or nonmedical production, marketing, sale or distribution within the State of food, food additives or food products that contain hemp-derived cannabidiol may not be prohibited.

The amendment also clarifies that eating establishments, in addition to food establishments, may not make any therapeutic claims about food products that contain hemp-derived cannabidiol without federal approval.

The amendment clarifies that the definition of "hemp" includes commodities and products derived from hemp, including food, food additives and food products, and that it does not include medical marijuana as governed by the Maine Medical Use of Marijuana Act or adult use marijuana as governed by the Marijuana Legalization Act.

Enacted Law Summary

Public Law 2019, chapter 12 provides that food, food additives and food products that contain hemp and hemp products, including hemp-derived cannabidiol, are not considered to be "adulterated" under state law and that the nonpharmaceutical or nonmedical production, marketing, sale or distribution within the State of food, food additives or food products that contain hemp-derived cannabidiol may not be prohibited. The law also clarifies that eating establishments, in addition to food establishments, may not make any therapeutic claims about food products that contain hemp-derived cannabidiol without federal approval.

Joint Standing Committee on Agriculture, Conservation and Forestry

The law changes the term in Maine law "industrial hemp" to "hemp" and defines "hemp" to match the definition of "hemp" in the federal Agriculture Improvement Act of 2018. The law also clarifies that the definition of "hemp" includes commodities and products derived from hemp, including food, food additives and food products, and that it does not include medical marijuana as governed by the Maine Medical Use of Marijuana Act or adult use marijuana as governed by the Marijuana Legalization Act.

Public Law 2019, chapter 12 was enacted as an emergency measure effective March 27, 2019.

LD 643 An Act To Provide Funding to Municipalities Severely Affected by Pest Infestations Accepted Majority (ONTP) Report

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
TEPLER D BREEN C	ONTP OTP-AM	

This bill authorizes the Commissioner of Health and Human Services, in consultation with the State Entomologist, to identify pests, such as browntail moths and ticks, in this State that pose a risk of significant harm to human health, and to undertake measures to manage those pests.

The bill also establishes the Maine Harmful Pest Management Fund to provide funds to municipalities severely infested with harmful pests, to be used in mitigating the infestations. It also provides \$500,000 to the fund.

Committee Amendment "A" (H-341)

This amendment, which is the minority report, requires the Commissioner of Health and Human Services instead of the Commissioner of Agriculture, Conservation and Forestry, in consultation with the State Entomologist, to identify pests, such as browntail moths and ticks, in this State that pose a risk of significant harm to human health, and to undertake measures to manage those pests. It also changes the percentage of funds used for mitigation of infestation in residential properties to be the same as is used for mitigation of infestation in publicly owned properties.

The amendment also establishes the Maine Harmful Pest Management Fund within the Department of Health and Human Services, Maine Center for Disease Control and Prevention, Division of Public Health and Emergency Preparedness to provide funds to municipalities severely infested with harmful pests, to be used in mitigating the infestations.

The amendment specifies that a municipality is required to use 50 percent of the funding, rather than 75 percent as proposed in the bill, to mitigate infestation of residential properties in the municipality where persons with health conditions that can be exacerbated by the infestation reside and who are unable to pay for treatment of the infestation. The amendment also specifies that a municipality is required to use the other 50 percent of the funding, rather than 25 percent as proposed in the bill, to mitigate infestation of publicly owned properties in the municipality.

This amendment was not adopted.

LD 723 An Act To Enhance Resource Management of Submerged Lands beneath Impounded Waters ONTP

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
RYKERSON D MIRAMANT D	ONTP	