

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

The bill recognizes the power of the State and municipal police powers that may be used to improve and facilitate uses of intertidal land.

Committee Amendment "A" (S-222)

Current law provides that the State of Maine owns and controls the harvesting of the living resources of the seas adjoining the coastline for a distance of 200 miles or to the furthest edge of the Continental Shelf, whichever is greater, subject only to the boundary with Canada. This amendment, which is the majority report of the committee, clarifies the definitions of "coastline" and "living resources" with respect to harvesting.

The amendment leaves in place the definition of "intertidal land" that is in current law. The amendment strikes from the bill any references to submerged land.

The amendment strikes gathering shells and sea glass from the provisions relating to water-related recreational uses of intertidal lands.

The amendment strikes from the provisions relating to commercial uses of intertidal lands "aquaculture of fish, shellfish or other marine organisms" and "the extension from the mainland of utility cables and pipelines to service island communities and permitted offshore facilities and the storage, rental and sale of paddle boards and surf boards, kayaks, small boats and related marine equipment." The amendment clarifies that the harvesting of seaweed, fish, shellfish or other marine organisms is a permitted use of intertidal land.

The amendment strikes from the bill the limitation on gathering and removing in bulk from intertidal land without a valid license sand, soil, rocks, minerals, seaweed or living marine organisms.

Because the State, through its Legislature and various executive branch agencies, currently possesses the legal authority contemplated by the bill, the amendment strikes the provision relating to state powers.

Because municipalities possess some legal authority contemplated by the bill, the amendment strikes the provision that allows municipalities to seek by gift or purchase to increase points of access to intertidal land and the provision that allows municipalities, within which intertidal land is located, to provide or increase facilities, services and other amenities to facilitate public use of intertidal land.

The amendment also explicitly states that the Attorney General has a right to intervene in any lawsuit that may affect the public trust rights to the intertidal zone.

The amendment clarifies the definition of "marine organism" to include algae, including seaweed, rockweed and other stramenopiles.

This amendment was not adopted.

LD 1482 An Act To Clarify Provisions of the Blueberry Tax

PUBLIC 222

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
ALLEY R MOORE M	OTP-AM	H-340

This bill amends the laws regarding the wild Maine blueberry tax in the following ways.

1. It establishes a tax of 3/4¢ per pound for wild blueberries shipped from outside the State for processing in the State.

Joint Standing Committee on Agriculture, Conservation and Forestry

2. It requires detailed reporting of the wild blueberry transactions subject to the tax.
3. It requires the Department of Agriculture, Conservation and Forestry to conduct periodic random inspections of wild blueberry shippers and processors so that each shipper and processor is inspected at least once in a three-year period.
4. It requires the Wild Blueberry Commission of Maine to maintain and periodically update a detailed survey of the wild blueberry industry acreage, assets and other industry data.
5. It requires the Wild Blueberry Commission of Maine to submit an itemized report of its yearly revenue and expenditures to the Commissioner of Agriculture, Conservation and Forestry and the joint standing committee of the Legislature having jurisdiction over agriculture matters.
6. It requires shippers and processors to maintain permanent records of the origin of wild blueberries received by the shippers and processors.
7. It prohibits the mixing or commingling of wild blueberries harvested from a field with wild blueberries harvested from another field and requires each field from which wild blueberries are harvested to have a unique identifying number and shippers and processors to record for each lot of wild blueberries shipped, received, transported or processed the unique identifying number of that lot.
8. It changes the penalty for a second violation of the record-keeping requirements within a five-year period from up to \$10,000 to \$10,000.
9. It allows the Department of Agriculture, Conservation and Forestry to audit a shipper or processor at its own discretion.

Committee Amendment "A" (H-340)

This amendment strikes and replaces the bill to remove the establishment of a tax of 3/4¢ per pound for wild blueberries shipped from outside the State for processing in the State. The amendment requires all wild blueberries harvested in the State that are to be shipped outside the State for processing to be weighed on a state-certified scale in the State prior to being shipped outside the State.

The amendment strikes detailed reporting, for processors, of wild blueberry transactions subject to the tax.

The bill requires the State Tax Assessor to forward an annual report containing information pertinent to the collection of the blueberry tax to the Wild Blueberry Commission of Maine. The amendment specifies that the report must include the total number of pounds of: wild blueberries grown in the State, wild blueberries processed in the State, unprocessed wild blueberries imported into the State and unprocessed wild blueberries exported from the State.

The bill requires the Department of Agriculture, Conservation and Forestry to conduct periodic random inspections of wild blueberry shippers and processors. The amendment strikes the requirement that each shipper and processor be inspected at least once in a three-year period.

The amendment strikes the requirement that the Wild Blueberry Commission of Maine maintain and periodically update a detailed survey of the wild blueberry industry acreage and assets and other industry data.

The amendment strikes the requirement that the Wild Blueberry Commission of Maine submit an itemized report of its yearly revenue and expenditures to the Commissioner of Agriculture, Conservation and Forestry and the joint standing committee of the Legislature having jurisdiction over agriculture matters.

Joint Standing Committee on Agriculture, Conservation and Forestry

The amendment removes the repeal of the current law that provides an exception for wild blueberries harvested outside the State to the prohibition on the transport of wild blueberries in quantities exceeding 25 pounds without first obtaining a transportation permit from the Wild Blueberry Commission of Maine.

The amendment removes the provision in the bill that changes the penalty for a second violation of the record-keeping requirements within a five-year period from up to \$10,000 to \$10,000.

The amendment removes from the bill the prohibition on mixing or commingling of wild blueberries harvested from a field with wild blueberries from another field and the requirement that each field from which blueberries are harvested have a unique identifying number and for shippers and processors to record for each lot of wild blueberries the unique identifying number of that lot. Instead, the amendment provides that wild blueberries must be uniquely identified by the field from which they were harvested during transportation to a receiving facility.

The amendment provides an effective date for this legislation of January 1, 2020.

Enacted Law Summary

Public Law 2019, chapter 222 requires all wild blueberries harvested in the State that are to be shipped outside the State for processing to be weighed on a state-certified scale in the State prior to being shipped outside the State.

Public Law 2019, chapter 222 requires the State Tax Assessor to forward an annual report containing information pertinent to the collection of the blueberry tax to the Wild Blueberry Commission of Maine. The law specifies that the report must include the total number of pounds of: wild blueberries grown in the State, wild blueberries processed in the State, unprocessed wild blueberries imported into the State and unprocessed wild blueberries exported from the State.

The law requires the Department of Agriculture, Conservation and Forestry to conduct periodic random inspections of wild blueberry shippers and processors.

The law provides that wild blueberries must be uniquely identified by the field from which they were harvested during transportation to a receiving facility.

Public Law 2019, chapter 222 is effective January 1, 2020.

LD 1518 An Act To Establish a Fund for Portions of the Operations and Outreach Activities of the University of Maine Cooperative Extension Diagnostic and Research Laboratory

HELD BY GOVERNOR

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
STANLEY S	OTP-AM ONTP	H-554

This bill establishes the Tick Laboratory and Pest Management Fund administered by the University of Maine Cooperative Extension to fund the tick laboratory and other pest management research and projects and directs the extension's pest management unit to study browntail moths as the first of a series of pest research projects to be determined every three years by a committee designated by the University of Maine. The fund is funded by a pesticide container fee of 20¢ per container administered by the State Tax Assessor. This bill also creates a duty of the Board of Pesticides Control to investigate complaints of violations of local, state and federal pesticide laws and requires the Board of Pesticides Control to review any request by a political subdivision to eliminate the use of a certain pesticide within that political subdivision.

Committee Amendment "A" (H-554)