

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
FIRST REGULAR SESSION



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 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)

Joint Standing Committee on Agriculture, Conservation and Forestry

The bill establishes the Tick Laboratory and Pest Management Fund. This amendment, which is the majority report of the committee, provides that the fund is administered by the University of Maine at Orono to fund the tick laboratory and other pest management research and projects. The amendment provides that a portion of the funds must be provided for ongoing reimbursement, up to \$60,000 annually, to the Board of Pesticides Control to generate and maintain a list of pesticides registered with the board and make available to the public through the board's publicly accessible website the list and answer inquiries relating to the list.

The amendment provides that a portion of the fund may be used by the University of Maine Cooperative Extension pest management unit for nonadministrative costs related to a tick laboratory, including, but not limited to, development of educational materials; equipment, materials and supplies; and facility expansion.

The amendment makes changes to the composition of the pest research committee as described in the bill.

The amendment removes from the bill the requirement that the Board of Pesticides Control investigate any complaint alleging a violation of a local, state or federal law or rule regarding pesticide use.

The amendment removes from the bill the requirement that a political subdivision of the State that wants to eliminate use in the political subdivision of a pesticide registered by the United States Environmental Protection Agency submit a request to eliminate use of that pesticide to the Board of Pesticides Control.

The amendment provides that the fund is funded by a pesticide container fee administered by the State Tax Assessor of 15¢ per container, rather than 20¢ as proposed in the bill.

The amendment removes the provision of the bill that allows the State Tax Assessor to inspect the books or records of a retailer or to inspect the premises of a retailer where general use pesticides are stored, handled, transported or merchandised for the purpose of determining what pesticide products are taxable. The State Tax Assessor has the authority to inspect under current law pursuant to the Maine Revised Statutes, Title 36, section 112.

The amendment also provides a one-time allocation to the Department of Administrative and Financial Services, Maine Revenue Services for administrative costs associated with revision of the sales tax return to accommodate the pesticide container fee.

The amendment provides that the effective date of the legislation is January 1, 2020.

LD 1531 An Act To Establish the Maine Food System Investment Program To Create Quality Jobs and Support Farms, Fisheries and Food-related Businesses

CARRIED OVER

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
TALBOT ROSS R MOORE M		

This bill creates the Maine Food System Investment Program under the Department of Agriculture, Conservation and Forestry to strengthen the food system, including the agriculture, seafood and fisheries and other food sectors and the supply chain, to increase access to new markets and opportunities for producers, processors, small businesses and consumers in the State in the producing, processing, packaging, distribution, marketing, sale and consumption of food products.

The duties of the program are to develop and maintain a 10-year strategic framework to carry out the goals of the program by fostering communication, collaboration and coordination among the various sectors of the supply chain, identify gaps in the supply chain and barriers to food infrastructure and distribution needs and work with community development corporations, financial institutions and other investors and lenders in the food system to