

MAINE STATE LEGISLATURE

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STATE OF MAINE
129TH LEGISLATURE
FIRST SPECIAL AND SECOND REGULAR SESSIONS



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

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

November 2020

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STATE OF MAINE
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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 Special and Second Regular Sessions 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 Special Session of the 129th Legislature is Monday, November 25, 2019 and for non-emergency legislation enacted in the Regular Session of the 129th Legislature, Tuesday, June 16, 2020. 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

This bill was carried over in committee from the First Regular Session of the 129th Legislature by joint order, H.P. 1322.

The 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 direct financial investment to the areas of greatest need in the food system. The program is also authorized to make recommendations regarding rules or legislation to the department and the Legislature that will direct investment or establish policies or priorities in carrying out the goals of the program. The program is required to submit a six-month and a one-year report to the Legislature subsequent to the implementation of the program and an annual report on the progress of and developments regarding the 10-year strategic framework.

This bill, which had been voted but not yet reported out of committee, was carried over in committee to any special session of the 129th Legislature by joint order, S.P. 788

LD 1590 An Act To Amend the Laws Relating to Harness Racing

PUBLIC 626

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MAREAND	OTP-AM	H-727

This bill was carried over in committee from the First Regular Session of the 129th Legislature by joint order, H.P. 1322.

The bill amends the harness racing laws in the following ways:

1. It requires the Department of Agriculture, Conservation and Forestry to develop a biennial operating budget for the State Harness Racing Commission with input from the commission that allows for expenditures for discretionary activities by the commission during the biennium if the commission determines the activities are in the best interest of the harness racing industry.
2. It protects the Harness Racing Promotional Fund from being charged for indirect costs under a departmental indirect cost allocation plan.
3. It requires a harness racing license application of a pari-mutuel betting licensee who leases a racing plant to list financial and corporate information of the owner of the real estate.
4. It requires the commission, when assigning race dates to licensees, to consider the development of revenues from interstate simulcasting, the ability to offer night racing and the ability to maintain ownership of or a leasehold on facilities.
5. It changes the definition of "commercial track" for regions with a population of 300,000 or more and with a population of less than 300,000 by removing language for racetracks that have ceased operations.
6. It provides that an off-track betting facility within a 50-mile radius of a commercial track must pay 1% of the

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wagers made during the time live racing is being conducted on race day and 0.5% of the wagers made during the time that live racing is not being conducted on race day.

7. It allows an off-track betting facility to be located within a facility licensed to serve alcohol that is owned by an owner other than the off-track betting facility owner.

8. It removes the requirement that an applicant for an off-track betting license notify commercial tracks within 50 miles of the proposed off-track betting facility.

9. It provides that an applicant for an off-track betting license must notify and allow objections from existing off-track betting facilities within 15 miles of the proposed off-track betting facility, instead of within 35 miles as in current law.

10. It changes the date of the Department of Agriculture, Conservation and Forestry's annual report to the Legislature on off-track betting from January 1st to March 1st.

11. It provides for reduced payments from revenues derived by an off-track betting facility first licensed after January 1, 2019 that is owned by a federally recognized Indian tribe and is located and operated in an establishment licensed to serve alcohol.

12. It allows an agricultural fair licensee to qualify for funds from the fund to supplement harness racing purses by conducting an extended meet, removing the requirement that the licensee must have conducted an extended meet in 2005.

Committee Amendment "A" (H-727)

Current law defines "race date" as a scheduled date awarded by the State Harness Racing Commission for which there is a racing program of not less than eight separate live races. The amendment provides that the commission may, by rule, reduce the required number of separate live races for a licensee that is associated with an agricultural fair to qualify as a racing program from eight separate live races to seven separate live races if a minimum number of horses is not available.

This amendment revises the way in which the Department of Agriculture, Conservation and Forestry develops a recommended operating budget for the operating account for the commission.

The amendment strikes from the bill the requirement that an off-track betting facility within a 50-mile radius of a commercial track must pay 1% of the wagers made during the time live racing is being conducted on race day and 0.5% of the wagers made during the time that live racing is not being conducted on race day.

Current law requires licensees to pay funds to a statewide association of horsemen to supplement purses. The amendment requires the commission to disburse funds directly to a statewide association of horsemen to supplement purses.

The amendment revises the provision in the bill that allows an off-track betting facility to be located within a facility licensed to serve alcohol that is owned by an owner other than the off-track betting facility owner. The amendment provides that a person may conduct pari-mutuel wagering at an off-track betting facility that is licensed if the facility is located and operated within a licensed hotel with public dining facilities, a Class A lounge, a Class A restaurant or a Class A restaurant/lounge.

The amendment retains the requirement in current law that an applicant for an off-track betting license notify commercial tracks within 50 miles of the proposed off-track betting facility.

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The amendment retains the requirement in current law that an applicant for an off-track betting license notify and allow objections from existing off-track betting facilities within 35 miles.

The amendment strikes from the bill the section relating to reduced payments for facilities licensed after January 1, 2019 owned by a federally recognized Indian tribe.

The amendment provides that the amounts payable to the Stipend Fund from an off-track betting facility newly licensed after January 1, 2020 must be divided among agricultural fair licensees based on the number of days raced in conjunction with the annual agricultural fairs of the licensees.

The bill provides that an agricultural fair licensee qualifies for funds from the fund to supplement harness racing purses by conducting an extended meet, removing the requirement that the licensee has conducted an extended meet in 2005. The amendment retains this requirement. The amendment also provides that an agricultural fair licensee qualifies for funds from the fund to supplement harness racing purses if that fair licensee has been awarded live race dates by the commission upon closure of an existing commercial track that is not replaced.

The amendment increases the maximum of race day credits that may be awarded per commercial track during the months of March and December from 12 to 16.

The amendment provides that if the commission determines that a commercial track ceased or agreed to cease operation prior to March 1, 2021 following a request from a bona fide statewide organization of horsemen to facilitate the prospect that a modernized commercial track might open, notwithstanding the requirements of the Maine Revised Statutes, Title 8, section 275-D, the operator of the former commercial track or an entity controlled by its owners is entitled to a license to operate an off-track betting facility in the same municipality of the commercial track at or after the time the commercial track ceases operation as a commercial track.

Enacted Law Summary

Public Law 2019, chapter 626 does the following.

The law provides that the commission may, by rule, reduce the required number of separate live races for a licensee that is associated with an agricultural fair to qualify as a racing program from eight separate live races to seven separate live races if a minimum number of horses is not available.

The law revises the way in which the Department of Agriculture, Conservation and Forestry develops a recommended operating budget for the operating account for the commission.

The law requires the commission to disburse funds directly to a statewide association of horsemen to supplement purses.

The law provides that a person may conduct pari-mutuel wagering at an off-track betting facility that is licensed if the facility is located and operated within a licensed hotel with public dining facilities, a Class A lounge, a Class A restaurant or a Class A restaurant/lounge.

The law provides that the amounts payable to the Stipend Fund from an off-track betting facility newly licensed after January 1, 2020 must be divided among agricultural fair licensees based on the number of days raced in conjunction with the annual agricultural fairs of the licensees.

The law provides that an agricultural fair licensee qualifies for funds from the fund to supplement harness racing purses if that fair licensee has been awarded live race dates by the commission upon closure of an existing commercial track that is not replaced.

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The law increases the maximum of race day credits that may be awarded per commercial track during the months of March and December from 12 to 16.

The law provides that if the commission determines that a commercial track ceased or agreed to cease operation prior to March 1, 2021 following a request from a bona fide statewide organization of horsemen to facilitate the prospect that a modernized commercial track might open, notwithstanding the requirements of the Maine Revised Statutes, Title 8, section 275-D, the operator of the former commercial track or an entity controlled by its owners is entitled to a license to operate an off-track betting facility in the same municipality of the commercial track at or after the time the commercial track ceases operation as a commercial track.

LD 1719 An Act To Improve Geographic Information System Data Acquisition and Maintenance

CARRIED OVER

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
BLACK R HICKMANC		

This bill was carried over from the First Regular Session of the 129th Legislature on the Special Appropriations Table by joint order, H.P. 1322. The bill was taken off the Special Appropriations Table and recommitted to the committee in the Second Regular Session.

The bill moves the Maine Library of Geographic Information, the Geolibrary, from the Department of Administrative and Financial Services to the Department of Agriculture, Conservation and Forestry and establishes the Maine Library of Geographic Information Board in the Department of Agriculture, Conservation and Forestry to administer the Geolibrary. The bill adds a Geolibrarian and a GIS information officer, appointed by the Commissioner of Agriculture, Conservation and Forestry, to the staff of the Maine Library of Geographic Information, to collect, preserve and disseminate data, manage funds and direct the Geolibrary's activities. The bill repeals language allowing the administrator of the Office of Geographic Information Systems to enter into agreements with other agencies and to accept funds from public and private organizations, repeals language describing licensing agreement and fee requirements for geographic information system data and repeals language allowing the Maine Library of Geographic Information Board to hear and resolve disputes related to geographic information system data.

Committee Amendment "A" (S-261)

This amendment makes changes to the composition of the Maine Library of Geographic Information Board. The amendment adds an appropriations and allocations section.

This bill, which had been voted but not yet reported out of committee, was carried over in committee to any special session of the 129th Legislature by joint order, S.P. 788.

LD 1726 An Act To Penalize Violators of Wood Shipment and Quarantine Laws

PUBLIC 595

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
BLACK R HICKMANC	OTP-AM	S-412

This bill was carried over in committee from the First Regular Session of the 129th Legislature by joint order, H.P. 1322.