

STATE OF MAINE
123RD LEGISLATURE
SECOND REGULAR AND FIRST SPECIAL SESSIONS



Summaries of bills, adopted amendments and laws enacted or finally passed
during the Second Regular or First Special Sessions of the 123rd Maine
Legislature coming from the

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

May 2008

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Joint Standing Committee on Agriculture, Conservation and Forestry

LD 648 An Act To Maintain the Amount of State Land That Is Open for Hunting

PUBLIC 564

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
JACKSON	OTP-AM MAJ OTP-AM MIN	H-756 H-781 PIEH

LD 648 was jointly referred to the Committee on Agriculture, Conservation and Forestry and the Committee on Inland Fisheries and Wildlife and provides that the number of acres open to hunting on reserved and nonreserved state lands may not be reduced from the total number of acres available for hunting on those lands as of January 1, 2008.

Committee Amendment "A" (H-756)

This amendment is the majority report of the Joint Standing Committee on Agriculture, Conservation and Forestry and the Joint Standing Committee on Inland Fisheries and Wildlife. It replaces the bill. It requires the Department of Conservation, Bureau of Parks and Lands and the Department of Inland Fisheries and Wildlife to coordinate their respective management of the public reserved lands and land owned by the Department of Inland Fisheries and Wildlife to ensure that there is no net loss of acreage open to hunting on these lands. It requires the Bureau of Parks and Lands to present information on changes in acres open to hunting in its annual report on the public reserved lands and to present this information to the joint standing committee of the Legislature having jurisdiction over wildlife management matters as well as the joint standing committee of the Legislature having jurisdiction over public lands.

Committee Amendment "B" (H-757)

This amendment is the minority report of the Joint Standing Committee on Agriculture, Conservation and Forestry and the Joint Standing Committee on Inland Fisheries and Wildlife. It replaces the bill. It requires the Department of Conservation, Bureau of Parks and Lands to include a description of changes in allowed uses of the public reserved lands in the bureau's annual report to the legislative committee of jurisdiction. The minority report was not adopted.

House Amendment "A" (H-781)

This amendment replaces the language in Committee Amendment "A" pertaining to required reporting. It requires the Department of Conservation, Bureau of Parks and Lands to include in its annual report a description of any changes in allowed uses of public reserved lands, including the acreage affected and the reason for the change.

Enacted Law Summary

Public Law 2007, chapter 564 requires the Department of Conservation, Bureau of Parks and Lands and the Department of Inland Fisheries and Wildlife to coordinate their respective management of the public reserved lands and land owned by the Department of Inland Fisheries and Wildlife to ensure that there is no net loss of acreage open to hunting on these lands. It requires the bureau to include in its annual report a description of any changes in allowed uses of public reserved lands, including the acreage affected and the reason for the change.

LD 680 An Act To Increase Funding for the Spaying and Neutering of Companion Animals

ONTP

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
NUTTING J	ONTP	

Joint Standing Committee on Agriculture, Conservation and Forestry

LD 680 changes the way the fees collected from the registration of pet food and commercial feed is distributed. Currently, 1/2 of the fees collected go to the General Fund and the other 1/2 goes to the Animal Welfare Fund. This bill directs the Commissioner of Agriculture, Food and Rural Resources to deposit 1/4 of the fees collected in the General Fund, 1/4 of the fees collected in the Companion Animal Sterilization Fund and 1/2 of the fees collected in the Animal Welfare Fund. The fiscal impact statement for this bill projects an annual loss of \$100,000 to the General Fund and an equivalent increase to the Companion Animal Sterilization Fund.

LD 1650 An Act To Amend the Laws Concerning Genetically Engineered Plants and Seeds

PUBLIC 602

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
SCHATZ	OTP-AM A OTP-AM B ONTP C	H-851

LD 1650 amends the statutory definitions of "genetically engineered" and "seed dealer" and defines "technology use agreement." The bill requires the manufacturer of a genetically engineered plant part, seed or plant sold in the State to report annually to the Commissioner of Agriculture, Food and Rural Resources the total potential acreage of genetically modified crops that could be grown based on sales. It provides for a process by which a manufacturer of a genetically engineered plant part, seed or plant may investigate a violation of a technology use agreement and the rights of a farmer during an investigation.

It creates a right of action as and damages for a private nuisance against a manufacturer of a genetically engineered plant part, seed or plant that cross-contaminates a person's land. It limits the liability of knowing and unknowing users and possessors of a genetically engineered plant part, seed or plant.

Committee Amendment "A" (H-851)

This amendment is the majority report of the Joint Standing Committee on Agriculture, Conservation and Forestry. The amendment revises the definition of "genetically engineered" and "technology use agreement." It removes provisions regarding the process by which a manufacturer may investigate a violation of a technology use agreement and strikes language regarding liability resulting from cross-contamination. It provides protection for de minimus or unintended possession of a genetically engineered product. It requires the Commissioner of Agriculture, Food and Rural Resources to adopt major substantive rules that establish best management practices to maintain the integrity of crops.

Committee Amendment "B" (H-852)

This amendment is a minority report of the Joint Standing Committee on Agriculture, Conservation and Forestry. It makes the same changes as are made in the majority report and, in addition, includes a requirement that a manufacturer annually report to the Commissioner of Agriculture, Food and Rural Resources an estimate of the potential acres of genetically engineered crops that could be planted based on sales in Maine. The minority report was not adopted.

Enacted Law Summary

Public Law 2007, chapter 602 amends the definition of "genetically engineered" and "seed dealer" and enacts a statutory definition for "technology use agreement." It provides protection for de minimus or unintended possession of a genetically engineered product. It requires the Commissioner of Agriculture, Food and Rural Resources to adopt major substantive rules that establish best management practices to maintain the integrity of crops.

Joint Standing Committee on Agriculture, Conservation and Forestry

LD 1684 An Act To Create the Maine Agriculture Protection Act

**PUBLIC 649
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
SHERMAN	OTP-AM	S-455

LD 1684 repeals the Maine Revised Statutes, Title 17, section 2805, which provides protection from nuisance suits for farm operations that use best management practices. It revises the repealed provisions for inclusion in Title 7 under a chapter proposed for enactment as the Agriculture Protection Act. The bill establishes incentives to conserve and protect agricultural land and enterprises and to further encourage agricultural development. The bill also allows the State to create agriculture protection areas to foster and strengthen agriculture development.

Committee Amendment "A" (S-455)

This amendment removes from the bill the provisions for designating agriculture protection areas and requiring a governmental entity to prepare an impact assessment prior to taking an action that would diminish agricultural property. It replaces the term "generally accepted agricultural practices" with "best management practices." It corrects cross-references. This amendment also establishes a study commission to develop recommendations for protecting farmland.

Enacted Law Summary

Public Law 2007, chapter 649 repeals the Maine Revised Statutes, Title 17, section 2805, which provides protection from nuisance suits for farm operations that use best management practices. It enacts the repealed provisions in Chapter 6 of Title 7 to be known as the Agriculture Protection Act. It establishes a study commission to develop policy initiatives to protect working farms from the impact of development and to maintain a base of commercially viable agricultural land for Maine's future. The study commission is directed to report its findings and recommendations to the joint standing committee of the Legislature having jurisdiction over agricultural matters no later than November 5, 2008.

Public Law 2007, chapter 649 was enacted as an emergency measure effective April 18, 2008.

LD 1930 Resolve, Authorizing the Department of Inland Fisheries and Wildlife To Convey Certain Lands

RESOLVE 161

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
BRYANT B	OTP-AM	S-441

LD 1930 authorizes the Commissioner of Inland Fisheries and Wildlife to sell 2 parcels of land in the Town of Kennebunk to Central Maine Power Company for appraised market value.

Committee Amendment "A" (S-441)

This amendment incorporates a fiscal note.

Enacted Law Summary

Resolve 2007, chapter 161 authorizes the Commissioner of Inland Fisheries and Wildlife to sell 2 parcels of land in the Town of Kennebunk to Central Maine Power Company for appraised market value.

Joint Standing Committee on Agriculture, Conservation and Forestry

LD 1954 An Act To Amend the Potato Cull Pile Law

PUBLIC 570
EMERGENCY

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
LUNDEEN	OTP-AM	H-813

LD 1954 strengthens the laws pertaining to potato cull piles and establishes requirements for the management of potato cull piles. The bill expands responsibility for disposal and management of cull potatoes and potato cull piles beyond landowners to lessees and other persons responsible for the potatoes. The bill authorizes the Commissioner of Agriculture, Food and Rural Resources to establish best management practices for managing potato culls and potato cull piles.

Committee Amendment "A" (H-813)

This amendment adds a definition of "responsible party." It clarifies the Commissioner of Agriculture, Food and Rural Resources' authority to alter the statutory dates for the disposal of cull potatoes and management of cull potato piles and to prescribe site-specific best management practices.

Enacted Law Summary

Public Law 2007, chapter 570 strengthens the laws pertaining to potato cull piles and establishes requirements for the management of potato cull piles. It expands responsibility for disposal and management of cull potatoes and potato cull piles to include lessees and other persons responsible for the potatoes. This law requires the Commissioner of Agriculture, Food and Rural Resources to establish best management practices for managing potato culls and potato cull piles.

Public Law 2007, chapter 570 was enacted as an emergency measure effective April 7, 2008.

LD 1992 An Act To Amend the Laws Governing Agricultural Marketing and Bargaining

PUBLIC 499

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MARTIN	OTP-AM	S-442

LD 1992 amends the laws governing agricultural marketing and bargaining by amending the definition of "handler" to define that term as it pertains to potatoes. The bill also amends the definitions of "agent" and "broker" to exclude from those definitions associations that are cooperative associations of agricultural producers.

Committee Amendment "A" (S-442)

This amendment removes the sections of the bill that proposed amending definitions for "agent" and "broker" under the licensing laws for the marketing of potatoes. It amends the definition of "handler" as it applies to potatoes to include a processor or a person or company acting as an agent, broker or dealer that provides more than 100,000 hundredweight of potatoes annually to a processor. It amends the provision by which the Department of Agriculture, Food and Rural Resources responds to notices that producers have been insufficiently paid.

Enacted Law Summary

Public Law 2007, chapter 499 amends the definition of "handler" under the Maine Agricultural Marketing and Bargaining Act of 1973 as it applies to potatoes to include a processor or a person or company acting as an agent, broker or dealer for a processor that provides more than 100,000 hundredweight of potatoes annually to a processor.

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It amends the provision by which the Department of Agriculture, Food and Rural Resources responds to notices that producers have not been sufficiently paid by processors to include insufficient payment by dealers, brokers, agents or retailers. It clarifies that a determination of insufficient payment is made at a hearing.

LD 2001 An Act To Reduce Wild Blueberry Theft

**PUBLIC 694
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
WESTON	OTP-AM	S-542 S-675 ROTUNDO

LD 2001 increases the penalties for violation of the laws regarding transportation and receipt of wild blueberries. It revises provisions for verifying permission to harvest and transport wild blueberries to facilitate enforcement. It provides for the owners of the blueberries to issue permits for the transportation of blueberries from the field. It makes certain violations strict liability crimes.

Committee Amendment "A" (S-542)

This amendment adds an emergency preamble and clause to the bill. It specifies that the State Tax Assessor is required to suspend or revoke the certification of a processor or shipper of wild blueberries when the assessor receives notification that certain violations have occurred. It allows the assessor to accept a notarized statement to determine that violations by an owner, officer or employee have not occurred. It clarifies that it is illegal for a first hauler to transport berries to anyone who is not certified as a shipper or processor. Instead of basing increased penalties for illegal transportation of berries on the value of the berries as proposed in the bill, this amendment establishes illegal transportation by a person with 2 prior convictions as a Class C crime.

Senate Amendment "A" (S-675)

This amendment changes the criminal categories proposed in the bill from Class C to Class D.

Enacted Law Summary

Public Law 2007, chapter 694 revises statutory provisions pertaining to the harvest, transportation, and receipt of wild blueberries to facilitate enforcement and deter theft. Fines are increased. Unlawful removal or possession of wild blueberries and unlawful transportation of wild blueberries remain Class E crimes for a first or second offense but become Class D crimes if the person has 2 or more convictions. A violation of the law pertaining to receiving wild blueberries becomes a Class D crime if a person has two previous civil violations under that section of law.

Public Law 2007, chapter 694 was enacted as an emergency measure effective April 24, 2008.

LD 2010 Resolve, Directing the Commissioner of Agriculture, Food and Rural Resources To Review and Make Recommendations Regarding the Regulation of Dog and Cat Breeding Facilities

RESOLVE 203

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
PRATT	OTP-AM	H-803 H-924 PRATT

LD 2010 is a concept draft, which seeks to enact measures designed to address the inhumane breeding standards of so-called "puppy mills" in the State. The intent of the bill is to outlaw the most egregious dog breeding practices and establish a Maine humane dog breeding standard.

Committee Amendment "A" (H-803)

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This amendment replaces the concept draft for a bill with a resolve. It directs the Commissioner of Agriculture, Food and Rural Resources to convene a working group to evaluate the definition of "breeding kennel" and review statutory provisions and regulation of breeding kennels. The department is directed to provide staff to and coordinate meetings of the working group within existing resources. The commissioner is required to submit a report following this review by January 15, 2009 to the joint standing committee of the Legislature having jurisdiction over animal welfare matters. The committee is authorized to submit legislation pertaining to the regulation of breeding kennels to the First Regular Session of the 124th Legislature.

House Amendment "B" (H-924)

This amendment clarifies the issues to be reviewed by the commissioner and the working group convened by the commissioner for purposes of ensuring humane treatment of animals. It requires that the Department of Agriculture, Food and Rural Resources post its report on its publicly accessible website as soon as practicable.

Enacted Law Summary

Resolve 2007, chapter 203 directs the Commissioner of Agriculture, Food and Rural Resources to convene a working group to review statutory and regulatory provisions pertaining to the breeding and sale of dogs and cats. The commissioner, in consultation with the working group, is specifically directed to review criteria to determine when a kennel or breeding kennel license is required and the authority of animal control officers and state humane agents to inspect and enforce animal welfare laws and rules. The commissioner is required to submit a report following this review by January 15, 2009 to the joint standing committee of the Legislature having jurisdiction over animal welfare matters. The committee is authorized to submit legislation pertaining to the regulation of breeding kennels to the First Regular Session of the 124th Legislature.

LD 2023 An Act To Repeal the Cap on Rental Rates for State Submerged Lands

PUBLIC 540

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
FLOOD	OTP-AM	H-770

LD 2023 repeals the current cap of \$1,200 per year on rental rates for submerged lands leased from the State.

Committee Amendment "A" (H-770)

This amendment replaces the bill. It delays the repeal of the cap on rental rates until June 30, 2009 and directs the Director of the Bureau of Parks and Lands within the Department of Conservation to convene a working group to assist in developing a schedule of rental rates. It requires the director to report to the Joint Standing Committee on Agriculture, Conservation and Forestry no later than October 22, 2008.

Enacted Law Summary

Public Law 2007, chapter 540 repeals the cap on rental rates for submerged lands effective June 30, 2009 and directs the Director of the Bureau of Parks and Lands within the Department of Conservation to convene a working group to assist in developing a schedule of rental rates. It requires the director to report to the Joint Standing Committee on Agriculture, Conservation and Forestry no later than October 22, 2008.

LD 2087 Resolve, To Study the Feasibility of a Public Dock on Mooselookmeguntic Lake

RESOLVE 184

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
CARTER	OTP-AM	H-804

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LD 2087 directs the Department of Inland Fisheries and Wildlife, in partnership with other associations and individuals, to study the feasibility of a dock for public use and summer rentals on Mooselookmeguntic Lake to restore public access to the lake since the current dock has been privately purchased.

Committee Amendment "A" (H-804)

This amendment directs the Department of Conservation, rather than the Department of Inland Fisheries and Wildlife, to study the feasibility of establishing a dock for public use or leasing of slip space on Mooselookmeguntic Lake.

Enacted Law Summary

Resolve 2007, chapter 184 directs the Department of Conservation, in partnership with associations and individuals, to study the feasibility of establishing a dock for public use or summer rentals or leasing of slip space on Mooselookmeguntic Lake. In undertaking the study, the department is directed to examine possible locations accessible over publicly owned lands.

LD 2171 An Act To Amend the Animal Welfare Laws

PUBLIC 702

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
PIEH NUTTING J	OTP-AM	H-965 H-982 PIEH S-665 ROTUNDO

LD 2171 amends the Maine Revised Statutes, Title 7 to improve the specificity of some of the definitions used in the Animal Welfare Act, to provide for a temporary animal shelter, to impose a requirement that breeding kennels display kennel license numbers when advertising, to add neglect to the crime of cruelty to animals and to strengthen the requirements for proper shelter. It amends Title 17 to refine some of the definitions and to strengthen laws pertaining to cruelty to animals and shelter requirements. The bill establishes new crimes related to unattended animals in motor vehicles and domestic violence against animals.

Committee Amendment "A" (H-965)

This amendment removes several sections of the bill, revises some sections and adds several others.

House Amendment "A" (H-982)

This amendment authorizes the State Controller to advance up to \$500,000 from the Board of Pesticides Control account to the Animal Welfare Fund if requested in writing by the Commissioner of Agriculture, Food and Rural Resources.

Senate Amendment "B" (S-665)

This amendment removes language that expands the crime of aggravated cruelty to animals to apply to a person who acts with criminal negligence.

Enacted Law Summary

Public Law 2007, chapter 702 does the following:

1. Facilitates the collection of registration fees for home-based manufacturers of pet food.
2. Authorizes the Department of Agriculture, Food and Rural Resources to establish temporary shelters to impound animals.

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3. Requires breeding kennels to post their license numbers.
4. Provides an affirmative defense for various violations of the animal welfare laws for agricultural animals kept in compliance with best management practices as determined by the department.
5. Requires a veterinarian to report suspected violations of aggravated cruelty.
6. Authorizes a law enforcement officer, humane agent or animal control officer to remove an animal confined unattended in a motor vehicle when the animal is in immediate danger due to extreme temperature. It requires notification to the owner of the animal's removal and provides immunity for an officer removing an animal under the described circumstances.
7. Replaces the definition of "pet dealer" with a definition of "seller" for use in the statutory chapter on the sale of cats and dogs.
8. Amends the provisions for a vendor's license to apply to dogs and cats under 6 months of age and removes the fee for one vendor's license in a 12-month period, but requires the \$25 fee for additional licenses in a 12-month period, and extends the period for which a vendor's license is valid from 60 days to 90 days.
9. Amends shelter provisions in Title 17 to conform to changes made to Title 7 in the First Regular Session of the 123rd Legislature.
10. Authorizes the State Controller to advance up to \$500,000 from the Board of Pesticides Control account to the Animal Welfare Fund if requested in writing by the Commissioner of Agriculture, Food and Rural Resources.

LD 2184 An Act To Implement the Recommendations of the Commission To Study the Promotion, Expansion and Regulation of the Harness Racing Industry

PUBLIC 611

Sponsor(s)

Committee Report

Amendments Adopted

OTP-AM

H-953

LD 2184 is a committee bill authorized under Resolve 2007, chapter 128 and submitted by the Joint Standing Committee on Agriculture, Conservation and Forestry after receiving the report and recommendations of the Commission To Study the Promotion, Expansion and Regulation of the Harness Racing Industry.

Committee Amendment "A" (H-953)

This amendment clarifies that the executive director of the State Harness Racing Commission is authorized to present evidence in adjudicatory hearings before the commission as part of the executive director's duties for the commission. It amends the Maine Revised Statutes, Title 8, section 273 to clarify that a penalty for conducting a race without a license only applies when a license is required because pari-mutuel betting is permitted. It also clarifies that only horses qualified to race are subject to out-of-competition testing. It removes the section of the bill that proposes transferring money from 5 dedicated funds to an account to support laboratory testing. Public Law 2007, chapter 539 includes provisions in Part G to fund the operations of the State Harness Racing Commission including laboratory testing.

Enacted Law Summary

Public Law 2007, chapter 611 specifies that the duties of the executive director of the State Harness Racing Commission include presenting evidence in adjudicatory hearings before the commission on alleged violations. It requires a trainer upon request of the commission to submit a horse for testing to detect prohibited substances. It

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removes the statutory caps on fines for violations of the harness racing statutes and rules. It clarifies that conducting a harness horse racing meet without a license is a Class D crime. It authorizes the State Police upon the request of the State Harness Racing Commission to assist in investigations following a positive test for use of substances in violation of the harness racing rules. It restricts licenses to operate slot machines to property within 200 feet of a commercial track, except that the 2,000-foot maximum distance continues for a commercial track that received an initial license for slot machines while owned by a municipality.

LD 2190 An Act To Designate Certain Rules Proposed by the Board of Pesticides Control as Major Substantive Rules

**PUBLIC 484
EMERGENCY**

Sponsor(s)

Committee Report

Amendments Adopted

LD 2190 is the report of the Joint Standing Committee on Agriculture, Conservation and Forestry pursuant to the Maine Revised Statutes, Title 7, section 610, subsection 5. It designates proposed rules that pertain to the use of organophosphate pesticides adjacent to occupied areas or distribution and use of plant-incorporated protectants as major substantive rules. It provides for rules pertaining to plant-incorporated protectants in effect on March 1, 2008 to remain in effect but designates amendments to those rules as major substantive rules.

Enacted Law Summary

Public Law 2007, chapter 484 designates proposed rules that pertain to the use of organophosphate pesticides adjacent to occupied areas or distribution and use of plant-incorporated protectants as major substantive rules. It provides for rules pertaining to plant-incorporated protectants in effect on March 1, 2008 to remain in effect but designates amendments to those rules as major substantive rules.

Public Law 2007, chapter 484 was enacted as an emergency measure effective February 28, 2008.

LD 2191 An Act To Designate Certain Application and Licensing Information Provided to the State Harness Racing Commission as Confidential

**PUBLIC 483
EMERGENCY**

Sponsor(s)

Committee Report

Amendments Adopted

LD 2191 is the report of the Joint Standing Committee on Agriculture, Conservation and Forestry authorized by Resolve 2007, chapter 128 and submitted to implement a recommendation of the Commission to Study the Promotion, Expansion and Regulation of the Harness Racing Industry. It designates as confidential certain information provided to or developed by the State Harness Racing Commission as part of the application review process for issuing a commercial race track license. The bill cross-references the confidentiality provisions in the statutes governing the Gambling Control Board to specify the types of information and records that are confidential.

Enacted Law Summary

Public Law 2007, chapter 483 designates as confidential certain information provided to or developed by the State Harness Racing Commission as part of the application review process for issuing a commercial race track license.

Public Law 2007, chapter 483 was enacted as an emergency measure effective February 28, 2008.

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LD 2194 **Resolve, Regarding Legislative Review of Portions of Chapter 26: Standards for Indoor Pesticide Applications and Notification for All Occupied Buildings Except K-12 Schools, a Major Substantive Rule of the Department of Agriculture, Food and Rural Resources, Board of Pesticides Control**

**RESOLVE 153
EMERGENCY**

Sponsor(s)

Committee Report

Amendments Adopted

OTP

LD 2194 provides for legislative review of portions of Chapter 26: Standards for Indoor Pesticide Applications and Notification for All Occupied Buildings Except K-12 Schools, a major substantive rule of the Department of Agriculture, Food and Rural Resources, Board of Pesticides Control.

Enacted Law Summary

Resolve 2007, chapter 153 authorizes final adoption of Chapter 26: Standards for Indoor Pesticide Applications and Notification for All Occupied Buildings Except K-12 Schools, a major substantive rule of the Department of Agriculture, Food and Rural Resources, Board of Pesticides Control.

Resolve 2007, chapter 153 was enacted as an emergency measure effective March 17, 2008.

LD 2195 **Resolve, Regarding Legislative Review of Portions of Chapter 29: Standards for Water Quality Protection, Section 5, Restrictions on Pesticide Application To Control Browntail Moths near Marine Waters, a Major Substantive Rule of the Department of Agriculture, Food and Rural Resources, Board of Pesticides Control**

ONTP

Sponsor(s)

Committee Report

Amendments Adopted

ONTP

LD 2195 provides for legislative review of portions of Chapter 29: Standards for Water Quality Protection, a major substantive rule of the Department of Agriculture, Food and Rural Resources, Board of Pesticides Control. This resolve erroneously cited Section 5 of the chapter 29 rules as the section to be reviewed. LD 2211 was subsequently printed with the correct reference to Section 6.

LD 2211 **Resolve, Regarding Legislative Review of Portions of Chapter 29: Standards for Water Quality Protection, Section 6, Buffer Requirement, a Major Substantive Rule of the Department of Agriculture, Food and Rural Resources, Board of Pesticides Control.**

**RESOLVE 154
EMERGENCY**

Sponsor(s)

Committee Report

Amendments Adopted

OTP

LD 2211 provides for legislative review of portions of Chapter 29: Standards for Water Quality Protection, Section 6, Buffer Requirement, a major substantive rule of the Department of Agriculture, Food and Rural Resources, Board of Pesticides Control.

Enacted Law Summary

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Resolve 2007, chapter 154 authorizes final adoption of Chapter 29: Standards for Water Quality Protection, Section 6, Buffer Requirement, a major substantive rule of the Department of Agriculture, Food and Rural Resources, Board of Pesticides Control.

Resolve 2007, chapter 154 was enacted as an emergency measure effective March 17, 2008.

LD 2237 **Resolve, Authorizing the Department of Conservation, Bureau of Parks and Lands To Convey Certain Lands and Enter into Certain Leases with the Federal Government**

RESOLVE 179

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
PIEH	OTP-AM	H-783

LD 2237 allows the Director of the Bureau of Parks and Lands within the Department of Conservation to convey several nonexclusive easements to GMO Renewable Resources, LLC, in townships in Franklin County and Piscataquis County, crossing various parcels of public reserved lands. The easements are all for forest management purposes. The resolve allows the bureau to swap these easements for other easements or other consideration.

The resolve also allows the Director of the Bureau of Parks and Lands to convey a trail-crossing easement in Newport to benefit abutting properties. The resolve requires that the easement be granted for negotiated value.

The resolve also allows the Director of the Bureau of Parks and Lands to convey land and buildings on Hospital Street in Augusta to Bread of Life Ministries, which operates a homeless shelter on the abutting property and currently leases the state property for administrative and program support needs of the homeless shelter. The resolve requires that the land be transferred for negotiated value not less than the assessed value.

Committee Amendment "A" (H-783)

This amendment authorizes the Director of the Bureau of Parks and Lands within the Department of Conservation to enter into a lease with the Federal Government or United States Coast Guard regarding an existing public safety communications facility located within Quoddy Head State Park in Lubec, Washington County. It removes section 3 of the resolve, which allowed the director to convey an easement in Moosehead Junction Township to GMO Renewable Resources, LLC. It also amends the resolve to specify that the proposed conveyance to the Bread of Life Ministries be for a value of not less than \$60,000.

Enacted Law Summary

Resolve 2007, chapter 179 allows the Director of the Bureau of Parks and Lands within the Department of Conservation to convey several nonexclusive easements across public lands to GMO Renewable Resources, LLC, for forest management purposes. It authorizes the director to enter into a lease with the Federal Government or United States Coast Guard regarding an existing public safety communications facility located within Quoddy Head State Park. It also authorizes conveyance of a trail-crossing easement in Newport to benefit abutting properties and land and buildings on Hospital Street in Augusta to Bread of Life Ministries.

LD 2245 **An Act To Promote the Agricultural Economy**

**PUBLIC 660
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
	OTP-AM	H-862

LD 2245 makes several revisions to the statutes pertaining to the Maine Farms for the Future Program and the Agricultural Marketing Loan Fund. It directs the Joint Standing Committee on Agriculture, Conservation and

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Forestry to review recommendations presented in the January 2008 report on the agricultural creative economy during authorized interim meetings and to develop legislation to implement recommendations relating to assistance, development and promotion for agricultural businesses. It authorizes the joint standing committee of the Legislature having jurisdiction over agricultural matters to submit legislation during the First Regular Session of the 124th Legislature.

Committee Amendment "A" (H-862)

This amendment removes a cross-reference to a definition of "agricultural enterprise," allowing any additional definitions needed to implement the Maine Farms for the Future Program to be established in rule. It specifies that instruction or classroom training in economics or business planning required for participation in the program must be approved by the Department of Agriculture, Food and Rural Resources. It allows a participant in the program who completes a business plan to apply for a reduced-interest loan, a grant or both. The amendment specifies that the review panel's responsibility to develop a competitive process applies to both applications for grants and eligibility to apply for reduced-interest loans. It also requires the department to review a business plan within 2 years of awarding a grant for implementation of the plan.

Enacted Law Summary

Public Law 2007, chapter 660 revises eligibility criteria for applicants to the Maine Farms for the Future Program for business development planning. Under current law the applicant must own at least 5 acres of land in agricultural use. Chapter 660 instead requires that applicants must own an agricultural business that has operated in the State for a minimum of 2 years. The bill requires ownership of 5 acres only for those entering the implementation phase and applying for a grant in exchange for a farmland protection agreement. It allows a participant in the program who has completed a business plan to apply for a reduced-interest loan of 2% from the Agricultural Marketing Loan Fund, a grant or both. It also requires the department to review a business plan within 2 years of awarding a grant for implementation of the plan.

Chapter 660 extends the time period for assembling a services package for participants in the Maine Farms for the Future Program business planning program from 12 to 18 months and requires instruction or classroom training in economics and business planning. It removes the requirement that the Commissioner of Agriculture, Food and Rural Resources approve payments of more than \$5,000 for business planning services. It extends the duration of a farmland protection agreement from 5 years to 7 years. It replaces the mandate that the Department of Agriculture, Food and Rural Resources contract out the administration of the Maine Farms for the Future program with permissive language and removes the requirement that a contracting organization provide a \$200,000 match. It also removes the cap on expenditures for administrative costs for a contracting organization. It requires that a minimum of 40% of annual state funding for the Maine Farms for the Future Program be reserved for grants to implement a business plan.

Chapter 660 expands the information to be included in the annual reports for the Maine Farms for the Future Program and the Agricultural Marketing Loan Fund. It removes the cap of \$100,000 on Agricultural Marketing Loan Fund loans for land for the start-up of a new agricultural business. It extends the time period during which grants for technical assistance and research must be expended to the 3 fiscal years following designation. It removes provisions for business planning under the Agricultural Marketing Loan Fund, eliminating the provisions of similar services under both the Maine Farms for the Future Program and the Agricultural Marketing Loan Fund.

Chapter 660 directs the Joint Standing Committee on Agriculture, Conservation and Forestry to review recommendations presented in the January 2008 report on the agricultural creative economy during regularly authorized meetings and to develop legislation to implement the report's recommendations relating to assistance, development and promotion for agricultural businesses. It authorizes the joint standing committee of the Legislature having jurisdiction over agricultural matters to submit legislation during the First Regular Session of the 124th Legislature.

Public Law 2007, chapter 660 was enacted as an emergency measure effective April 18, 2008.

Joint Standing Committee on Agriculture, Conservation and Forestry

LD 2256 An Act To Modify the City of Portland's Leasing Authority for the Maine State Pier

ONTP

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
CUMMINGS	ONTP	

LD 2256 requires the Director of the Bureau of Public Lands within the Department of Conservation to lease submerged lands under and adjacent to the port facilities to the City of Portland for not less than 75 years nor more than 99 years. It also makes it clear that the submerged lands may not be sold by the city but may be leased and that the use of the property is subject to the public trust doctrine. The bill also imposes conditions on the use of the property that must be included in the lease and preserves the right of the city to pursue its claim of ownership to the submerged lands.

LD 2260 Resolve, Authorizing the Department of Inland Fisheries and Wildlife To Convey a Certain Easement Interest in Lands

RESOLVE 194

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
NUTTING J	OTP-AM	S-556

LD 2260 authorizes the Department of Inland Fisheries and Wildlife to convey a linear transmission line easement interest in land in Webster Plantation in Penobscot County.

Committee Amendment "A" (S-556)

This amendment incorporates a fiscal note.

Enacted Law Summary

Resolve 2007, chapter 194 authorizes the Department of Inland Fisheries and Wildlife to convey an easement for a linear transmission line in Webster Plantation in Penobscot County to benefit Evergreen Wind Power V, LLC. This authorization is contingent on Evergreen Wind Power receiving necessary approvals from the Maine Department of Environmental Protection. The easement is for an area approximately 80 feet wide and 1.3 miles long.

LD 2262 An Act Pertaining to the Definition of "Milk"

ONTP

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

LD 2262 prohibits the sale of milk labeled as "fresh milk," "Maine fresh milk" or "Northeastern fresh milk" unless the milk meets the definition for the term used, as enacted in the bill. Civil penalties under the Maine Revised Statutes, Title 7, section 2908-A apply as well as the Commissioner of Agriculture, Food and Rural Resources' authority to apply for an injunction under Title 7, section 2910-A.

LD 2262 was submitted as a committee bill following review of the Maine Milk Commission under the Government Evaluation Act as authorized under Title 3, section 955, subsection 4. The bill was subsequently referred back to the Joint Standing Committee on Agriculture, Conservation and Forestry for a public hearing and reported out with a unanimous "Ought Not to Pass" vote.

Joint Standing Committee on Agriculture, Conservation and Forestry

LD 2284 An Act Regarding the Regulation of Agricultural Composting Operations

DIED ON
ADJOURNMENT

Sponsor(s)

Committee Report

Amendments Adopted

LD 2284 requires commercial agricultural composting operations to register with the Department of Agriculture, Food and Rural Resources and directs the Commissioner of Agriculture, Food and Rural Resources to adopt rules concerning best management practices for commercial agricultural composting operations. It authorizes the commissioner or the commissioner's designee to enter the premises of a commercial agricultural composting operation to inspect for compliance with best management practices. It removes commercial agricultural composting operations from regulation by the Department of Environmental Protection as waste facilities but does not exempt commercial agricultural composting operations from state or federal environmental laws.

Joint Standing Committee on Agriculture, Conservation and Forestry

SUBJECT INDEX

Agriculture

Enacted

LD 1650	An Act To Amend the Laws Concerning Genetically Engineered Plants and Seeds	PUBLIC 602
LD 1954	An Act To Amend the Potato Cull Pile Law	PUBLIC 570 EMERGENCY
LD 1992	An Act To Amend the Laws Governing Agricultural Marketing and Bargaining	PUBLIC 499
LD 2001	An Act To Reduce Wild Blueberry Theft	PUBLIC 694 EMERGENCY

Agriculture-Policy

Enacted

LD 1684	An Act To Create the Maine Agriculture Protection Act	PUBLIC 649 EMERGENCY
LD 2245	An Act To Promote the Agricultural Economy	PUBLIC 660 EMERGENCY

Not Enacted

LD 2284	An Act Regarding the Regulation of Agricultural Composting Operations	DIED ON ADJOURNMENT
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Animal Control, Health and Welfare

Enacted

LD 2010	Resolve, Directing the Commissioner of Agriculture, Food and Rural Resources To Review and Make Recommendations Regarding the Regulation of Dog and Cat Breeding Facilities	RESOLVE 203
LD 2171	An Act To Amend the Animal Welfare Laws	PUBLIC 702

Not Enacted

LD 680	An Act To Increase Funding for the Spaying and Neutering of Companion Animals	ONTP
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Dairy and Livestock

Not Enacted

LD 2262 An Act Pertaining to the Definition of "Milk" ONTP

Department of Conservation - Bureau of Parks and Lands

Enacted

LD 648 An Act To Maintain the Amount of State Land That Is Open for Hunting PUBLIC 564

LD 2023 An Act To Repeal the Cap on Rental Rates for State Submerged Lands PUBLIC 540

LD 2087 Resolve, To Study the Feasibility of a Public Dock on Mooselookmeguntic Lake RESOLVE 184

Harness Racing

Enacted

LD 2184 An Act To Implement the Recommendations of the Commission To Study the Promotion, Expansion and Regulation of the Harness Racing Industry PUBLIC 611

LD 2191 An Act To Designate Certain Application and Licensing Information Provided to the State Harness Racing Commission as Confidential PUBLIC 483 EMERGENCY

Land transactions

Enacted

LD 1930 Resolve, Authorizing the Department of Inland Fisheries and Wildlife To Convey Certain Lands RESOLVE 161

LD 2237 Resolve, Authorizing the Department of Conservation, Bureau of Parks and Lands To Convey Certain Lands and Enter into Certain Leases with the Federal Government RESOLVE 179

LD 2260 Resolve, Authorizing the Department of Inland Fisheries and Wildlife To Convey a Certain Easement Interest in Lands RESOLVE 194

Not Enacted

LD 2256 An Act To Modify the City of Portland's Leasing Authority for the Maine State Pier ONTP

Pesticides

Enacted

LD 2190 An Act To Designate Certain Rules Proposed by the Board of Pesticides Control as Major Substantive Rules PUBLIC 484 EMERGENCY

LD 2194 Resolve, Regarding Legislative Review of Portions of Chapter 26: Standards for Indoor Pesticide Applications and Notification for All Occupied Buildings Except K-12 Schools, a Major Substantive Rule of the Department of Agriculture, Food and Rural Resources, Board of Pesticides Control RESOLVE 153 EMERGENCY

LD 2211

Resolve, Regarding Legislative Review of Portions of Chapter 29: Standards for Water Quality Protection, Section 6, Buffer Requirement, a Major Substantive Rule of the Department of Agriculture, Food and Rural Resources, Board of Pesticides Control.

**RESOLVE 154
EMERGENCY**

Not Enacted

LD 2195

Resolve, Regarding Legislative Review of Portions of Chapter 29: Standards for Water Quality Protection, Section 5, Restrictions on Pesticide Application To Control Browntail Moths near Marine Waters, a Major Substantive Rule of the Department of Agriculture, Food and Rural Resources, Board of Pesticides Control

ONTP

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

Summary of Committee Actions

I. BILLS AND PAPERS CONSIDERED	<u>Number</u>	<u>% of Comm Activity</u>	<u>% of All Bills/Papers</u>
A. Bills referred to Committee			
<i>Bills referred and voted out</i>	16	72.7%	2.8%
<u><i>Bills Carried Over from previous session</i></u>	<u>4</u>	<u>18.2%</u>	<u>0.7%</u>
Total Bills referred	20	90.9%	3.6%
B. Bills reported out by law or joint order	2	9.1%	0.4%
Total Bills considered by Committee	22	100.0%	3.9%
Orders and Resolutions referred to Committee			
<i>Joint Study Orders referred and voted out</i>	0	0.0%	0.0%
<i>Joint Resolutions referred and voted out</i>	0	0.0%	0.0%
<i>Orders and Resolutions Carried Over</i>	<u>0</u>	<u>0.0%</u>	<u>0.0%</u>
Total Orders and Resolutions Referred	0	0.0%	0.0%
		% of this Committee's Reports	% of All Committee Reports
II. COMMITTEE REPORTS	<u>Number</u>		
A. Unanimous committee reports			
<i>Ought to Pass</i>	4	18.2%	0.8%
<i>Ought to Pass as Amended</i>	13	59.1%	2.4%
<i>Ought to Pass as New Draft</i>	0	0.0%	0.0%
<u><i>Ought Not to Pass</i></u>	<u>4</u>	<u>18.2%</u>	<u>0.8%</u>
Total unanimous reports	21	95.5%	4.0%
B. Divided committee reports			
<i>Two-way reports</i>	0	0.0%	0.0%
<i>Three-way reports</i>	1	4.5%	0.2%
<u><i>Four-way reports</i></u>	<u>0</u>	<u>0.0%</u>	<u>0.0%</u>
Total divided reports	1	4.5%	0.2%
Total committee reports	22	100.0%	4.1%
III. CONFIRMATION HEARINGS	6	N/A	N/A
		% of Comm Bills/Papers	% of All Bills/Papers
IV. FINAL DISPOSITION	<u>Number</u>		
A. Bills and Papers enacted or finally passed			
<i>Joint Study Orders</i>	0	0.0%	0.0%
<i>Public laws</i>	11	50.0%	2.0%
<i>Private and Special Laws</i>	0	0.0%	0.0%
<i>Resolves</i>	7	31.8%	1.2%
<u><i>Constitutional Resolutions</i></u>	<u>0</u>	<u>0.0%</u>	<u>0.0%</u>
Total Enacted or Finally Passed	18	81.8%	3.2%
B. Major substantive rules			
Authorized without legislative changes	2	66.7%	9.1%
Authorized with legislative changes	0	0.0%	0.0%
<u>Not authorized by the Legislature</u>	<u>1</u>	<u>33.3%</u>	<u>4.5%</u>
Total number of rules reviewed	3	100.0%	13.6%
C. Bills vetoed or held by Governor			
<i>Vetoed over-ridden</i>	0	0.0%	0.0%
<i>Vetoed sustained</i>	0	0.0%	0.0%
<u><i>Held by the Governor</i></u>	<u>0</u>	<u>0.0%</u>	<u>0.0%</u>
Total	0	0.0%	0.0%

Note: A committee vote on a bill is not included here if the bill was subsequently re-referred to another committee or recommitted and carried.
Prepared by the Office of Policy and Legal Analysis
123rd Legislature, Second Regular and First Special Sessions