

**STATE OF MAINE**  
127<sup>TH</sup> LEGISLATURE  
SECOND REGULAR SESSION



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

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

May 2016

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MICHAEL O'BRIEN, LEGISLATIVE ANALYST  
OFFICE OF POLICY AND LEGAL ANALYSIS  
13 STATE HOUSE STATION  
AUGUSTA, ME 04333  
(207) 287-1670  
<http://legislature.maine.gov/legis/opla/>

*Joint Standing Committee on Agriculture, Conservation and Forestry*

**LD 783      RESOLUTION, Proposing an Amendment to the Constitution of Maine      Died Between  
To Establish a Right to Food      Houses**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
HICKMAN C LANGLEY B	OTP-AM ONTP	

This resolution was carried over from the First Regular Session of the 127th Legislature.

This resolution proposes a constitutional amendment to provide that every individual has a natural and unalienable right to food.

**Committee Amendment "A" (H-526)**

This amendment is the majority report of the committee. It strikes and replaces the language in the resolution to declare that all individuals have a natural, inherent and unalienable right to acquire, produce, process, prepare, preserve and consume food of their own choosing for their own nourishment and sustenance and to barter, trade and purchase food for their own bodily health and well-being. This amendment also strikes and replaces the question that will be presented to the voters.

**LD 866      An Act To Ensure Efficiency and Safety in the Bureau of Forestry      ONTP**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
BURNS D NADEAU C	ONTP	

This bill was carried over from the First Regular Session of the 127th Legislature.

This bill requires the Director of the Bureau of Forestry within the Department of Agriculture, Conservation and Forestry to appoint no fewer than 16 Forest Ranger IIIs, subject to the Civil Service Law, who are each to be armed with a firearm and selected from forest rangers employed by the bureau. A Forest Ranger III is required to meet the same training, certification and evaluation requirements as a full-time law enforcement officer as established by the department and Board of Trustees of the Maine Criminal Justice Academy. A Forest Ranger III has the same powers and duties as a sheriff or sheriff's deputy to enforce criminal and civil laws, with an emphasis on forestry, natural resource and wildfire protection laws.

Additionally, this bill requires the director to appoint the state supervisor and no fewer than 32 Forest Ranger IIs, subject to the Civil Service Law, who will serve in a role similar to that of current forest rangers and who must be provided ballistic vests and electronic control devices for their safety while performing their duties. This bill also removes the prohibition of the purchase of firearms, ballistic vests and other firearms-related equipment by the Department of Agriculture, Conservation and Forestry.

This bill changes the duties of forest rangers to include investigating, planning and implementing measures regarding forest health issues, including the control of invasive forest insect species, and providing support to the units within the bureau that are responsible for forest health and insect disease control. It also changes the duties of forest rangers to include providing assistance in disasters and emergencies, including search and rescue operations.

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**LD 991      An Act To Amend Maine's Genetically Modified Food Products Labeling Law**

**Died On  
Adjournment**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
DUNPHY M SAVIELLO T	OTP-AM OTP-AM	H-596

This bill was carried over from the First Regular Session of the 127th Legislature.

Maine's genetically modified food products labeling law includes a delay of the effective date of the law until mandatory labeling of genetically engineered food is adopted by at least five contiguous states including Maine. The law also includes an automatic repeal if mandatory labeling of genetically engineered food is not adopted by at least five contiguous states including Maine by January 1, 2018. This bill repeals both the delayed effective date and automatic repeal provisions, thereby making the law effective.

**Committee Amendment "A" (H-596)**

This amendment is the majority report of the committee. It strikes and replaces the bill.

This amendment extends by four years, from 2018 to 2022, the date before which five contiguous states, including Maine, have to adopt mandatory labeling of genetically engineered food in order for Maine's law to go into effect. If that contingency is not met, Maine's genetically modified food products labeling law is repealed.

**Committee Amendment "B" (H-597)**

This amendment is the minority report of the committee. It repeals the public law that enacted Maine's genetically modified food products labeling law, which only takes effect if mandatory labeling is adopted by at least five contiguous states including Maine.

This amendment instead enacts the labeling law contingent on approval by the voters in a referendum at the general election in November. This amendment was not adopted.

**LD 1022      An Act To Protect the Future of Harness Racing**

**PUBLIC 493  
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MAREAN D DIAMOND G	OTP-AM	H-377

This bill was reported out of committee in the prior session and then carried over on the Special Appropriations Committee Table.

This bill removes the provision of law that terminates certain payments of net slot machine income to the Fund to Encourage Racing at Maine's Commercial Tracks when all commercial tracks have obtained a license to operate slot machines. It also provides that if a commercial track ceases operation and is not immediately replaced by a commercial track in the same region that is owned by the same owner as the commercial track that ceased operation, all amounts in the fund must be disbursed to the remaining commercial tracks and to agricultural fairs based on days raced during extended meets up to a maximum of 100 days raced during extended meets per year and until such time as a new commercial track begins operation. A commercial track or agricultural fair receives a payment per race day equal to the quotient of the amount in the fund divided by 150. Any amount remaining in the fund after payments are made to commercial tracks and agricultural fairs must be transferred to the operating account of the

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Harness Racing Commission.

**Committee Amendment "A" (H-377)**

This amendment adds a process whereby, in the event of a natural disaster, a commercial track may repair, rebuild or relocate at the discretion of the State Harness Racing Commission. During any time that is granted by the commission to a commercial track to repair, rebuild or relocate, the distribution formula provided in the bill for the distribution of funds from the Fund to Encourage Racing at Maine's Commercial Tracks in the event of a track closure applies.

**Enacted Law Summary**

Public Law 2015, chapter 493 removes the provision of law that terminates certain payments of net slot machine income to the Fund to Encourage Racing at Maine's Commercial Tracks when all commercial tracks have obtained a license to operate slot machines. It also provides that if a commercial track ceases operation and is not immediately replaced by a commercial track in the same region that is owned by the same owner as the commercial track that ceased operation, all amounts in the fund must be disbursed to the remaining commercial tracks and to agricultural fairs based on days raced during extended meets up to a maximum of 100 days raced during extended meets per year and until such time as a new commercial track begins operation. A commercial track or agricultural fair receives a payment per race day equal to the quotient of the amount in the fund divided by 150. Any amount remaining in the fund after payments are made to commercial tracks and agricultural fairs must be transferred to the operating account of the Harness Racing Commission.

Public Law 2015, chapter 493 also adds a process whereby, in the event of a natural disaster, a commercial track may repair, rebuild or relocate at the discretion of the State Harness Racing Commission. During any time that is granted by the commission to a commercial track to repair, rebuild or relocate, the distribution formula provided in the bill for the distribution of funds from the Fund to Encourage Racing at Maine's Commercial Tracks in the event of a track closure applies.

Public Law 2015, chapter 493 was enacted as an emergency measure effective April 24, 2016.

**LD 1178      An Act To Implement the Recommendations of the Maple Syrup Task Force      ONTP**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
BLACK R DAVIS P	ONTP	

This bill was carried over from the First Regular Session of the 127th Legislature.

This bill establishes the Maine Maple Promotion Board and creates its basic structure, core functions and duties.

**LD 1326      An Act To Require Labeling of All Genetically Modified Products      Accepted Majority (ONTP) Report**

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

This bill was carried over from the First Regular Session of the 127th Legislature.

This bill defines "genetically modified product" as food containing genetically engineered material, genetically

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engineered seed stock, any product made from from animals fed genetically engineered food, medicine manufactured using genetically engineered plant or animal material or any other product containing genetically engineered materials within the laws regarding the labeling of genetically engineered products.

This bill requires the disclosure of genetic engineering of food, seed stock, products from animals fed genetically engineered food or medicines that were manufactured with genetically engineered plants or animals beginning January 1, 2017. It provides that food, seed stock, products from animals fed genetically engineered food and medicines for which the disclosure is not made are considered to be misbranded and subject to the sanctions for misbranding. The bill removes exemptions for products produced without knowledge that the products, or items used in their production, were genetically engineered; animal products derived from an animal that was not genetically engineered but was fed genetically engineered food; and products with only a minimum content produced by genetic engineering. The bill also removes the exemption from disclosure requirements as regards restaurants, alcoholic beverages or medical food. This bill increases the penalties for nondisclosure and misbranding to a Class E crime for the first offense and a Class D crime for the second and subsequent offenses.

The bill also repeals the contingent effective date established by Public Law 2013, chapter 436, section 2, subsection 1, thereby making Maine's genetically modified food products labeling law effective.

**Committee Amendment "A" (S-434)**

This amendment is the minority report of the committee. It removes most of the provisions of the bill. The amendment requires disclosure of genetic engineering at the point of retail sale for seed stock and provides that seed stock for which the disclosure is not made is considered to be misbranded and subject to the sanctions for misbranding. The amendment retains the provision of the bill that repeals the section of Public Law 2013, chapter 436 that provides that Maine's genetically modified food products labeling law does not take effect until four other contiguous states enact similar laws. The amendment repeals the provision that food may not be labeled as natural if it has been genetically engineered. The amendment also adds an appropriations and allocations section to the bill.

This amendment was not adopted.

**LD 1458      Resolve, Regarding Legislative Review of Chapter 30: Prior Approval Process and Stop Work Orders, a Major Substantive Rule of the Department of Agriculture, Conservation and Forestry, Bureau of Forestry**

**RESOLVE 58  
EMERGENCY**

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

This resolve provides for legislative review of Chapter 30: Prior Approval Process and Stop Work Orders, a major substantive rule of the Department of Agriculture, Conservation and Forestry, Bureau of Forestry.

**Enacted Law Summary**

Resolve 2015, chapter 58 authorizes final adoption of Chapter 30: Prior Approval Process and Stop Work Orders.

Resolve 2015, chapter 58 was enacted as an emergency measure effective March 9, 2016.

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**LD 1485    An Act To Allow the Director of the Bureau of Parks and Lands To  
Transfer Ownership of Snowmobile Trail Maintenance Equipment to  
Incorporated Nonprofit Snowmobile Clubs**

**P & S 16**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
BLACK R MASON G	OTP-AM	H-520

This bill authorizes the Director of the Bureau of Parks and Lands within the Department of Agriculture, Conservation and Forestry, with the consent of the Commissioner of Agriculture, Conservation and Forestry, to transfer ownership of state-owned snowmobile trail maintenance equipment to incorporated nonprofit snowmobile clubs for the maintenance of snowmobile trail systems that were maintained by the State before the transfer of the snowmobile trail maintenance equipment occurred.

**Committee Amendment "A" (H-520)**

This amendment strikes and replaces the bill. It allows the Director of the Bureau of Parks and Lands within the Department of Agriculture, Conservation and Forestry, with the consent of the Commissioner of Agriculture, Conservation and Forestry, to enter into agreements to transfer ownership of state-owned snowmobile trail maintenance equipment to incorporated nonprofit snowmobile clubs for the purpose of maintaining snowmobile trail systems that were maintained by the State prior to the effective date of the legislation. It further provides that any agreement entered into pursuant to the legislation must include provisions addressing consequences if an incorporated nonprofit snowmobile club fails to, or is otherwise unable to, abide by the terms of the agreement.

**Enacted Law Summary**

Private and Special Law 2015, chapter 16 allows the Director of the Bureau of Parks and Lands within the Department of Agriculture, Conservation and Forestry, with the consent of the Commissioner of Agriculture, Conservation and Forestry, to enter into agreements to transfer ownership of state-owned snowmobile trail maintenance equipment to incorporated nonprofit snowmobile clubs for the purpose of maintaining snowmobile trail systems that were maintained by the State prior to the effective date of the legislation.

Private and Special Law 2015, chapter 16 further provides that any agreement entered into pursuant to this legislation must include provisions addressing consequences if an incorporated nonprofit snowmobile club fails to, or is otherwise unable to, abide by the terms of the agreement.

**LD 1543    An Act To Create Stability in the Control of Pesticides**

**Died On  
Adjournment**

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

This bill was not referred to committee.

This bill prohibits a municipality from adopting an ordinance that specifically applies to pesticide storage, distribution or use unless the ordinance exempts farms, nurseries and golf courses and the municipality establishes a municipal reviewing authority that is similar to the Board of Pesticides Control within the Department of Agriculture, Conservation and Forestry.

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**LD 1580    Resolve, Regarding Legislative Review of Portions of Chapter 26:  
Producer Margins, a Late-filed Major Substantive Rule of the Maine  
Milk Commission**

**RESOLVE 72  
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
	OTP-AM	H-544

This resolve provides for legislative review of portions of Chapter 26: Producer Margins, a major substantive rule of the Maine Milk Commission that was filed outside the legislative rule acceptance period.

**Committee Amendment "A" (H-544)**

This amendment provides that final adoption of portions of Chapter 26: Producer Margins, a provisionally adopted major substantive rule of the Maine Milk Commission, is not authorized.

**Enacted Law Summary**

Resolve 2015, chapter 72 provides that final adoption of portions of Chapter 26: Producer Margins, a provisionally adopted major substantive rule of the Maine Milk Commission, is not authorized.

Resolve 2015, chapter 72 was finally passed as an emergency measure effective March 29, 2016.

**LD 1584    An Act To Continue To Provide Group Exemption Passes to State Parks  
for Persons with Disabilities and To Ensure Transparency for Certain  
Fees**

**Died On  
Adjournment**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
TUELL W BURNS D	OTP-AM ONTP	H-599

This bill requires the Bureau of Parks and Lands within the Department of Agriculture, Conservation and Forestry to issue a free group exemption pass for day use at state parks and historic sites to an organization that serves persons with disabilities. The pass entitles persons with disabilities and persons assisting them to admission free of charge to all state parks and historic sites for visits arranged by the organization holding the pass.

**Committee Amendment "A" (H-599)**

This amendment strikes and replaces the bill. It requires the Bureau of Parks and Lands within the Department of Agriculture, Conservation and Forestry to adopt rules providing for the issuance of free group passes for day use at state parks and historic sites to eligible organizations that serve persons with disabilities. This amendment also provides that the bureau's schedule of fees for services, accommodations and use must be posted on its publicly accessible website by October 1st of each year and that a new or changed fee takes effect on January 1st following its posting.

**LD 1595    Resolve, Authorizing the Reconveyance of Land and Authorizing the  
Sinclair Sanitary District To Lease Land for Telecommunications  
Purposes**

**ONTP**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MARTIN R EDGEComb P	ONTP	



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reserved lands;

3. Directing the Bureau of Parks and Lands within the Department of Agriculture, Conservation and Forestry to identify areas where the State does not currently have deeded access to the State's public reserved lands. This amendment also requires the bureau to direct regional foresters in the bureau who are familiar with the physical landscape and landowners to develop goals and priorities regarding increased access to the State's public reserved lands and requires the bureau to submit their findings to the joint standing committee of the Legislature having jurisdiction over public reserved lands matters by March 1, 2018;

4. Directing the Bureau of Parks and Lands within the Department of Agriculture, Conservation and Forestry to develop a statewide priority list of recreational infrastructure projects for the State's public reserved lands and a statewide priority list of projects under the federal Americans with Disabilities Act of 1990 for the State's public reserved lands. The priority lists must be presented to the joint standing committee of the Legislature having jurisdiction over public reserved lands matters by March 1, 2018. After receipt of the lists, the joint standing committee is required to hold a meeting for the purpose of obtaining public input related to the lists; and

5. Directing the Bureau of Parks and Lands within the Department of Agriculture, Conservation and Forestry to review its bid process for timber harvesting and road construction projects, including any liability concerns related to the bid process. The bureau is directed to report to the joint standing committee of the Legislature having jurisdiction over public reserved lands matters with any recommended changes to the bid process by March 15, 2017.

This amendment also strikes the section of the bill that provides the joint standing committee of the Legislature having jurisdiction over public reserved lands matters the authority to approve all expenditures from the Public Reserved Lands Management Fund.

In addition, this amendment includes a legislative findings section that addresses the consistency of the educational grant program's providing one-time grants to eligible public secondary and postsecondary institutions for educational programs related to logging with the permitted uses of the Public Reserved Lands Management Fund and finds that the Legislature, in permitting such transfers, is acting pursuant to their authority as trustee of the State's public reserved lands.

Finally, this amendment adds an appropriations and allocations section.

**LD 1659 An Act To Authorize the Sinclair Sanitary District To Lease Land for Telecommunications Purposes**

**P & S 18**

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

This bill was reported ought to pass by the committee pursuant to joint order, H.P. 1113.

This bill authorizes the Sinclair Sanitary District to lease a portion of the land conveyed pursuant to Resolve 1991, chapter 75 to Bay Communications II, LLC, to build a telecommunications tower. It directs the Director of the Bureau of Parks and Lands within the Department of Agriculture, Conservation and Forestry to convey to the Sinclair Sanitary District a deed modification that expressly authorizes this use.

**Enacted Law Summary**

Private and Special Law 2015, chapter 18 authorizes the Sinclair Sanitary District to lease a portion of the land conveyed pursuant to Resolve 1991, chapter 75 to Bay Communications II, LLC, to build a telecommunications tower. It directs the Director of the Bureau of Parks and Lands within the Department of Agriculture, Conservation

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and Forestry to convey to the Sinclair Sanitary District a deed modification that expressly authorizes this use.

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## **SUBJECT INDEX**

### **Food Policy**

#### **Enacted**

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#### **Not Enacted**

LD 783	RESOLUTION, Proposing an Amendment to the Constitution of Maine To Establish a Right to Food	Died Between Houses
LD 991	An Act To Amend Maine's Genetically Modified Food Products Labeling Law	Died On Adjournment
LD 1326	An Act To Require Labeling of All Genetically Modified Products	Majority (ONTP) Report

### **Harness Racing**

#### **Enacted**

LD 1022	An Act To Protect the Future of Harness Racing	PUBLIC 493 EMERGENCY
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### **Maine Forest Service**

#### **Enacted**

LD 1458	Resolve, Regarding Legislative Review of Chapter 30: Prior Approval Process and Stop Work Orders, a Major Substantive Rule of the Department of Agriculture, Conservation and Forestry, Bureau of Forestry	RESOLVE 58 EMERGENCY
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#### **Not Enacted**

LD 866	An Act To Ensure Efficiency and Safety in the Bureau of Forestry	ONTP
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### **Miscellaneous**

#### **Enacted**

LD 1485	An Act To Allow the Director of the Bureau of Parks and Lands To Transfer Ownership of Snowmobile Trail Maintenance Equipment to Incorporated Nonprofit Snowmobile Clubs	P & S 16
LD 1659	An Act To Authorize the Sinclair Sanitary District To Lease Land for Telecommunications Purposes	P & S 18

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**Parks and Public Lands**

**Not Enacted**

LD 1584	An Act To Continue To Provide Group Exemption Passes to State Parks for Persons with Disabilities and To Ensure Transparency for Certain Fees	Died On Adjournment
LD 1629	An Act To Implement the Recommendations of the Commission To Study the Public Reserved Lands Management Fund	Veto Sustained

**Pesticides**

**Not Enacted**

LD 1543	An Act To Create Stability in the Control of Pesticides	Died On Adjournment
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