

STATE OF MAINE
124TH LEGISLATURE
FIRST REGULAR SESSION



Summaries of bills, adopted amendments and laws enacted or finally passed during the First Regular Session of the 124th Maine Legislature coming from the

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

July 2009

MEMBERS:

SEN. JOHN M. NUTTING, CHAIR
SEN. BRUCE S. BRYANT
SEN. ROGER L. SHERMAN

REP. WENDY PIEH, CHAIR
REP. NANCY E. SMITH
REP. BENJAMIN MARRINER PRATT
REP. LEILA J. PERCY
REP. PETER S. KENT
REP. JEFF M. MCCABE
REP. ANDREW ROESING O'BRIEN
REP. PETER E. EDGECOMB
REP. DEAN A. CRAY
REP. JEFFERY ALLEN GIFFORD

STAFF:

JILL IPPOLITI, LEGISLATIVE ANALYST
OFFICE OF POLICY AND LEGAL ANALYSIS
13 STATE HOUSE STATION
AUGUSTA, ME 04333
(207) 287-1670

Joint Standing Committee on Agriculture, Conservation and Forestry

LD 9 An Act To Prohibit the Force-feeding of Birds

ONTP

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

This bill makes force-feeding birds in order to produce the food product known as foie gras a civil violation of Maine's cruelty to animals laws.

LD 46 An Act To Allow Nonmember Directors To Serve on the Board of Cooperative Agricultural Associations

PUBLIC 5

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

This bill authorizes members of a cooperative agricultural association to allow the election of nonmember directors, as long as the number of nonmember directors does not exceed 25% of the total number of member directors.

Enacted Law Summary

Public Law 2009, chapter 5 authorizes members of a cooperative agricultural association to elect nonmember directors, as long as the number of nonmember directors does not exceed 25% of the total number of member directors.

LD 68 An Act Regarding the Composition of the Board of Pesticides Control

ONTP

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

This bill adds a representative of a statewide organization of organic farmers and gardeners to the Department of Agriculture, Food and Rural Resources, Board of Pesticides Control. It also increases from 4 to 5 the number of members that constitutes a quorum.

Joint Standing Committee on Agriculture, Conservation and Forestry

LD 74 Resolve, To Review and Update Sales Tax Exemptions for Products Purchased for Agricultural Use

**RESOLVE 25
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
	OTP-AM	H-59

This resolve directs the Department of Agriculture, Food and Rural Resources to review the rules and bulletins of the Department of Administrative and Financial Services, Bureau of Revenue Services related to sales tax exemptions for commercial agricultural crop and animal production and to make recommendations to the bureau for changes to the rules and bulletins. It directs the bureau to review the recommendations and to report its findings and any recommendations to the Joint Standing Committee on Taxation and the Joint Standing Committee on Agriculture, Conservation and Forestry. It gives the Joint Standing Committee on Taxation authority to submit a bill to the Second Regular Session of the 124th Legislature.

Committee Amendment "A" (H-59)

This amendment requires the Department of Agriculture, Food and Rural Resources to confer with the Department of Conservation prior to making recommendations to the Department of Administrative and Financial Services, Bureau of Revenue Services regarding sales tax exemptions for products used in commercial agricultural crop production. It also requires the bureau to develop a protocol for responding to requests for interpretations regarding sales tax exemptions and refunds and to include a description of the protocol in the bureau's report. It authorizes both the Joint Standing Committee on Taxation and the Joint Standing Committee on Agriculture, Conservation and Forestry to submit legislation.

Enacted Law Summary

Resolve 2009, chapter 25 directs the Department of Agriculture, Food and Rural Resources to review the rules and bulletins of the Department of Administrative and Financial Services, Bureau of Revenue Services relating to sales tax exemptions for products used in commercial agricultural crop and animal production and sales tax refunds for machinery and equipment used in commercial agriculture. The department is directed to determine if appropriate products are included and to recommend changes to the Bureau of Revenue Services by September 15, 2009.

Chapter 25 directs the Bureau of Revenue Services to review the department's recommendations and to draft changes to the rules and bulletins based on those recommendations. The bureau must provide a response to the department's recommended changes that identifies any necessary statutory revisions and estimates the impact of the changes on revenues. The bureau shall submit its response and the draft rules to the Joint Standing Committee on Taxation and the Joint Standing Committee on Agriculture, Conservation and Forestry by January 15, 2010. Each committee is authorized to submit legislation to the Second Regular Session of the 124th Legislature relating to the report.

Resolve 2009, chapter 25 was enacted as an emergency measure effective May 4, 2009.

LD 75 Resolve, Directing the Department of Agriculture, Food and Rural Resources To Streamline Agricultural Regulation

ONTP

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

Joint Standing Committee on Agriculture, Conservation and Forestry

This resolve is submitted by the Joint Standing Committee on Agriculture, Conservation and Forestry under authority granted in Public Law 2007, chapter 660, An Act to Promote the Agricultural Economy. The resolve directs the Department of Agriculture, Food and Rural Resources to review regulatory processes affecting agricultural businesses and examine the feasibility of developing a one-stop, streamlined regulatory process and publicly accessible website portal. It directs the department to develop a regulatory flow chart and post it on its publicly accessible website by September 15, 2009. The resolve also directs the department to review and draft changes to the rules related to the licensing of certain types of food production and processing and the rules governing meat and poultry inspection and licensing. It requires the department to identify steps for streamlining the State's meat and poultry inspection and licensing process and to enhance coordination with the United States Department of Agriculture's inspection program as well as leverage federal resources, including resources to increase the availability of hazard analysis and critical control points training. The resolve requires the department to present a report to the Joint Standing Committee on Agriculture, Conservation and Forestry by January 15, 2010 that includes findings and recommendations including any draft legislation and proposed rule changes needed to implement the recommendations. The resolve gives the Joint Standing Committee on Agriculture, Conservation and Forestry authority to submit a bill to the Second Regular Session of the 124th Legislature related to the report.

**LD 134 An Act To Amend the Occupancy Limits for Campsites in the
Unorganized Territories**

**PUBLIC 16
EMERGENCY**

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

This bill amends the law that limits occupancy in a campsite under the jurisdiction of the Maine Land Use Regulation Commission to change the occupancy limit from 90 consecutive days to 120 days in a calendar year.

Enacted Law Summary

Public Law 2009, chapter 16 extends the limit for occupancy of campsites located within the jurisdiction of the Maine Land Use Regulation Commission from 90 consecutive days to 120 days in a calendar year.

Public Law 2009, chapter 16 was enacted as an emergency measure effective March 31, 2009.

**LD 170 An Act To Ensure the Integrity of Harness Horse Racing Track
Conditions**

**LEAVE TO
WITHDRAW**

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

This bill authorizes the State Harness Racing Commission to allow a fine against a commercial racetrack licensee of up to \$10,000 per horse for any race that is cancelled because the racetrack conditions are not properly maintained.

Joint Standing Committee on Agriculture, Conservation and Forestry

**LD 181 An Act To Conform Building Standards in the Unorganized Territories
with Federal Emergency Management Agency Requirements**

PUBLIC 111

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
JACKSON	OTP-AM	S-67

This bill establishes permitting requirements affecting normal maintenance and repair and renovations to structures in special flood hazard areas within the State's unorganized and deorganized areas. The proposed revisions would allow communities in the unorganized and deorganized areas to be eligible for insurance under the National Flood Insurance Program within the Federal Emergency Management Agency.

Committee Amendment "A" (S-67)

This amendment requires the Director of the Maine Land Use Regulation Commission to report to the Joint Standing Committee on Agriculture, Conservation and Forestry on revisions to the commission's rules for permitting in special flood areas. It also authorizes the Joint Standing Committee on Agriculture, Conservation and Forestry to submit legislation in the Second Regular Session of the 124th Legislature.

Enacted Law Summary

Public Law 2009, chapter 111 establishes permitting requirements for normal maintenance, repair and renovations to structures in special flood hazard areas within the jurisdiction of the Maine Land Use Regulation Commission. This change allows communities in the unorganized and deorganized areas to obtain insurance under the National Flood Insurance Program within the Federal Emergency Management Agency. It requires the Director of the Maine Land Use Regulation Commission to report to the Joint Standing Committee on Agriculture, Conservation and Forestry on revisions to the commission's rules for permitting in special flood areas. It also authorizes the Joint Standing Committee on Agriculture, Conservation and Forestry to submit legislation in the Second Regular Session of the 124th Legislature.

**LD 182 An Act To Prohibit Aerial Spraying of Pesticides near Buildings, Roads
and Bodies of Water**

ONTP

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

This bill establishes buffers where aerial spraying of pesticides is prohibited.

Joint Standing Committee on Agriculture, Conservation and Forestry

LD 183 An Act To Amend the Laws Concerning Genetically Engineered Plants and Seeds

LEAVE TO WITHDRAW

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

This bill proposes amending the definitions of "genetically engineered" and "technology use agreement." It 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 amount of acreage of genetically modified crops grown from that plant part, seed or plant in the State. It repeals the section of law pertaining to de minimus possession and provides a process by which a manufacturer of a genetically engineered plant part, seed or plant may investigate a suspected 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 and limits the liability of knowing and unknowing users and possessors of a genetically engineered plant part, seed or plant.

LD 223 An Act To Ensure That Money from the Surcharge on Registration of Pet Food for the Sterilization of Animals is Received in a Timely Manner

PUBLIC 148 EMERGENCY

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
DAVIS G	OTP-AM	S-68

This bill requires the Commissioner of Agriculture, Food and Rural Resources to deposit the surcharge on registration of pet food directly into the Companion Animal Sterilization Fund instead of the Animal Welfare Fund.

Committee Amendment "A" (S-68)

This amendment specifies that the first \$100,000 in surcharges received by the Department of Agriculture, Food and Rural Resources for the registration of pet food is deposited in the Companion Animal Sterilization Fund.

Enacted Law Summary

Public Law 2009, chapter 148 specifies that the first \$100,000 in surcharges received by the Department of Agriculture, Food and Rural Resources for the registration of pet food is deposited in the Companion Animal Sterilization Fund.

Public Law 2009, chapter 148 was enacted as an emergency measure effective May 18, 2009.

Joint Standing Committee on Agriculture, Conservation and Forestry

LD 247 Resolve, Directing the Commissioner of Conservation To Report on the Status of the Working Group on the Acquisition of Land for Multiple Uses **ONTP**

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

This resolve directs the Commissioner of Conservation to report by March 1, 2009 to the Joint Standing Committee on Agriculture, Conservation and Forestry on the status of the working group convened pursuant to Resolve 2005, chapter 197, section 5. The working group was charged with reviewing options for the public acquisition of land or interest in land in the Katahdin region that is crucial for outdoor recreation and has a significant impact on the region's economy.

LD 305 An Act To Renovate and Expand the Boat Launch on Long Lake in St. Agatha **ACCEPTED ONTP REPORT**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
THERIAULT JACKSON	ONTP MAJ OTP-AM MIN	

This bill proposes a one-time Other Special Revenue Funds allocation of \$158,000 to renovate and expand the boat launch on Long Lake in St. Agatha.

Committee Amendment "A" (H-150)

This amendment is the minority report of the Joint Standing Committee on Agriculture, Conservation and Forestry. It incorporates a fiscal note.

LD 316 An Act To Allow Eleven Large Game Shooting Areas in the State **PUBLIC 249**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
TUTTLE	OTP-AM MAJ ONTP MIN	H-236

This bill allows the Commissioner of Agriculture, Food and Rural Resources to approve one application for a license to operate a commercial large game shooting area from an applicant who did not operate a commercial large game shooting area between October 1, 1999 and March 15, 2000. It directs the commissioner to approve an application for a commercial large game shooting area to be located in Piscataquis County.

Committee Amendment "A" (H-236)

This amendment is the majority report of the Joint Standing Committee on Agriculture, Conservation and Forestry. It establishes a process for issuing licenses for commercial large game shooting areas that were not operating between October 1, 1999 and March 15, 2000. It limits the total number of licenses for operating a commercial large

Joint Standing Committee on Agriculture, Conservation and Forestry

game shooting area to 11. It allows licensed commercial large game shooting areas to offer genus and species of large game in addition to those offered between October 1, 1999 and March 15, 2000.

Enacted Law Summary

Public Law 2009, chapter 249 establishes a process for issuing licenses for commercial large game shooting areas that were not operating between October 1, 1999 and March 15, 2000. It limits the total number of licenses for operating a commercial large game shooting area to 11. It allows licensed commercial large game shooting areas to offer genus and species of large game in addition to those offered between October 1, 1999 and March 15, 2000.

LD 354 An Act To Allow Wider Kayaks in the Allagash Wilderness Waterway

ONTP

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

This bill, a concept draft, proposes to amend the current law and to direct the Department of Inland Fisheries and Wildlife to amend its rules to allow wider kayaks in the Allagash Wilderness Waterway.

LD 413 An Act To Clarify Land Use Regulation in Unorganized and Deorganized Townships

PUBLIC 401

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
CLARK H SHERMAN	OTP-AM MAJ ONTP MIN	H-383

This bill clarifies the purpose of land use regulation in the unorganized and deorganized townships of the State by confirming that such regulation is for the benefit of property owners and residents of these areas as well as for the public benefit. The bill also provides that the Legislature acknowledges that these areas are important to the continued vitality of the State and to local economies by promoting forest management and agricultural activities.

Committee Amendment "A" (H-383)

This amendment is the majority report of the committee. It removes the proposed language specific to supporting and promoting forest management and agricultural activities. It retains language in the bill that references the benefit of the property owners and residents of land within the jurisdiction of the Maine Land Use Regulation Commission.

Enacted Law Summary

Public Law 2009, chapter 401 revises the purpose of land use regulation in the unorganized and deorganized townships of the State, confirming that such regulation is for the benefit of property owners and residents of these areas as well as for the public benefit.

Joint Standing Committee on Agriculture, Conservation and Forestry

**LD 438 An Act To Promote Small Business in Rural Maine by Expanding Game
Hunting Opportunities**

**ACCEPTED ONTP
REPORT**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
TARDY	OTP MAJ ONTP MIN	

This bill removes the restriction on commercial large game shooting area licenses that allows hunting only for large game species that were offered for hunting in those areas between October 1, 1999 and March 15, 2000.

**LD 454 An Act To Expand Representation on the Animal Welfare Advisory
Council**

PUBLIC 333

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
NASS R	OTP-AM	H-501 PIEH S-243

This bill adds a representative from a state-based federation of dog clubs, such as the Federation of Maine Dog Clubs, to the Animal Welfare Advisory Council.

Committee Amendment "A" (S-243)

This amendment revises appointees to the Animal Welfare Advisory Council to include a representative of a municipally licensed kennel and provides for a member representing boarding kennels and one representing breeding kennels and a member who owns a pet.

House Amendment "A" To Committee Amendment "A" (H-501)

This amendment requires the Governor to consider nominations made by state-based dog clubs in making the appointment of the person holding a municipal kennel license to the Animal Welfare Advisory Council.

Enacted Law Summary

PL 2009, chapter 333 revises appointees to the Animal Welfare Advisory Council to include a representative of a municipally licensed kennel and provides for a member representing boarding kennels and one representing breeding kennels and a member who owns a pet. It requires the Governor to consider nominations made by state-based dog clubs in making the appointment of the person holding a municipal kennel license to the Animal Welfare Advisory Council.

Joint Standing Committee on Agriculture, Conservation and Forestry

LD 456 An Act To Provide Free Admission to State Parks to Veterans and Military Personnel

**PUBLIC 220
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
BLISS	OTP-AM	S-69 S-74 BLISS

This bill allows for free admission for any active duty member or veteran of the Armed Forces of the United States to any state-owned park, camping area or beach.

Committee Amendment "A" (S-69)

This amendment replaces the bill. It extends the period of time that free day use passes to state parks and historic sites for certain veterans may be issued until June 30, 2015. It also provides for the issuance of free passes to active military personnel whose home of residence is Maine.

Senate Amendment "A" (S-74)

This amendment adds an emergency preamble and emergency clause to the bill.

Enacted Law Summary

Public Law 2009, chapter 220 provides free day use admission to state parks and historic sites to active duty military personnel. It also extends until June 30, 2015 the issuing of free day use passes to state parks and historic sites to Maine residents who serve a minimum of three months outside the U.S. during a period of war or national emergency or on an operational mission for which members of the reserve were ordered to active duty. These passes are valid for a period of 12 months.

Public Law 2009, chapter 220 was enacted as an emergency measure effective May 28, 2009.

LD 458 Resolve, Directing the Department of Agriculture, Food and Rural Resources To Study Equine Husbandry Practices in the State

RESOLVE 36

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
NUTTING J	OTP-AM	S-70

This resolve directs the Department of Agriculture, Food and Rural Resources to develop a proposal to license equine boarding facilities and to submit legislation to the Second Regular Session of the 124th Legislature to implement its recommendations.

Committee Amendment "A" (S-70)

This amendment replaces the resolve. It directs the Commissioner of Agriculture, Food and Rural Resources to convene a working group to assist the commissioner in developing recommendations to promote good equine husbandry in the State.

Enacted Law Summary

Joint Standing Committee on Agriculture, Conservation and Forestry

Resolve 2009, chapter 36 directs the Commissioner of Agriculture, Food and Rural Resources to convene a working group to assist the commissioner in developing recommendations to promote good equine husbandry in the State. The commissioner is required to report findings and recommendations to the Joint Standing Committee on Agriculture, Conservation and Forestry no later than January 15, 2010 and the committee is authorized to submit legislation to the Second Session of the 124th Legislature.

LD 474 An Act To Clarify Land Planning in the Unorganized and Deorganized Townships ONTP

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

This bill amends the process by which the Maine Land Use Regulation Commission adopts a comprehensive land use plan for the unorganized and deorganized townships of the State. It requires the commission to submit a tentative plan to the Legislature for approval prior to the commission's final vote on the plan.

LD 494 Resolve, Regarding Legislative Review of Portions of Chapter 22: Standards for Outdoor Application of Pesticides by Powered Equipment in Order To Minimize Off-target Deposition, a Major Substantive Rule of the Department of Agriculture, Food and Rural Resources, Board of Pesticides Control RESOLVE 114 EMERGENCY

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
	OTP-AM A OTP B OTP-AM C	H-508

This resolve provides for legislative review of portions of Chapter 22: Standards for Outdoor Application of Pesticides by Powered Equipment in Order to Minimize Off-target Deposition, a major substantive rule of the Department of Agriculture, Food and Rural Resources, Board of Pesticides Control.

Committee Amendment "A" (H-508)

This amendment is the majority report of the Joint Standing Committee on Agriculture, Conservation and Forestry. It authorizes final adoption of Chapter 22 of the Board of Pesticides Control's rules, but only if specific revisions are made.

Enacted Law Summary

Resolve 2009, chapter 114 authorizes final adoption of the Board of Pesticides Rules Chapter 22 provided the following revisions are made.

1. The provision that a detectable pesticide residue in a sensitive area likely to be occupied is considered prima facie evidence that pesticides were not applied in a manner to minimize pesticide drift is removed and replaced with a provision that pesticides residues in a sensitive area likely to be occupied that are 1% or greater of the intended residue in the target area is prima facie evidence that the applicator did not apply the pesticides in a manner to minimize pesticide drift to the maximum extent practicable.
2. The language regarding prima facie evidence is rewritten to clarify that detection of residue is not prima

Joint Standing Committee on Agriculture, Conservation and Forestry

facie evidence of a violation but rather evidence that the application was not conducted in a manner to minimize drift to the maximum extent practicable. The board must review the site specific application checklist completed by the applicator and other relevant information to determine if a violation has occurred.

3. Specific distances for buffer zones must be removed from the rule, allowing site specific buffer zones to be used.

4. A revision is made in the section of the rule that establishes documentation of human illness as a standard of harm. The rule must be revised to state that for this standard to be met the board must receive verification from 2 physicians that an individual has experienced a negative health effect from exposure to an applied pesticide and that the effect is consistent with epidemiological documentation of human sensitivity to the applied pesticide.

The Board of Pesticides Control is not required to hold hearings or conduct other formal proceedings prior to finally adopting the rule in accordance with this resolve.

Resolve 2009, chapter 114 was finally passed as an emergency measure effective June 9, 2009.

**LD 495 Resolve, Regarding Legislative Review of Portions of Chapter 10:
Definitions and Terms, a Major Substantive Rule of the Department of
Agriculture, Food and Rural Resources, Board of Pesticides Control**

**RESOLVE 41
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
	OTP-AM MAJ OTP-AM MIN	H-151

This resolve provides for legislative review of portions of Chapter 10: Definitions and Terms, a major substantive rule of the Department of Agriculture, Food and Rural Resources, Board of Pesticides Control.

Committee Amendment "A" (H-151)

This amendment is the majority report of the Joint Standing Committee on Agriculture, Conservation and Forestry. It authorizes final adoption of portions of Chapter 10: Definitions and Terms as long as the definition of "sensitive area likely to be occupied" is amended.

Committee Amendment "B" (H-152)

This amendment is the minority report of the Joint Standing Committee on Agriculture, Conservation and Forestry. It denies authorization for final adoption of the provisionally adopted revisions to portions of Chapter 10: Definitions and Terms, a major substantive rule of the Department of Agriculture, Food and Rural Resources, Board of Pesticides Control.

Enacted Law Summary

Public Law 2009, chapter 41 authorizes final adoption of portions of Chapter 10: Definitions and Terms as long as the definition of "sensitive area likely to be occupied" is amended to remove explicit expansion of the definition to include areas other than the 4 areas delineated in the provisionally adopted definition, and to clarify that structures other than buildings that are likely to be occupied by humans are also included in the definition.

Resolve 2009, chapter 41 was enacted as emergency legislation effective May 14, 2009.

Joint Standing Committee on Agriculture, Conservation and Forestry

**LD 509 An Act To Transfer the Operation of the Fort Knox State Historic Site
to the Friends of Fort Knox**

**ACCEPTED ONTP
REPORT**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
CELLI ROSEN R	ONTP MAJ OTP-AM MIN	

This bill directs the Bureau of Parks and Lands within the Department of Conservation to transfer management and operations responsibilities for the Fort Knox State Historic Site to the Friends of Fort Knox.

Committee Amendment "A" (H-61)

This amendment is the minority report of the Joint Standing Committee on Agriculture, Conservation and Forestry. It restricts the contract under which management and operations responsibilities are transferred to 2 years in duration, repealing the transfer of responsibilities on May 1, 2012. It also specifies that 5% of all entrance fees go to the General Fund.

**LD 516 An Act To Increase the Number of Members of the Maine Land Use
Regulation Commission Who Reside in the Commission's Jurisdiction**

PUBLIC 328

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
THOMAS SMITH D	OTP-AM A OTP B OTP-AM C	H-387

This bill requires that a majority of the members of the Maine Land Use Regulation Commission reside within the jurisdiction of the commission, increasing the number from 2 to 4.

Committee Amendment "A" (H-387)

This amendment is the minority report of the Joint Standing Committee on Agriculture, Conservation and Forestry. It requires that 3 members reside within the jurisdiction of the commission.

Enacted Law Summary

Public Law 2009, chapter 328 increases the number of members of the Maine Land Use Regulation Commission who must reside in the commission's jurisdiction from 2 to 3.

**LD 517 An Act To Clarify a Municipality's Authority To Contract with an
Animal Shelter for Services**

PUBLIC 177

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
CLEARY JACKSON	OTP-AM	H-192

This bill authorizes an animal shelter to employ an animal control officer with duties and certification requirements identical to those of an animal control officer designated by a municipality. It authorizes a municipality to contract

Joint Standing Committee on Agriculture, Conservation and Forestry

with a shelter for an animal control officer's services.

Committee Amendment "A" (H-192)

This amendment replaces the bill. It clarifies that a municipality may appoint a person employed by an animal shelter as an animal control officer. It authorizes a municipality to contract with a licensed animal shelter for animal control services, but it restricts the performance of certain duties to an employee of that shelter who is the appointed animal control officer for the municipality.

Enacted Law Summary

Public Law 2009, chapter 177 clarifies a municipality's authority to appoint a person employed by an animal shelter as an animal control officer. It authorizes a municipality to contract with a licensed animal shelter for animal control services, but restricts the performance of certain duties to an employee of that shelter who is the appointed animal control officer for the municipality.

LD 557 **Resolve, Directing the Study of a Potato Variety Demonstrating Resistance to the Colorado Potato Beetle**

RESOLVE 80

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
DAVIS P	OTP-AM	H-275

This resolve directs the Department of Agriculture, Food and Rural Resources to examine the potential uses of a locally developed potato plant that is toxic to the Colorado potato beetle. Before conducting the study, the department must obtain the appropriate approval, names or other legal permission from the developer. The department is directed to report its findings and recommendations to the Joint Standing Committee on Agriculture, Conservation and Forestry by December 15, 2009.

Committee Amendment "A" (H-275)

This amendment directs the study of the potato variety known as the "Shaw Potato" to be conducted by the University of Maine as part of the Maine Potato Breeding Program. It identifies sources of funding and requires the Maine Potato Board to report to the Maine State Grange in addition to the Joint Standing Committee on Agriculture, Conservation and Forestry by December 15, 2009.

Enacted Law Summary

Public Law 2009, chapter 80 directs the study of the potato variety known as the "Shaw Potato" to be conducted by the University of Maine as part of the Maine Potato Breeding Program. It identifies sources of funding and requires the Maine Potato Board to report to the Maine State Grange in addition to the Joint Standing Committee on Agriculture, Conservation and Forestry by December 15, 2009.

LD 558 **An Act To Amend Notification Procedures of the Maine Land Use Regulation Commission**

ONTP

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

Joint Standing Committee on Agriculture, Conservation and Forestry

This bill requires that, prior to initiating the process of updating or revising the comprehensive land use plan, the Maine Land Use Regulation Commission notify each individual property owner within the commission's jurisdiction that the commission is initiating the process of updating the plan and how to access information regarding the plan, proposed revisions to the plan and the process for public input and comment.

LD 559 An Act To Update the Board of Pesticides Control

ONTP

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

This bill makes the language describing the qualifications for members of the Board of Pesticides Control consistent. It requires the member who is a commercial applicator to have expertise in structural pest management. The bill also prohibits the board from advocating for or against nominees to the board.

LD 560 An Act To Ban the Hunting of Animals in Enclosed Areas

ONTP

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

This bill repeals the law that permits the establishment, operation and use of commercial large game shooting areas. This bill also removes the exemption in the animal cruelty laws for persons operating or hunting in such areas, thus making it a Class D crime to operate or hunt in those areas.

LD 561 Resolve, To Direct State Agencies To Develop Policies To Guide Employees When Accessing Private Woodland, Farmland or Coastal Lands

RESOLVE 30

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
WATSON	OTP-AM	H-103

This resolve directs the Department of Inland Fisheries and Wildlife, the Department of Environmental Protection, the Department of Marine Resources, the Department of Agriculture, Food and Rural Resources and the Department of Conservation to develop written policies regarding entering private woodland for nonemergency purposes to collect information. The departments are required to solicit feedback from woodland owners in developing the policies. The policies developed by the departments are not rules and the departments are not required to adopt rules to implement the policies. The policies must be adopted by January 1, 2010.

Committee Amendment "A" (H-103)

This amendment requires the affected departments to develop policies to guide employees when accessing private farmland and coastal lands as well as private woodland. The amendment also requires the departments to report to

Joint Standing Committee on Agriculture, Conservation and Forestry

the Joint Standing Committee on Agriculture, Conservation and Forestry by January 15, 2010 on the policies developed under the resolve. The Joint Standing Committee on Agriculture, Conservation and Forestry may submit legislation to the Second Regular Session of the 124th Legislature.

Enacted Law Summary

Resolve 2009, chapter 30 requires the Department of Inland Fisheries and Wildlife, Department of Environmental Protection, Department of Marine Resources, Department of Agriculture, Food and Rural Resources and Department of Conservation to develop policies to guide employees when accessing private farmland and coastal lands as well as private woodland. It requires the departments to report to the Joint Standing Committee on Agriculture, Conservation and Forestry by January 15, 2010 on the policies developed under the resolve. The Joint Standing Committee on Agriculture, Conservation and Forestry may submit legislation to the Second Regular Session of the 124th Legislature.

LD 562 An Act To Support Maine State Parks

**PUBLIC 27
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MCCABE BRYANT B	OTP-AM MAJ ONTP MIN	H-30

This bill allows the Department of Conservation, Bureau of Parks and Lands to sell merchandise and rent equipment at state parks and historic sites and deposit the money received into the State Parks Improvement Fund, a dedicated account to be used for the operations and maintenance of state parks.

Committee Amendment "A" (H-30)

This amendment specifies that the Department of Conservation, Bureau of Parks and Lands must comply with procurement provisions administered by the Department of Administrative and Financial Services, Bureau of General Services. It also adds an emergency preamble and clause and an appropriations and allocations section to the bill.

Enacted Law Summary

Public Law 2009, Chapter 27 allows the Department of Conservation, Bureau of Parks and Lands to sell merchandise and rent equipment at state parks and historic sites and deposit the money received into the State Parks Improvement Fund, a dedicated account to be used for the operations and maintenance of state parks. The department is required to comply with procurement provisions administered by the Department of Administrative and Financial Services, Bureau of General Services.

Public Law 2009, chapter 27 was enacted as an emergency measure effective April 16, 2009.

LD 628 An Act To Allocate Prospective Federal Funding To Support Maine's Dairy Industry

Carried Over

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

Joint Standing Committee on Agriculture, Conservation and Forestry

This bill is a concept draft that proposes to allocate prospective federal funding to support the State's dairy industry. This bill was carried over to any special or regular session of the 124th Legislature pursuant to joint order, H.P. 1053.

LD 674 An Act To Lower the Cost of State Government in the Departments under the Purview of the Joint Standing Committee on Agriculture, Conservation and Forestry **INDEF PP**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
NUTTING J	ONTP MAJ OTP-AM MIN	

This bill deallocates Other Special Revenue Funds of \$109,866 in fiscal year 2009-10 and \$151,719 in fiscal year 2010-11 and eliminates 2 Public Service Coordinator I positions. It also includes General Fund deappropriations of \$82,238 in fiscal year 2009-10 and \$113,473 in fiscal year 2010-11 made possible by eliminating a Public Service Manager III position.

Committee Amendment "A" (S-71)

This amendment is the minority report of the Joint Standing Committee on Agriculture, Conservation and Forestry. The amendment eliminates one instead of 2 Public Service Coordinator positions. The amendment corrects figures for the Public Service Manager III position.

LD 687 Resolve, To Authorize the Department of Conservation To Place Priority on Access to Certain Prominent Water Bodies under the Land for Maine's Future Fund **Carried Over**

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

This resolve requires the Department of Conservation to give priority under the Land for Maine's Future Fund to acquire, support and maintain public access to swift rivers and great ponds. Authority is granted to the department to use eminent domain, as necessary, to acquire and maintain access to key launching points on the Dead River and the Kennebec River. This bill was carried over to any special session or regular session of the 124th Legislature by joint order, H.P. 1053.

LD 692 Resolve, Directing the Commissioner of Agriculture, Food and Rural Resources To Develop Best Management Practices for Poultry Production **RESOLVE 63**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
NUTTING J	OTP-AM	S-127

Joint Standing Committee on Agriculture, Conservation and Forestry

This resolve directs the Commissioner of Agriculture, Food and Rural Resources to develop best management practices for poultry production and adopt rules to allow the Maine quality trademark to be used on poultry products.

Committee Amendment "A" (S-127)

This amendment revises the directive for the Commissioner of Agriculture, Food and Rural Resources to focus on the development of best management practices for facilities with more than 10,000 birds. It designates the rules to establish standards as major substantive rules. It also directs the Commissioner of Agriculture, Food and Rural Resources to explore the potential use of the Maine quality trademark on poultry products.

Enacted Law Summary

Resolve 2009, chapter 63 requires the Commissioner of Agriculture, Food and Rural Resources to develop best management practices for facilities with more than 10,000 birds. It designates the rules to establish standards as major substantive rules. It also directs the Commissioner of Agriculture, Food and Rural Resources to explore the potential use of the Maine quality trademark on poultry products.

LD 708 An Act To Create a Moratorium on the Open-air Production of Genetically Engineered Pharmaceutical Crops in Maine

PUBLIC 388

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
PRATT	OTP-AM MAJ ONTP MIN	H-386

This bill defines "pharmaceutical or industrial crop" and restricts production to indoor laboratory and research settings to prevent release of genetically engineered material from these crops. It requires the Commissioner of Agriculture, Food and Rural Resources to monitor and report changes in the federal regulation of these crops.

Committee Amendment "A" (H-386)

This amendment adds an automatic repeal of the restrictions on the production of pharmaceutical or industrial crops on July 1, 2012.

Enacted Law Summary

Public Law 2009, chapter 388 restricts production of "pharmaceutical or industrial crop" to indoor laboratory and research settings to prevent release of genetically engineered material from these crops. This restriction is repealed July 1, 2012. Chapter 388 also requires the Commissioner of Agriculture, Food and Rural Resources to monitor and report changes in the federal regulation of these crops.

LD 804 An Act To Ensure the Integrity of Organic Agricultural Crops

ONTP

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

This bill requires all producers engaged in organic crop production to file an organic system plan within 30 days of planting. The plan must include evidence that sufficient buffer zones are incorporated into the operation to ensure the integrity of the organic crop operation. If the Commissioner of Agriculture, Food and Rural Resources finds that

Joint Standing Committee on Agriculture, Conservation and Forestry

an organic system plan does not provide evidence of sound measures to ensure the integrity of the organic crop operation, the commissioner is authorized to report inadequate buffer zones to the United States Department of Agriculture, National Organic Program. If the commissioner finds that a farmer using genetically engineered plant parts, seeds or plants is not adhering to the use of best management practices or that the organic system plan filed by a producer does not ensure the integrity of the organic crop operation, the commissioner is directed to recommend best management practices to the farmer or the producer.

LD 863 An Act To Continue the Position of Director of Recreational Access and Landowner Relations

P & S 25

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
WATSON	OTP-AM MAJ ONTP MIN	H-153 H-447 PIEH H-563 PIEH

This bill is a concept draft that seeks to permanently establish the position of Director of Recreational Access and Landowner Relations in the Department of Conservation, subject to sufficient funding.

Committee Amendment "A" (H-153)

This amendment funds a Public Service Coordinator I position to work as a landowner relations specialist until June 11, 2011.

House Amendment "A" To Committee Amendment "A" (H-447)

This amendment changes the funding source for the limited-period landowners relations program in Committee Amendment "A" from the Carrying Balances - General Fund account to the Other Special Revenue Funds account. It also removes the emergency preamble and clause.

House Amendment "B" To Committee Amendment "A" (H-563)

This amendment requires the Commissioner of Inland Fisheries and Wildlife and the Commissioner of Conservation to establish a working group on the recreational access and landowner relations program that will include landowners and recreation users to review the position of director of the program, identify funding for the position on a permanent basis and review landowner relations programs in other states. The working group shall submit its findings to the Governor, the Joint Standing Committee on Inland Fisheries and Wildlife and the Joint Standing Committee on Agriculture, Conservation and Forestry by December 31, 2009. The amendment also removes the transfer of funds from the Department of Inland Fisheries and Wildlife in fiscal year 2010-11 in anticipation of another funding source to be identified by the working group.

Enacted Law Summary

Private and Special Law 2009, chapter 25 requires the Commissioner of Inland Fisheries and Wildlife and the Commissioner of Conservation to establish a working group on the recreational access and landowner relations program to identify funding for the director's position on a permanent basis and review landowner relations programs in other states. The working group shall submit its findings to the Governor, the Joint Standing Committee on Inland Fisheries and Wildlife and the Joint Standing Committee on Agriculture, Conservation and Forestry by December 31, 2009.

Joint Standing Committee on Agriculture, Conservation and Forestry

LD 879 An Act To Allow Licensed Kennel Owners To Vaccinate Their Own Dogs **ONTP**

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

This bill authorizes a kennel owner to purchase vaccinations from a licensed veterinarian and to vaccinate the kennel owner's own dogs under the supervision of a licensed veterinarian.

LD 893 Resolve, To Promote the Use of Alternative Fiber **ONTP**

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

This resolve directs the Department of Agriculture, Food and Rural Resources, through the University of Maine, to create a pilot program to determine the economic feasibility of growing hemp for industrial purposes in the State.

LD 914 An Act To Broaden the Use of the Land for Maine's Future Fund for Investments To Promote Public Access and Use of Conserved Lands and To Improve the Productivity of Conserved Farmlands **PUBLIC 178**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
CONNOR	OTP-AM	H-193

This bill allows money in the Land for Maine's Future Fund to be used to fund improvements to land for recreational purposes, including, but not limited to, recreational and athletic fields, upon application of a municipality.

Committee Amendment "A" (H-193)

This amendment expands the allowed uses of capital improvement funds for land or interest in land acquired through the Land for Maine's Future Fund.

Enacted Law Summary

Public Law 2009, chapter 178 expands the allowed uses of capital improvement funds for land or interest in land acquired through the Land for Maine's Future Fund. It allows these funds to be used to improve public access on properties that are part of the same ownership or under the same management as properties previously conserved through the Land for Maine's Future program. It also allows these funds to be used for improvements to farmland that is part of the same ownership or under the same management as properties previously conserved through the Land for Maine's Future program.

Joint Standing Committee on Agriculture, Conservation and Forestry

LD 936 An Act To Remove Prior-operation Requirements for Commercial Large Game Shooting Area Licensing

ONTP

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

This bill removes the provisions that prevent any person who did not operate a commercial large game shooting area between October 1, 1999 and March 15, 2000 from obtaining a license to operate a commercial large game shooting area.

LD 964 An Act Pertaining to the Breeding and Selling of Dogs and Cats and Equitable Funding of Animal Welfare

PUBLIC 403

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
	OTP-AM	H-553

This bill implements recommendations of the working group convened by the Commissioner of Agriculture, Food and Rural Resources to evaluate the regulation of cat and dog breeding facilities. It was submitted by the Joint Standing Committee on Agriculture, Conservation and Forestry pursuant to Resolve 2007, chapter 203, section 3.

Committee Amendment "A" (H-553)

This amendment reduces the license fee for Category 2 and Category 3 breeding kennels. It removes the proposed revision to the definition of "seller" as it is used in the chapter governing the sale of dogs and cats by pet shops and breeding kennels. It removes the requirement that a dog or cat be examined by a veterinarian prior to sale and instead requires that records of any examinations by a veterinarian be provided to the buyer. It also removes that section of the bill that proposes revisions to the definition of "kennel" and the section authorizing the Department of Agriculture, Food and Rural Resources to revoke or suspend a license for a pet shop or breeding kennel. It also adds an appropriations and allocations section.

Enacted Law Summary

Public Law 2009, chapter 403 amends the definition of "breeding kennel" to specify that 5 or more female dogs capable of breeding is the threshold for needing a breeding kennel license. It establishes 3 categories of kennel licenses and corresponding license fees based on the number of female dogs or cats capable of breeding. It allows the Department of Agriculture, Food and Rural Resources to issue a conditional license as the initial license for a new breeding kennel. The license remains conditional until the breeding kennel passes inspection. It directs the department to issue a written notice when a licensed facility fails inspection. The notice must describe the violation and corrective action needed. It directs the department to charge a fee when more than 2 inspections are required to ensure that the corrective actions have been taken.

It authorizes the department to revoke, suspend or refuse to renew a license in accordance with the Administrative Procedures Act. It adds additional disclosure requirements for sellers. It establishes a process to procure documents needed to register a dog or cat with a pedigree organization and to receive a refund when promised papers are not delivered.

It directs the Commissioner of Agriculture, Food and Rural Resources and the Attorney General to discuss with

Joint Standing Committee on Agriculture, Conservation and Forestry

representatives of the judicial branch and the district attorneys processes for seizing abused animals and the requirements for care of the seized animals prior to final disposition. The commissioner and other participants are to report to the Joint Standing Committee on Agriculture, Conservation and Forestry with recommendations to expedite court actions in cases involving cruelty to animals. The Joint Standing Committee on Agriculture, Conservation and Forestry is authorized to submit legislation pertaining to animal welfare and funding of the animal welfare program to the Second Regular Session of the 124th Legislature.

LD 965 An Act To Establish Annual Reporting for Genetically Engineered Crops

PUBLIC 323

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
PRATT DAMON	OTP-AM	H-385

This bill requires a manufacturer to annually report to the Commissioner of Agriculture, Food and Rural Resources an estimate of the potential acreage of genetically modified crops that could be planted based on sales.

Committee Amendment "A" (H-385)

This amendment directs the Commissioner of Agriculture, Food and Rural Resources to provide the Department of Conservation, Bureau of Forestry with aggregate information on sales of trees, tree seedlings, tree seeds, tree scions and other propagative materials that are genetically engineered. LD 965, as amended, was reviewed and evaluated by the Joint Standing Committee on Judiciary pursuant to Maine Revised Statutes, Title 1, section 434, which requires review and evaluation of new exceptions to laws governing public records.

Enacted Law Summary

Public Law 2009, chapter 323 requires a manufacturer to annually report to the Commissioner of Agriculture, Food and Rural Resources an estimate of the potential acreage of genetically modified crops that could be planted based on sales. It requires the Commissioner of Agriculture, Food and Rural Resources to provide the Department of Conservation, Bureau of Forestry with aggregate information on sales of trees, tree seedlings, tree seeds, tree scions and other propagative materials that are genetically engineered.

LD 972 Resolve, Regarding Legislative Review of Portions of Chapter 28: Notification Provisions for Outdoor Pesticide Applications, a Major Substantive Rule of the Board of Pesticides Control

RESOLVE 115
EMERGENCY

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
	OTP-AM	H-384

This resolve provides for legislative review of portions of Chapter 28: Notification Provisions for Outdoor Pesticide Applications, a major substantive rule of the Department of Agriculture, Food and Rural Resources, Board of Pesticides Control.

Committee Amendment "A" (H-384)

This amendment denies final adoption of the rule.

Joint Standing Committee on Agriculture, Conservation and Forestry

Enacted Law Summary

Resolve 2009, chapter 115 denies the Board of Pesticides Control authorization to finally adopt revisions to the board's rules regarding notification for outdoor pesticides application, rules chapter 28. The committee instead supported changes to notification proposed in LD 1293. See bill summary for LD 1293, An Act To Require Citizen Notification of Pesticide Applications Using Aerial Spray or Air-carrier Application Equipment.

Resolve 2009, chapter 115 was finally passed as an emergency measure effective June 12, 2009.

LD 988 **An Act To Increase the Penalty for Keeping a Dangerous Dog That Harms a Domesticated Animal** **ONTP**

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

This bill allows a court to order that a dangerous dog be euthanized if that dog has killed, maimed or inflicted serious bodily injury upon a domesticated animal.

LD 1021 **An Act To Prohibit Cruel Confinement of Calves Raised for Veal and Sows during Gestation** **PUBLIC 127**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
NUTTING J	OTP-AM	H-120 PIEH S-72

This bill prohibits the cruel confinement of calves raised for veal and sows during gestation.

Committee Amendment "A" (S-72)

This amendment allows a sow to be confined until her litter is weaned.

House Amendment "A" (H-120)

This amendment extends the change made by Committee Amendment "A" to another relevant section of the bill to allow a sow to be confined until her litter is weaned.

Enacted Law Summary

Public Law 2009, chapter 127 establishes definitions and provisions to prohibit the cruel confinement of calves being raised for veal or sows during gestation. Confining a calve or a sow in a manner that prevents the animal from lying down, standing up, fully extending its limbs and turning around freely is a violation of Maine's animal cruelty laws. Chapter 217 contains exceptions for situations in which strict confinement is necessary.

Joint Standing Committee on Agriculture, Conservation and Forestry

LD 1034 An Act To Increase Access to Farm Fresh Poultry

PUBLIC 354

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MCCABE DAMON	OTP-AM MAJ ONTP MIN	H-427 H-466 MCCABE

This bill allows a poultry producer to sell uninspected poultry at the producer's farm, at farmers' markets and to restaurants. It establishes labeling requirements and requires identification of uninspected products on restaurant menus.

Committee Amendment "A" (H-427)

This amendment is the majority report of the Joint Standing Committee on Agriculture, Conservation and Forestry. It directs the Commissioner of Agriculture, Food and Rural Resources to establish requirements for sanitary processes and physical facilities through rulemaking. It requires an annual inspection of facilities and an annual review of processes by the Department of Agriculture, Food and Rural Resources.

It allows consumers participating in a community supported agriculture agreement with a farmer who has a direct marketing relationship with a poultry producer to receive poultry products that have not been inspected. It also allows a poultry producer to deliver poultry products to a consumer's home. Sales to restaurants are restricted to restaurants within a 50-mile radius of the farm on which the poultry were produced.

House Amendment "A" To Committee Amendment "A" (H-466)

This amendment removes the provision allowing a poultry producer to sell uninspected poultry to restaurants and the related information and labeling requirements. It also removes the appropriations and allocations section.

Enacted Law Summary

Public Law 2009, chapter 354 allows a poultry producer who slaughters fewer than 1,000 birds in a year to sell uninspected poultry at the producer's farm and at farmers' markets and to deliver uninspected poultry products to a consumer's home. It allows consumers participating in a community supported agriculture agreement to receive uninspected poultry products. Chapter 354 directs the Commissioner of Agriculture, Food and Rural Resources to establish requirements through rulemaking for sanitary processes and physical facilities producers. The Department of Agriculture, Food and Rural Resources is required to annually inspect facilities of and review processes conducted by a producer exempt from poultry inspection.

LD 1047 An Act To Amend the Review and Approval Process of the Comprehensive Land Use Plan

**PUBLIC 375
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
CLARK H NUTTING J	OTP-AM MAJ OTP-AM MIN	H-468

This bill requires that a comprehensive land use plan be adopted by the Maine Land Use Regulation Commission and approved by the joint standing committee of the Legislature having jurisdiction over conservation matters. Current law requires that the Maine Land Use Regulation Commission adopt and the Governor approve a

Joint Standing Committee on Agriculture, Conservation and Forestry

comprehensive land use plan.

Committee Amendment "A" (H-468)

This amendment is the majority report of the Joint Standing Committee on Agriculture, Conservation and Forestry. It requires the Maine Land Use Regulation Commission to submit a comprehensive land use plan or portions of a plan to the joint standing committee of the Legislature having jurisdiction over conservation matters a minimum of 30 days prior to the final vote of the commission. It requires review by the legislative committee at a public meeting prior to the commission's vote. The commission must brief the committee on anticipated rule changes resulting from the revised plan. It retains the Governor's role in the process as it is under current law.

Enacted Law Summary

Public Law 2009, chapter 375 requires the Maine Land Use Regulation Commission to submit a comprehensive land use plan to the joint standing committee of the Legislature having jurisdiction over conservation matters a minimum of 30 days prior to the final vote of the commission. The commission must brief the committee on anticipated rule changes resulting from the revised plan. It requires review by the legislative committee at a public meeting prior to the commission's vote.

Public Law 2009, chapter 375 was enacted as an emergency measure effective June 12, 2009.

LD 1053 An Act To Ensure Humane Dog and Cat Breeding in the State

LEAVE TO
WITHDRAW

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

This bill amends the definition of "breeding kennel" to include any location where dogs or cats capable of breeding are kept and one or more dogs or cats are sold. It increases the fee for licensing a dog that has not been spayed or neutered. It restricts the number of adult female dogs or cats capable of breeding that can be kept at a breeding kennel to 10. It establishes a license fee for breeding kennels that is based on the number of adult female dogs or cats capable of breeding kept at the kennel. For pet shops that sell dogs, the license fee is increased incrementally based on the number of dogs sold or offered for sale in the previous year.

LD 1103 An Act To Amend the Animal Welfare Laws

PUBLIC 343

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
PIEH NUTTING J	OTP-AM	H-523

This bill makes several revisions to the animal welfare laws in Maine Revised Statutes, Title 7 and Title 17.

Committee Amendment "A" (H-523)

This amendment removes the section of the bill that expanded membership on the Animal Welfare Advisory Council. It also removes language that included day care facilities for companion animals in the definition of "boarding kennel" and the requirement that a person operating a wolf hybrid kennel maintain records for 10 years.

Joint Standing Committee on Agriculture, Conservation and Forestry

It removes the requirement that the Department of Agriculture, Food and Rural Resources must approve an animal shelter's adoption policy for the shelter to be eligible for reimbursement.

It clarifies that only humane agents and state veterinarians who have received training and certification from the Maine Criminal Justice Academy are authorized to serve civil process or represent the Department of Agriculture, Food and Rural Resources in District Court. It revises the shelter and tethering requirements for dogs used in competition to mirror the requirements for dogs kept as sled dogs. It clarifies that the process for the Commissioner of Agriculture, Food and Rural Resources to revoke or suspend licenses must be in accordance with the Maine Administrative Procedure Act.

Enacted Law Summary

Public Law 2009, chapter 343 removes the Commissioner of Agriculture, Food and Rural Resources or the commissioner's designee as an ex officio member of the Animal Welfare Advisory Council. It changes the definition of "boarding kennel" to include training facilities that board or keep animals while they are in training. It allows humane agents who have been trained and certified to issue civil summons for violations of animal welfare laws. It authorizes the commissioner to suspend or revoke their state-issued certification for an animal control officer. It requires animal shelters to have an adoption policy to be eligible to receive reimbursement for stray animals.

It reduces the holding period for feral cats to 24 hours. It requires animal shelters to send notice to the last known address of a person hospitalized or incarcerated. It authorizes the commissioner to allow animal shelters to issue dog licenses.

It prohibits the Department of Agriculture, Food and Rural Resources from issuing licenses for an animal shelters to felons with certain convictions within 10 years of the license application. It allows the department to revoke or suspend a facility license if that facility violates any quarantine or maintains animals contrary to the rules of the department, fails to keep records required or violates any provision of laws or rules of the Department of Inland Fisheries and Wildlife. It eliminates the requirement that a municipality issue a warrant and direct a law enforcement officer to issue summons for failure to comply with the dog licensing law.

It requires municipalities to notify the Commissioner of Agriculture, Food and Rural Resources within 10 days of the appointment or vacancy of an animal control officer. It increases the maximum fine that may be imposed on a municipal official who does not perform that official's duties regarding animal control and welfare.

It revises shelter requirements and clarifies shelter and tether requirements as they apply to sled dogs and dogs used in competition. It authorizes the Department of Agriculture, Food and Rural Resources to suspend or revoke the license of a breeding kennel or pet shop that fails to comply with laws and rules pertaining to the sale of dogs and cats.

LD 1133 An Act To Implement the Recommendations of the Commission To Study the Protection of Farms and Farmland

PUBLIC 356

Sponsor(s)

Committee Report

Amendments Adopted

OTP-AM

S-274

This bill is submitted by the Joint Standing Committee on Agriculture, Conservation and Forestry pursuant to Public Law 2007, chapter 649, section 11, subsection 6. It implements the recommendations of the Commission to Study the Protection of Farms and Farmland.

Part A establishes a process for the voluntary designation of farms as "Farming for Maine" farms. It requires

Joint Standing Committee on Agriculture, Conservation and Forestry

the Commissioner of Agriculture, Food and Rural Resources to report to the Joint Standing Committee on Agriculture, Conservation and Forestry on activity related to and interest in the designation of "Farming for Maine" farms.

Part A authorizes the Commissioner of Agriculture, Food and Rural Resources to develop and initiate a pilot program to examine the effectiveness of agricultural districts in maintaining a land base for farming and enhancing the profitability of farms. It also authorizes the commissioner to facilitate the formation of agriculture enhancement groups. Part A requires the Department of Agriculture, Food and Rural Resources and the State Tax Assessor to jointly monitor changes to the federal estate tax on an annual basis and make recommendations to the Legislature regarding Maine's estate tax that will facilitate the preservation of farmland.

Part B requires projects and development subject to review and approval by the Department of Environmental Protection under the Maine Revised Statutes, Title 38, chapter 3, article 5-A or article 6 to also be reviewed for impact on farmland when the project or development is funded in whole or in part with federal or state funds. Part B also directs the State Board of Education to amend the Department of Education's rule governing the siting of new schools to require consideration of farmland in siting decisions. It establishes a fund within the Department of Agriculture, Food and Rural Resources to receive any mitigation fees assessed and to be used to acquire farmland or interest in farmland.

Part C prohibits the use of eminent domain to acquire farmland for recreational purposes or for securing aesthetic or therapeutic benefits for the public. Part D directs the Executive Department, State Planning Office and the Department of Agriculture, Food and Rural Resources to review existing farmland protection ordinances in order to develop a model ordinance to be made available to municipal and regional planning committees.

Committee Amendment "A" (S-274)

This amendment modifies the provisions for a pilot project on the formation of agricultural districts. It extends the report back date to February 2011. It allows 3 or more farms to request designation as an agricultural district if the farms are located in geographic proximity to one another, produce similar types of agricultural products or share common marketing interests. It requires only the Department of Agriculture, Food and Rural Resources to make recommendations on estate taxes. It removes Part B from the bill, which provided for impact assessment and mitigation on state-funded or federally funded projects with the potential to convert or diminish farmland. It changes the provisions regarding the use of eminent domain by the Department of Conservation, Bureau of Parks and Lands, allowing eminent domain to be used only after legislative review. It changes the requirement that the Executive Department, State Planning Office and the Department of Agriculture, Food and Rural Resources develop a model ordinance for farmland protection to a directive that they provide municipal and regional planning committees with examples of provisions to protect farmland.

Enacted Law Summary

Public Law 2009, chapter 356 establishes a process for the voluntary designation of farms as "Farming for Maine" farms. It authorizes the Commissioner of Agriculture, Food and Rural Resources to develop and initiate a pilot program to examine the effectiveness of agricultural districts in maintaining a land base for farming and enhancing the profitability of farms. It allows 3 or more farms to request designation as an agricultural district if the farms are located in geographic proximity to one another, produce similar types of agricultural products or share common marketing interests.

It requires the Department of Agriculture, Food and Rural Resources and the State Tax Assessor to jointly monitor changes to the federal estate tax on an annual basis and for the Department of Agriculture, Food and Rural Resources to make recommendations to the Legislature regarding Maine's estate tax that will facilitate the preservation of farmland.

Joint Standing Committee on Agriculture, Conservation and Forestry

Chapter 356 allows the Department of Conservation, Bureau of Parks and Lands to acquire land by eminent domain only after legislative review. It directs the Executive Department, State Planning Office and the Department of Agriculture, Food and Rural Resources to provide municipal and regional planning committees with examples of provisions included in ordinances to protect farmland.

LD 1158 Resolve, Authorizing Certain Land Transactions by the Department of Conservation, Bureau of Parks and Lands

RESOLVE 64

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
PIEH NUTTING J	OTP-AM	H-194

This resolve authorizes the Department of Conservation, Bureau of Parks and Lands to sell or transfer interest in certain designated lands. Under Article IX, Section 23 of the Maine Constitution, the transfer or change in use of lands held by the State for conservation or recreational purposes, the designated lands, requires a 2/3rds vote of the Legislature.

Committee Amendment "A" (H-194)

This amendment requires that 2 of the transfers authorized in the resolve be conveyed for appraised fair market value. These are the transfers authorized in the resolve to convey access rights either by fee or by easement over land in the Town of Brownville in Piscataquis County and to convey minority interests in common undivided interests in land in T12 R17 WELS in Aroostook County. Appraisals are not required for the other transactions authorized in the resolve.

Enacted Law Summary

Resolve 2009, chapter 64 allows the Department of Conservation, Bureau of Parks and Lands to sell or swap a portion of the Shell Heaps Lots in the Town of Damariscotta, with the concurrence of the Maine Historic Preservation Commission, in order to advance a plan for recreational trail development on adjacent parcels. The resolve allows the Bureau of Parks and Lands to sell an access easement crossing the Bangor and Aroostook Trail in the Town of Van Buren. It allows the Bureau of Parks and Lands to sell an easement or sell a fee portion to an abutter of a parcel of land owned by the Bureau of Parks and Lands in the Town of Brownville near the Katahdin Iron Works Multi-use Trail. It allows the Bureau of Parks and Lands to sell its minority common undivided interests in land in T12 R17 in Aroostook County. The resolve also provides for the resolution of a boundary dispute in Chesuncook Village in Piscataquis County by allowing the Bureau of Parks and Lands to transfer a fraction of an acre each to Piscataquis County and to an abutter.

LD 1159 An Act Relating to Industrial Hemp

PUBLIC 320

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
WELSH	OTP-AM MAJ ONTP MIN	H-356

This bill allows a person to grow industrial hemp if that person holds a license issued by the Commissioner of Agriculture, Food and Rural Resources and the hemp is grown under a federal permit in compliance with the conditions of that permit. Except for employees of the Maine Agricultural Experiment Station and the University of Maine System involved in research and related activities, a criminal history record check must be completed on an

Joint Standing Committee on Agriculture, Conservation and Forestry

applicant for licensure. A person with a prior criminal conviction is not eligible for licensure. Industrial hemp is subject to being tested during its growth, and the growing and harvesting of industrial hemp is subject to supervision.

Committee Amendment "A" (H-356)

This amendment is the majority report of the Joint Standing Committee on Agriculture, Conservation and Forestry. It enacts a definition of "industrial hemp." In addition to the legal description of the land, as required by the bill, this amendment also requires a map, an aerial photograph or global positioning coordinates sufficient for locating the land area to be used for industrial hemp. It clarifies elements of rules necessary to implement the licensing of industrial hemp growers. It directs the Commissioner of Agriculture, Food and Rural Resources to establish application fees and per acre monitoring fees that are reasonable and necessary to cover the cost of implementing the licensing and monitoring of industrial hemp production.

This amendment specifies that the commissioner may not issue a license to grow industrial hemp unless the definition of "marihuana" in the federal Controlled Substances Act is amended to exclude industrial hemp or the United States Department of Justice, Drug Enforcement Agency acts positively on a permit application for the growing of industrial hemp. LD 1159, as amended, was reviewed and evaluated by the Joint Standing Committee on Judiciary pursuant to Maine Revised Statutes, Title 1, section 434, which requires review and evaluation of new exceptions to laws governing public records.

Enacted Law Summary

Public Law 2009, chapter 320 enacts a definition of "industrial hemp" and allows a person to grow industrial hemp if that person holds a license issued by the Commissioner of Agriculture, Food and Rural Resources and the hemp is grown under a federal permit in compliance with the conditions of that permit. A person with a prior criminal conviction is not eligible for licensure. Industrial hemp is subject to being tested during its growth, and the growing and harvesting of industrial hemp is subject to supervision.

It directs the Commissioner of Agriculture, Food and Rural Resources to establish application fees and per acre monitoring fees that are reasonable and necessary to cover the cost of implementing the licensing and monitoring of industrial hemp production. The commissioner may not issue a license to grow industrial hemp unless the definition of "marihuana" in the federal Controlled Substances Act is amended to exclude industrial hemp or the United States Department of Justice, Drug Enforcement Agency acts positively on a permit application for the growing of industrial hemp.

LD 1182 An Act To Prevent Price Gouging in the Sale of Milk

Carried Over

Sponsor(s)

MILLS P

Committee Report

Amendments Adopted

This bill prohibits the sale of milk for an unconscionably excessive price. It authorizes the Maine Milk Commission to investigate to determine whether the price is unconscionably excessive whenever the retail price to consumers for milk exceeds twice what is paid to producers of the milk. If the commission finds probable cause to believe that the price is unconscionably excessive, it may after notice and hearing make findings and issue orders to prohibit such practices. The bill specifies certain circumstances that are evidence of an unconscionably excessive price. It authorizes the commission to assess a penalty of up to \$100 per day for each violation with the proceeds to be remitted to the Women, Infants and Children Special Supplemental Food Program to be used to purchase milk and milk products for clients of the program. This bill was carried over to any special or regular session of the 124th

Joint Standing Committee on Agriculture, Conservation and Forestry

Legislature by joint order, H.P. 1053.

LD 1202 An Act Regarding the Use of Genetically Engineered Plants

**DIED BETWEEN
HOUSES**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
PRATT	OTP-AM A OTP-AM B OTP-AM C	H-430

This bill provides a process by which a manufacturer of a genetically engineered plant part, seed or plant may investigate a possible violation of a technology use agreement and establishes 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 and limits the liability of knowing and unknowing users and possessors of a genetically engineered plant part, seed or plant.

Committee Amendment "A" (H-430)

This committee amendment is the majority report and strikes everything in the bill except the provisions requiring the manufacturer of genetically engineered plants, plant parts or seeds to provide written instructions to a grower that includes the identity, relevant traits or characteristics of the genetically engineered plant and requirements for its safe handling, storage, transport and use. This amendment also directs the Commissioner of Agriculture, Food and Rural Resources to provisionally adopt major substantive rules requiring a person planning to grow a genetically engineered crop to select fields and cultivate the crop in a manner that maintains the integrity of all crops and minimizes potential conflicts between farmers and submit the rules to the Executive Director of the Legislative Council by no later than December 15, 2009 for review in accordance with the Maine Revised Statutes, Title 5, chapter 375, subchapter 2-A.

Committee Amendment "B" (H-431)

This amendment is a minority report of the committee and clarifies that the provisions regarding actions alleging a violation of a technology use agreement apply only to technology use agreements entered into after October 1, 2009. It removes a provision regarding the unknowing possession or use of genetically engineered plants that is similar to a provision in the Maine Revised Statutes, Title 7, section 1053. This amendment also directs the Commissioner of Agriculture, Food and Rural Resources to provisionally adopt major substantive rules requiring a person planning to grow a genetically engineered crop to select fields and cultivate the crop in a manner that maintains the integrity of all crops and minimizes potential conflicts between farmers and submit the rules to the Executive Director of the Legislative Council by no later than December 15, 2009 for review in accordance with Title 5, chapter 375, subchapter 2-A.

Committee Amendment "C" (H-432)

This amendment is a minority report of the committee. It removes the language that requires a manufacturer of genetically engineered plants to have a court order before enter property owned by a farmer under a technology use agreement to acquire samples of crops that are the subject of that agreement. It removes the requirement that a manufacturer pay costs incurred by the Department of Agriculture, Food and Rural Resources while investigating an alleged violation of a technology use agreement and clarifies that the provisions regarding actions alleging a violation of a technology use agreement apply only to technology use agreements entered into after October 1, 2009. It removes provisions pertaining to liability from cross contamination. The amendment also directs the Commissioner of Agriculture, Food and Rural Resources to provisionally adopt major substantive rules requiring a person planning to grow a genetically engineered crop to select fields and cultivate the crop in a manner that maintains the integrity of all crops and minimizes potential conflicts between farmers and submit the rules to the Executive Director of the Legislative Council by no later than December 15, 2009 for review in accordance with the

Joint Standing Committee on Agriculture, Conservation and Forestry

Maine Revised Statutes, Title 5, chapter 375, subchapter 2-A.

LD 1238 An Act Concerning the National Animal Identification System

Carried Over

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

This bill requires the Commissioner of Agriculture, Food and Rural Resources to adopt rules to implement a national animal identification system if federal law makes the system mandatory including informing farmers of their right to opt out of the system if the system has an opt-out provision. If the national identification system is voluntary, this bill prohibits the commissioner from forcing participation in the system, withholding indemnity from a person who does not participate in the system or denying or revoking permits, licenses, services, grants or other benefits or incentives to a person who does not participate in the system. The bill prohibits a municipality or political subdivision from enacting or maintaining an ordinance requiring participation in an animal identification system except to conform to a state requirement and the commissioner from disseminating any confidential information to the national animal identification system unless to prevent or control a disease or to protect the public health, safety or welfare. This bill was carried over to any special or regular session of the 124th Legislature by joint order, H.P. 1053.

LD 1239 An Act To Establish a Revenue Source for the Maine Pesticide Education Fund

Carried Over

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

This bill establishes a 15¢ per container fee on the retail sale of pesticides. The proceeds of the fee are deposited in the Maine Pesticide Education Fund, which is used to fund the Integrated Pest Management Fund, the Board of Pesticides Control and the University of Maine Cooperative Extension for pest management education programs. This bill was carried over to any special or regular session of the 124th Legislature by joint order, H.P. 1053.

LD 1255 An Act To Amend Certain Laws Related to the Department of Agriculture, Food and Rural Resources

PUBLIC 393

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MCCABE NUTTING J	OTP-AM	H-440 H-454 PIEH H-551 PIEH

The bill makes several revisions to the statutes administered by the Department of Agriculture, Food and Rural Resources.

Joint Standing Committee on Agriculture, Conservation and Forestry

Committee Amendment "A" (H-440)

This amendment:

1. Modifies the Board of Agriculture to allow certain members to appoint designees to serve in their stead and adds a 20th member to represent the aquaculture industry;
2. Provides that annual beekeeper license fees are established as routine technical rules of the Department of Agriculture, Food and Rural Resources;
3. Clarifies the provision of the bill relating to confidentiality of certain information obtained from the Federal Government to make it clear that only information that is designated pursuant to federal rules as confidential or required to be protected from public disclosure is exempted from the State's public records law; and
4. Clarifies the language of the bill relating to the incorporation of certain federal rules applicable to meat and poultry inspection into rules of the Department of Agriculture, Food and Rural Resources.

House Amendment "A" To Committee Amendment "A" (H-454)

This amendment refines the language pertaining to the confidentiality of information obtained from the United States Department of Agriculture, Food Safety and Inspection Service and the United States Food and Drug Administration. LD 1255, as amended, was reviewed and evaluated by the Joint Standing Committee on Judiciary pursuant to Maine Revised Statutes, Title 1, section 434, which requires review and evaluation of new exceptions to laws governing public records.

House Amendment "A" (H-551)

House Amendment "A" requires a person registering commercial fertilizers to report the tonnage sold and pay a fee based on the amount sold. The fee is deposited in a dedicated account used for sampling, administration and enforcement of laws pertaining to the analysis of commercial fertilizers and agricultural liming materials.

Enacted Law Summary

Public Law 2009, chapter 393 directs the Department of Agriculture, Food and Rural Resources to set fees for the cost of licensing bee colonies through rulemaking eliminating the maximum and minimum fees set in statute. It enacts a provision making a grower who has failed to pay for seed purchased from the Seed Potato Board ineligible for listing in the annual Maine seed certification book. It repeals provisions pertaining to the chemical control of vertebrates. Federal standards for chemical control of vertebrates will continue to apply in Maine. Chapter 393 provides for staggered expiration dates for certain licenses issued by the department. It adopts portions of the Code of Federal Regulations pertaining to the State's meat and poultry inspection program. It requires the Commissioner of Agriculture, Food and Rural Resources to keep confidential certain information provided to the department by the United States Department of Agriculture, Food Safety and Inspection Service and the United States Food and Drug Administration.

Chapter 393 modifies membership on the Board of Agriculture, allowing certain members to appoint designees to serve in their stead and adds a 20th member to represent the aquaculture industry. It requires a person registering commercial fertilizers to report the tonnage sold and pay a fee based on the amount sold. The fee is deposited in a dedicated account used for sampling, administration and enforcement of laws pertaining to the analysis of commercial fertilizers and agricultural liming materials.

Joint Standing Committee on Agriculture, Conservation and Forestry

LD 1286 An Act To Amend State Dog Licensing Laws

ONTP

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

This bill repeals licensing requirements for an individual dog and institutes a \$5 surcharge per dose on all rabies vaccines, to be paid by a distributor that sells rabies vaccines in this State. The surcharge would be deposited in the Animal Welfare Fund. This bill also reduces the kennel license fee from \$42 to \$21.

LD 1293 An Act To Require Citizen Notification of Pesticide Applications Using Aerial Spray or Air-carrier Application Equipment

PUBLIC 378

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
BERRY DAMON	OTP-AM	H-522 H-543 O'BRIEN

This bill requires land managers to notify neighbors prior to the application of pesticides using aircraft or air-carrier equipment. It requires the Department of Agriculture, Food and Rural Resources, Board of Pesticides Control to establish a registry of citizens for persons desiring additional information when pesticides are being applied using aircraft or air-carrier equipment within 1,320 feet of land owned, leased or resided upon by those persons.

Committee Amendment "A" (H-522)

This amendment narrows the requirement of whom a land manager must notify prior to applying pesticides. Only abutters must be notified and a notification is good for 3 years unless the general method of application or the types of pesticides used change. It clarifies acceptable means of notifying and the information to be conveyed to abutters and to people on the registry of citizens within 1,320 feet of the application area. It refines the definition of "air-carrier equipment" to exclude equipment with nozzles directed downward. It directs a land manager to keep records of people notified of pesticide applications who ask not to be notified in the future. This amendment specifies acceptable methods to communicate required information.

House Amendment "A" To Committee Amendment "A" (H-543)

This House amendment clarifies that a land manager intending to apply pesticides must notify residents and managers of buildings on abutting property.

Enacted Law Summary

Public Law 2009, chapter 378 requires land managers intending to apply pesticides using aircraft or air carrier equipment to notify residents and managers of buildings on abutting property prior to application. A notification is good for 3 years unless the general method of application or the types of pesticides used change. It requires the Department of Agriculture, Food and Rural Resources, Board of Pesticides Control to establish a registry of citizens for persons desiring additional information when pesticides are being applied using aircraft or air-carrier equipment. A land manager intending to apply pesticides using aircraft or air carrier equipment is required to check the registry and notify persons on the registry who own, lease

Joint Standing Committee on Agriculture, Conservation and Forestry

or occupy property that abuts or lies within 1320 feet of the spray area. Chapter 378 establishes acceptable methods to communicate the required information and record keeping requirements.

LD 1294 An Act To Amend the Laws Governing the Public Hearing Process for the Board of Pesticides Control **ONTP**

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

This bill requires the Board of Pesticides Control to hold a public hearing on the application for registration of certain pesticides and also on the application for registration of a product that contains a plant-incorporated protectant.

LD 1322 An Act To Amend Provisions of the Submerged Lands Law **PUBLIC 316
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
FLOOD DAMON	OTP-AM	H-428

This bill amends the definition of "fair market rental value," adjusts rental rates for submerged lands leases to be more equitable by raising the minimum lease rent from \$100 to \$150 annually and provides for gradual adjustments to rental rates based on changes in assessed property values and programmatic cost increases over time. The bill provides for the phase-in of rental increases starting in 2010 for leaseholders whose adjusted rent will increase above \$1,200 following the repeal of the \$1,200 maximum rental cap on June 30, 2009. The bill also replaces the definition of "large-scale project" with a new definition for "offshore project" and authorizes the Director of the Bureau of Parks and Lands within the Department of Conservation to negotiate rental terms for the leasing of those facilities.

Committee Amendment "A" (H-428)

This amendment revises the definition of "offshore project" to exclude offshore renewable energy projects. This amendment also adds an emergency preamble and emergency clause to the bill.

Enacted Law Summary

Public Law 2009, chapter 316 adjusts rental rates for submerged lands leases to be more equitable by raising the minimum lease rent from \$100 to \$150 annually and provides for gradual adjustments to rental rates based on changes in assessed property values and programmatic cost increases over time. It provides for the phase-in of rental increases starting in 2010 for leaseholders whose adjusted rent will increase above \$1,200 following the repeal of the \$1,200 maximum rental cap on June 30, 2009. It defines "offshore project" and authorizes the Director of the Bureau of Parks and Lands within the Department of Conservation to negotiate rental terms for leasing of these projects.

Public Law 2009, chapter 316 was enacted as an emergency measure effective June 9, 2009.

Joint Standing Committee on Agriculture, Conservation and Forestry

LD 1370 An Act To Reform the Land Use and Planning Authority within the Unorganized Territories of the State

INDEF PP

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
JOY SHERMAN	ONTP MAJ OTP-AM MIN	

This bill eliminates the Maine Land Use Regulation Commission, effective July 15, 2010, and directs the Maine Land Use Regulation Commission prior to its elimination to develop a plan to provide authority over land use planning in the unorganized territory to the counties in which the land is located. The Maine Land Use Regulation Commission is required to submit its proposal, together with implementing legislation necessary to effectuate the repeal of the Maine Land Use Regulation Commission and the transfer of its duties, to the Joint Standing Committee on Agriculture, Conservation and Forestry by December 2, 2009.

Committee Amendment "A" (H-494)

This amendment is the minority report of the Joint Standing Committee on Agriculture, Conservation and Forestry. It clarifies that each county containing land under Maine Land Use Regulation Commission jurisdiction is to establish its own process for revising the 1997 Comprehensive Land Use Plan. It limits to 2 years the restriction that assessments not exceed the assessments for commission operations. It requires each county to retain the 1997 Comprehensive Land Use Plan as the basis for planning for a minimum of 2 years. It removes the requirement that the Maine Land Use Regulation Commission include implementing legislation in its report to the Joint Standing Committee on Agriculture, Conservation and Forestry and removes the committee's authority to submit legislation to the Second Regular Session of the 124th Legislature.

LD 1406 An Act To Transfer the Seed Potato Board to the Maine Potato Board

PUBLIC 379

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MARTIN J L	OTP-AM	H-441

This bill transfers the ownership and operations of the Seed Potato Board from the Department of Agriculture, Food and Rural Resources to the Maine Potato Board. The bill requires the Department of Agriculture, Food and Rural Resources to provide funds to the Maine Potato Board in support of the Seed Potato Board for fiscal year 2009-10 in an amount not to exceed \$250,000 and for fiscal year 2010-11 in the amount of \$175,000. The bill strikes the provision of law that exempts the Seed Potato Board from the bidding, contract and review procedures contained in the Maine Revised Statutes, Title 5, chapter 153 for any public improvement project with a value of less than \$10,000.

Committee Amendment "A" (H-441)

This amendment restructures provisions within the Seed Potato Board statutes for clarity. It directs the Maine Potato Board to establish a seed potato account and cross-references that account in statutory provisions for the Seed Potato Board. The amendment also adds an appropriations and allocations section.

Enacted Law Summary

Public Law 2009, chapter 379 transfers the ownership and operations of the Seed Potato Board from the Department

Joint Standing Committee on Agriculture, Conservation and Forestry

of Agriculture, Food and Rural Resources to the Maine Potato Board. The bill requires the Department of Agriculture, Food and Rural Resources to provide funds to the Maine Potato Board in support of the Seed Potato Board for fiscal year 2009-10 and for fiscal year 2010-11.

**LD 1460 *Resolve, Regarding Legislative Review of Portions of Chapter 41: Special Restrictions on Pesticide Use, a Major Substantive Rule of the Department of Agriculture, Food and Rural Resources, Board of Pesticides Control* **RESOLVE 118
EMERGENCY****

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

This resolve provides for legislative review of portions of Chapter 41: Special Restrictions on Pesticide Use, a major substantive rule of the Department of Agriculture, Food and Rural Resources, Board of Pesticides Control.

Enacted Law Summary

Resolve 2009, chapter 118 authorizes final adoption of revisions to Chapter 41, rules adopted by the Board of Pesticides Control to establish special restrictions on the use of certain pesticides. The revisions are in response to requests to register Bt sweet corn for use in Maine.

Resolve 2009, chapter 118 was finally passed as an emergency measure effective June 6, 2009.

**LD 1488 *An Act To Provide Free Admission to State Parks to All Maine Veterans* **PUBLIC 440
EMERGENCY****

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
CORNELL DU HOUX BLISS	OTP-AM MAJ OTP-AM MIN	H-572 S-340 BLISS

This bill provides for the issuance of a free day use pass to state parks and historic sites to a veteran who is a resident of this State and who received an honorable discharge or general discharge under honorable conditions. It removes the requirement that a veteran must have served for a minimum of 3 continuous months outside the United States between October 1, 2001 and January 1, 2015 either on an operational mission for which members of the reserve were ordered to active duty or during a period of war declared by the United States Congress or a period of national emergency declared by the President of the United States or Congress. It also removes language that repeals on June 30, 2015 the sections of the law that provide day use passes to veterans.

Committee Amendment "A" (H-572)

This amendment is the majority report of the Joint Standing Committee on Agriculture, Conservation and Forestry. It specifies that free day use passes to state parks and historic sites issued to veterans provides free admission only to the veteran and that this benefit does not terminate. It directs the Department of Defense, Veterans and Emergency Management to begin issuing passes under the new criteria within 6 months after the effective date of the legislation. It requires the Commissioner of Defense, Veterans and Emergency Management to confer with the Commissioner of Conservation to determine if other identification held by veterans may be used to determine eligibility for free admission pending the issuance of the passes. This amendment authorizes the Joint Standing Committee on

Joint Standing Committee on Agriculture, Conservation and Forestry

Agriculture, Conservation and Forestry to submit legislation pertaining to the issuance of passes to veterans to the Second Regular Session of the 124th Legislature.

Committee Amendment "B" (H-573)

This amendment is the minority report of the committee. It replaces the bill with a resolve. It directs the Department of Defense, Veterans and Emergency Management and the Department of Conservation to jointly review options available for providing Maine veterans free admission into state parks. It requires the departments to report their findings, recommendations and any draft legislation to the Joint Standing Committee on Agriculture, Conservation and Forestry by January 15, 2010 and gives that committee authority to submit legislation to the Second Regular Session of the 124th Legislature regarding the subject matter of the report.

Senate Amendment "A" To Committee Amendment "A" (S-340)

Senate Amendment "A" provides that, pending the issuance of passes, state parks and historic sites shall grant free day use admission upon a veteran's good faith production of easily recognizable identification.

Enacted Law Summary

Public Law 2009, chapter 440 provides for the issuance of a free day use pass to state parks and historic sites to a veteran who is a resident of this State and who received an honorable discharge or general discharge under honorable conditions. Pending the issuance of such passes by the Department of Defense, Veterans and Emergency Management, state parks and historic sites shall grant free day use admission upon a veteran's good faith production of easily recognizable identification. A pass issued under these provisions does not expire.

Public Law 2009, chapter 440 was enacted as an emergency measure effective June 18, 2009.

Joint Standing Committee on Agriculture, Conservation and Forestry

SUBJECT INDEX

Administration

Not Enacted

LD 674 **An Act To Lower the Cost of State Government in the
Departments under the Purview of the Joint Standing Committee
on Agriculture, Conservation and Forestry** **INDEF PP**

Agriculture

Enacted

LD 46 **An Act To Allow Nonmember Directors To Serve on the Board of
Cooperative Agricultural Associations** **PUBLIC 5**

LD 74 **Resolve, To Review and Update Sales Tax Exemptions for
Products Purchased for Agricultural Use** **RESOLVE 25
EMERGENCY**

LD 557 **Resolve, Directing the Study of a Potato Variety Demonstrating
Resistance to the Colorado Potato Beetle** **RESOLVE 80**

LD 1255 **An Act To Amend Certain Laws Related to the Department of
Agriculture, Food and Rural Resources** **PUBLIC 393**

LD 1406 **An Act To Transfer the Seed Potato Board to the Maine Potato
Board** **PUBLIC 379**

Agriculture - Policy

Enacted

LD 708 **An Act To Create a Moratorium on the Open-air Production of
Genetically Engineered Pharmaceutical Crops in Maine** **PUBLIC 388**

LD 965 **An Act To Establish Annual Reporting for Genetically
Engineered Crops** **PUBLIC 323**

LD 1133 **An Act To Implement the Recommendations of the Commission
To Study the Protection of Farms and Farmland** **PUBLIC 356**

Not Enacted

LD 804 **An Act To Ensure the Integrity of Organic Agricultural Crops** **ONTP**

LD 893 **Resolve, To Promote the Use of Alternative Fiber** **ONTP**

LD 1202 **An Act Regarding the Use of Genetically Engineered Plants** **DIED BETWEEN
HOUSES**

Animal Control, Health and Welfare

Enacted

LD 223	An Act To Ensure That Money from the Surcharge on Registration of Pet Food for the Sterilization of Animals is Received in a Timely Manner	PUBLIC 148 EMERGENCY
LD 454	An Act To Expand Representation on the Animal Welfare Advisory Council	PUBLIC 333
LD 458	Resolve, Directing the Department of Agriculture, Food and Rural Resources To Study Equine Husbandry Practices in the State	RESOLVE 36
LD 517	An Act To Clarify a Municipality's Authority To Contract with an Animal Shelter for Services	PUBLIC 177
LD 964	An Act Pertaining to the Breeding and Selling of Dogs and Cats and Equitable Funding of Animal Welfare	PUBLIC 403
LD 1103	An Act To Amend the Animal Welfare Laws	PUBLIC 343

Not Enacted

LD 9	An Act To Prohibit the Force-feeding of Birds	ONTP
LD 879	An Act To Allow Licensed Kennel Owners To Vaccinate Their Own Dogs	ONTP
LD 988	An Act To Increase the Penalty for Keeping a Dangerous Dog That Harms a Domesticated Animal	ONTP
LD 1053	An Act To Ensure Humane Dog and Cat Breeding in the State	LEAVE TO WITHDRAW
LD 1286	An Act To Amend State Dog Licensing Laws	ONTP

Dairy and Livestock

Enacted

LD 692	Resolve, Directing the Commissioner of Agriculture, Food and Rural Resources To Develop Best Management Practices for Poultry Production	RESOLVE 63
LD 1021	An Act To Prohibit Cruel Confinement of Calves Raised for Veal and Sows during Gestation	PUBLIC 127
LD 1034	An Act To Increase Access to Farm Fresh Poultry	PUBLIC 354

Not Enacted

LD 628	An Act To Allocate Prospective Federal Funding To Support Maine's Dairy Industry	
--------	--	--

LD 1182 An Act To Prevent Price Gouging in the Sale of Milk

LD 1238 An Act Concerning the National Animal Identification System

Department of Agriculture - Regulation

Enacted

LD 316 An Act To Allow Eleven Large Game Shooting Areas in the State PUBLIC 249

LD 1159 An Act Relating to Industrial Hemp PUBLIC 320

Not Enacted

LD 75 Resolve, Directing the Department of Agriculture, Food and Rural Resources To Streamline Agricultural Regulation ONTP

LD 438 An Act To Promote Small Business in Rural Maine by Expanding Game Hunting Opportunities ACCEPTED ONTP REPORT

LD 560 An Act To Ban the Hunting of Animals in Enclosed Areas ONTP

LD 936 An Act To Remove Prior-operation Requirements for Commercial Large Game Shooting Area Licensing ONTP

Department of Conservation - Administration

Enacted

LD 863 An Act To Continue the Position of Director of Recreational Access and Landowner Relations P & S 25

Department of Conservation - Bureau of Parks and Lands

Enacted

LD 456 An Act To Provide Free Admission to State Parks to Veterans and Military Personnel PUBLIC 220 EMERGENCY

LD 562 An Act To Support Maine State Parks PUBLIC 27 EMERGENCY

LD 1322 An Act To Amend Provisions of the Submerged Lands Law PUBLIC 316 EMERGENCY

LD 1488 An Act To Provide Free Admission to State Parks to All Maine Veterans PUBLIC 440 EMERGENCY

Not Enacted

LD 305 An Act To Renovate and Expand the Boat Launch on Long Lake in St. Agatha ACCEPTED ONTP REPORT

LD 354	An Act To Allow Wider Kayaks in the Allagash Wilderness Waterway	ONTP
LD 509	An Act To Transfer the Operation of the Fort Knox State Historic Site to the Friends of Fort Knox	ACCEPTED ONTP REPORT

Harness Racing

Not Enacted

LD 170	An Act To Ensure the Integrity of Harness Horse Racing Track Conditions	LEAVE TO WITHDRAW
--------	---	-------------------

Land Preservation and Public Access

Enacted

LD 561	Resolve, To Direct State Agencies To Develop Policies To Guide Employees When Accessing Private Woodland, Farmland or Coastal Lands	RESOLVE 30
LD 914	An Act To Broaden the Use of the Land for Maine's Future Fund for Investments To Promote Public Access and Use of Conserved Lands and To Improve the Productivity of Conserved Farmlands	PUBLIC 178

Not Enacted

LD 247	Resolve, Directing the Commissioner of Conservation To Report on the Status of the Working Group on the Acquisition of Land for Multiple Uses	ONTP
LD 687	Resolve, To Authorize the Department of Conservation To Place Priority on Access to Certain Prominent Water Bodies under the Land for Maine's Future Fund	

Land transactions

Enacted

LD 1158	Resolve, Authorizing Certain Land Transactions by the Department of Conservation, Bureau of Parks and Lands	RESOLVE 64
---------	---	------------

Maine Land Use Regulation Commission

Enacted

LD 134	An Act To Amend the Occupancy Limits for Campsites in the Unorganized Territories	PUBLIC 16 EMERGENCY
LD 181	An Act To Conform Building Standards in the Unorganized Territories with Federal Emergency Management Agency Requirements	PUBLIC 111
LD 413	An Act To Clarify Land Use Regulation in Unorganized and Deorganized Townships	PUBLIC 401

LD 516	An Act To Increase the Number of Members of the Maine Land Use Regulation Commission Who Reside in the Commission's Jurisdiction	PUBLIC 328
LD 1047	An Act To Amend the Review and Approval Process of the Comprehensive Land Use Plan	PUBLIC 375 EMERGENCY
<u>Not Enacted</u>		
LD 474	An Act To Clarify Land Planning in the Unorganized and Deorganized Townships	ONTP
LD 558	An Act To Amend Notification Procedures of the Maine Land Use Regulation Commission	ONTP
LD 1370	An Act To Reform the Land Use and Planning Authority within the Unorganized Territories of the State	INDEF PP

Pesticides

Enacted

LD 494	Resolve, Regarding Legislative Review of Portions of Chapter 22: Standards for Outdoor Application of Pesticides by Powered Equipment in Order To Minimize Off-target Deposition, a Major Substantive Rule of the Department of Agriculture, Food and Rural Resources, Board of Pesticides Control	RESOLVE 114 EMERGENCY
LD 495	Resolve, Regarding Legislative Review of Portions of Chapter 10: Definitions and Terms, a Major Substantive Rule of the Department of Agriculture, Food and Rural Resources, Board of Pesticides Control	RESOLVE 41 EMERGENCY
LD 972	Resolve, Regarding Legislative Review of Portions of Chapter 28: Notification Provisions for Outdoor Pesticide Applications, a Major Substantive Rule of the Board of Pesticides Control	RESOLVE 115 EMERGENCY
LD 1293	An Act To Require Citizen Notification of Pesticide Applications Using Aerial Spray or Air-carrier Application Equipment	PUBLIC 378
LD 1460	Resolve, Regarding Legislative Review of Portions of Chapter 41: Special Restrictions on Pesticide Use, a Major Substantive Rule of the Department of Agriculture, Food and Rural Resources, Board of Pesticides Control	RESOLVE 118 EMERGENCY

Not Enacted

LD 68	An Act Regarding the Composition of the Board of Pesticides Control	ONTP
LD 182	An Act To Prohibit Aerial Spraying of Pesticides near Buildings, Roads and Bodies of Water	ONTP
LD 183	An Act To Amend the Laws Concerning Genetically Engineered Plants and Seeds	LEAVE TO WITHDRAW
LD 559	An Act To Update the Board of Pesticides Control	ONTP

**LD 1239 An Act To Establish a Revenue Source for the Maine Pesticide
Education Fund**

**LD 1294 An Act To Amend the Laws Governing the Public Hearing
Process for the Board of Pesticides Control**

ONTP

LD INDEX

LD #		Page #
LD 9	-----	Page 1
LD 46	-----	Page 1
LD 68	-----	Page 1
LD 74	-----	Page 2
LD 75	-----	Page 2
LD 134	-----	Page 3
LD 170	-----	Page 3
LD 181	-----	Page 4
LD 182	-----	Page 4
LD 183	-----	Page 5
LD 223	-----	Page 5
LD 247	-----	Page 6
LD 305	-----	Page 6
LD 316	-----	Page 6
LD 354	-----	Page 7
LD 413	-----	Page 7
LD 438	-----	Page 8
LD 454	-----	Page 8
LD 456	-----	Page 9
LD 458	-----	Page 9
LD 474	-----	Page 10
LD 494	-----	Page 10
LD 495	-----	Page 11
LD 509	-----	Page 12
LD 516	-----	Page 12
LD 517	-----	Page 12
LD 557	-----	Page 13
LD 558	-----	Page 13
LD 559	-----	Page 14
LD 560	-----	Page 14
LD 561	-----	Page 14
LD 562	-----	Page 15
LD 628	-----	Page 15
LD 674	-----	Page 16
LD 687	-----	Page 16
LD 692	-----	Page 16
LD 708	-----	Page 17
LD 804	-----	Page 17
LD 863	-----	Page 18
LD 879	-----	Page 19
LD 893	-----	Page 19
LD 914	-----	Page 19
LD 936	-----	Page 20
LD 964	-----	Page 20
LD 965	-----	Page 21
LD 972	-----	Page 21
LD 988	-----	Page 22
LD 1021	-----	Page 22
LD 1034	-----	Page 23
LD 1047	-----	Page 23
LD 1053	-----	Page 24
LD 1103	-----	Page 24
LD 1133	-----	Page 25
LD 1158	-----	Page 27

LD 1159	-----	Page 27
LD 1182	-----	Page 28
LD 1202	-----	Page 29
LD 1238	-----	Page 30
LD 1239	-----	Page 30
LD 1255	-----	Page 30
LD 1286	-----	Page 32
LD 1293	-----	Page 32
LD 1294	-----	Page 33
LD 1322	-----	Page 33
LD 1370	-----	Page 34
LD 1406	-----	Page 34
LD 1460	-----	Page 35
LD 1488	-----	Page 35