

STATE OF MAINE
124TH LEGISLATURE
SECOND REGULAR SESSION



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

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

April 2010

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Joint Standing Committee on Agriculture, Conservation and Forestry

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

ONTP

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

LD 628 was carried over from the First Regular Session. This bill is a concept draft that proposes to allocate prospective federal funding to support the State's dairy industry.

LD 687 Resolve, To Direct the Department of Conservation To Seek To Acquire Public Access to the Dead River

RESOLVE 153

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MILLS P	OTP-AM	S-363

LD 687 was carried over from the First Regular Session. 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.

Committee Amendment "A" (S-363)

This amendment replaces the resolve. It directs the Department of Conservation to seek to acquire a public right-of-way along approximately 16 miles of the Lower Enchanted Road, from Route 201 in West Forks Plantation westward to an area used for vehicle parking and launching watercraft into the Dead River. It does not authorize use of eminent domain nor does it designate acquisition of this right-of-way as a priority for the Land for Maine's Future Fund.

Enacted Law Summary

Resolve 2009, chapter 153 directs the Department of Conservation to seek to acquire a public right-of-way along approximately 16 miles of the Lower Enchanted Road, from Route 201 in West Forks Plantation westward to an area used for vehicle parking and launching watercraft into the Dead River. The department is not required to assume an obligation to improve or maintain the right-of-way at public expense. The department is directed to seek private and public funds to secure public access via easements or fee acquisitions. The resolve requires the department to report to the joint standing committee of the Legislature having jurisdiction over conservation matters no later than January 10, 2011 and authorizes the committee to submit a bill to the First Regular Session of the 125th Legislature.

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

ONTP

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

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LD 1182 was carried over from the First Regular Session. 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.

LD 1238 An Act Concerning the National Animal Identification System

PUBLIC 544

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
HAMPER SHERMAN	OTP-AM	H-641

LD 1238 was carried over from the First Regular Session. 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. 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. The bill also prohibits 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.

Committee Amendment "A" (H-641)

This amendment clarifies that the Commissioner of Agriculture, Food and Rural Resources is authorized to adopt rules to implement a national animal identification system only if the system becomes mandatory through action at the federal level. It also revises the confidentiality provision in the bill to clarify that information provided to the commissioner under either a mandatory or voluntary system is confidential. The commissioner is authorized to disclose information to government entities if disclosure is necessary to prevent or control disease or to protect the public. The commissioner may publish and release as public information summary reports using aggregate data that does not reveal the activities of an individual person or firm. This amendment also adds an automatic repeal date of January 1, 2013.

Enacted Law Summary

Public Law 2009, chapter 544 requires the Commissioner of Agriculture, Food and Rural Resources to adopt rules to implement a national animal identification system but only if federal law makes the system mandatory. If the national identification system is voluntary, chapter 544 prohibits the commissioner from forcing participation in the system or imposing any penalty on or withholding any benefit from a person who does not participate in the system. Chapter 544 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. It designates information provided to the commissioner under either a mandatory or voluntary system as confidential. The commissioner is authorized to disclose information to government entities if disclosure is necessary to prevent or control disease or to protect the public. The commissioner may publish and release as public information summary reports using aggregate data that does not reveal the activities of an individual person or firm. The provisions enacted in this chapter are repealed on January 1, 2013.

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LD 1239 An Act To Provide Funding To Educate Homeowners in Integrated Pest Management

P & S 31

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
BLANCHARD SCHNEIDER	OTP-AM	H-619

LD 1239 was carried over from the First Regular Session. 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.

Committee Amendment "A" (H-619)

This amendment replaces the bill with a one-time transfer of \$50,000 from the Board of Pesticides Control to the University of Maine Cooperative Extension for educating homeowners in integrated pest management.

Enacted Law Summary

Private and Special Law 2009, chapter 31 makes a one-time transfer of \$50,000 from the Board of Pesticides Control to the University of Maine Cooperative Extension for educating homeowners in integrated pest management.

LD 1517 Resolve, Regarding Legislative Review of Portions of Chapter 26: Producer Margins, a Major Substantive Rule of the Maine Milk Commission

**RESOLVE 155
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
	OTP-AM	H-608

This resolve provides for legislative review of portions of Chapter 26: Producer Margins, a major substantive rule of the Department of Agriculture, Food and Rural Resources, Maine Milk Commission.

Committee Amendment "A" (H-608)

This amendment denies authorization for final adoption of portions of Chapter 26: Producer Margins, a major substantive rule of the Department of Agriculture, Food and Rural Resources, Maine Milk Commission.

Enacted Law Summary

Resolve 2009, chapter 155 denies authorization for final adoption of portions of Chapter 26: Producer Margins, a major substantive rule of the Department of Agriculture, Food and Rural Resources, Maine Milk Commission. The production tiers and target prices proposed in the provisionally adopted rule conflict with those enacted under Public Law 2009, chapter 467. (See bill summary for LD 1758)

Resolve 2009, chapter 155 was finally passed as an emergency measure effective February 12, 2010.

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LD 1547 An Act To Revise Notification Requirements for Pesticides Applications Using Aircraft or Air-carrier Equipment

**PUBLIC 584
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
O'BRIEN	OTP-AM A OTP-AM B OTP-AM C	H-725 S-492 NUTTING J

This bill proposes revisions to requirements for notification of pesticides applications using aircraft or air-carrier equipment as enacted in Public Law 2009, chapter 378. The revisions include:

1. Excluding backpack sprayers from the definition of "air-carrier equipment";
2. Adding a definition for "sensitive area likely to be occupied" and requiring land managers to notify owners, lessees and managers before the beginning of the spray season of intended pesticides applications when the sensitive area abuts and lies within 1,320 feet of the intended spray area;
3. Allowing the information sent to participants in the pesticide information registry to be provided at any time the day before an application rather than a minimum of 24 hours before an application;
4. Authorizing waivers of notification requirements when public health or natural resources are threatened.

Committee Amendment "A" (H-725)

This amendment is the majority report of the Joint Standing Committee on Agriculture, Conservation and Forestry. It replaces the bill and repeals the requirement enacted in Public Law 2009, chapter 378 for pre-season notification of the intent to apply pesticides using aircraft or air-carrier equipment. It requires land managers to notify a person on the registry of aerial applications when the registered property is within 1,320 feet of the spray area. The maximum distance requiring notification is 1,320 feet for air-carrier applications except for those directing the spray into the crowns of fruit trees or Christmas trees where the maximum distance is 500 feet. The amendment authorizes the board to adopt certain rules as routine technical rules in 2010. It requires the board to report to the legislative committee of jurisdiction no later than February 1, 2011 regarding the comprehensive notification registry and notification requirements. The amendment directs the board to recommend legislation and authorizes the committee of jurisdiction to submit a bill to the 125th Legislature.

Committee Amendment "B" (H-726)

This amendment is a minority report of the Joint Standing Committee on Agriculture, Conservation and Forestry. It differs from the majority report by requiring land managers to notify a person on the registry of all applications using air-carrier equipment when the registered property is within 1320 feet of the spray area. It also differs from the majority report in that it does not provide an exemption from notifying those on the registry when the land manager is in compliance with another type of notice or notification.

Committee Amendment "C" (H-727)

This amendment is a minority report of the Joint Standing Committee on Agriculture, Conservation and Forestry. It retains and revises the pre-season notification requirements enacted under Public Law 2009, chapter 378 and repealed in Committee Amendments "A" and "B". It includes a definition for "areas likely to be occupied" and specifies that pre-season notification need be sent only to residents and managers of areas likely to be occupied that lie within

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1,320 feet of an intended spray area. Committee Amendment "C" differs from the majority report in that it does not provide an exemption from notifying those on the registry when the land manager is in compliance with another type of notice or notification. Like Committee Amendment "B", this amendment does not lower the maximum distance requiring notification for applications into the crowns of fruit trees and Christmas trees using air-carrier equipment. This amendment differs from both the majority report and Committee Amendment "B" in that it does not contain an allowance for notification on the day of an application.

Senate Amendment "A" To Committee Amendment "A" (S-492)

This amendment requires a land manager to provide people on the registry with the location of the property on which pesticides will be applied. It repeals the maximum distance of 500 feet for certain applications using air-carrier equipment effective January 1, 2012. It gives additional direction to the State Board of Pesticides Control in developing rules for notification of pesticides applications and in developing the report to be submitted to the joint standing committee of the Legislature having jurisdiction over agricultural matters.

It also removes authorization for the joint standing committee of the Legislature having jurisdiction over agricultural matters to submit a bill during the 125th Legislature.

Enacted Law Summary

Public Law 2009, chapter 584 repeals the requirement enacted in Public Law 2009, chapter 378 for pre-season notification of the intent to apply pesticides using aircraft or air-carrier equipment. It directs the Department of Agriculture, Food and Rural Resources, Board of Pesticides Control to develop a comprehensive registry of people wanting to be notified of pesticides applications near property they own or lease or on which they reside. This chapter directs the board to take certain actions to increase awareness of the registry and authorizes acceptance of donations and grants to promote awareness of the registry, to develop efficient mechanisms for accessing the registry and to promote compliance. It requires land managers to notify a person on the registry of aerial applications when the registered property is within 1,320 feet of the spray area. The maximum distance requiring notification is 1,320 feet for air-carrier applications except for those directing spray into the crowns of fruit trees or Christmas trees. The maximum distance of 500 feet for these applications is repealed January 1, 2012.

Notification of those on the registry is not required for aerial pesticides applications to control forest pests and other applications covered under the Maine Revised Statutes, Title 22, section 1471-R when those applications are in compliance with the rules of the board or for nonagricultural pesticides applications when those applications are in compliance with notification requirements for people on the registry that existed prior to 2009. This exemption is in effect until January 1, 2012. Notification on the day of but prior to application of pesticides is acceptable in certain situations. The board is authorized to waive notification requirements when public health or natural resources are threatened.

Chapter 584 authorizes the board to adopt certain rules as routine technical rules in 2010 and requires the board to report to the legislative committee of jurisdiction no later than February 1, 2011 on progress made in developing a comprehensive notification registry, recommended distances and types of applications requiring notification, the effectiveness of public awareness activities, and alternate methods of providing notification to people on the registry.

Public Law 2009, chapter 584 was enacted as an emergency measure effective April 1, 2010.

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LD 1585 Resolve, To Enhance Protection of Maine Farms and Nurseries

**RESOLVE 159
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MCCABE NUTTING J	OTP-AM	H-620

This bill requires the Department of Agriculture, Food and Rural Resources to adopt rules to regulate the sale of annual plants by large-scale retailers and the producers that supply those retailers with plants on consignment.

Committee Amendment "A" (H-620)

The amendment replaces the bill with a resolve directing the Commissioner of Agriculture, Food and Rural Resources to adopt a rule requiring a person shipping tomato seedlings into the State to notify the State Horticulturist prior to shipment. It also requires the commissioner to examine license fees in other states, consider the benefits of a dedicated account to receive license fees and make recommendations to the Joint Standing Committee of the Legislature having jurisdiction over agriculture matters regarding licenses to sell nursery stock.

Enacted Law Summary

Resolve 2009, chapter 159 directs the Commissioner of Agriculture, Food and Rural Resources to adopt a rule requiring a person shipping tomato seedlings into the State to notify the State Horticulturist prior to shipment. It also requires the commissioner to examine license fees in other states, consider the benefits of a dedicated account to receive license fees and make recommendations to the Joint Standing Committee of the Legislature having jurisdiction over agriculture matters regarding licenses to sell nursery stock.

Resolve 2009, chapter 159 was finally passed as an emergency measure on March 9, 2010.

LD 1586 An Act To Amend the Definition of "Farmers' Market"

**PUBLIC 547
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
PIEH NUTTING J	OTP-AM	H-666

Current law requires that at least 75% of products offered for sale by each seller at a farmers' market must be grown or processed by that seller. This bill changes the definition of "farmers' market" to require that only 75% of the sellers at a farmers' market must meet this requirement.

Committee Amendment "A" (H-666)

This amendment clarifies that only vendors selling farm or food products at a farmers' market must meet the requirement that 75% of those products be grown or processed by the vendor or under the vendor's direction. It requires a vendor selling farm or food products grown or processed by another person to identify the farm and location on which the product originated. The amendment specifically includes fiber and fiber products in the definition of farm and food products. It exempts people selling baked goods at farmers' markets from certain rules in the State of Maine Food Code 2001, Chapter 331 of Department of Agriculture, Food and Rural Resources rules. It adds an emergency preamble and emergency clause to the bill.

Enacted Law Summary

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Public Law 2009, chapter 547 revises the law pertaining to farmers markets to clarify that only vendors selling farm or food products at a farmers' market must meet the requirement that 75% of those products be grown or processed by the vendor or under the vendor's direction. It requires a vendor selling farm or food products grown or processed by another person to identify the farm and location on which the product originated. Chapter 547 also amends the Maine Food Law to allow people selling at farmers' markets to display and sell unpackaged baked goods.

Public Law 2009, chapter 547 was enacted as an emergency measure effective March 25, 2010.

LD 1587 An Act To Amend the Animal Welfare Laws

**PUBLIC 548
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
PIEH NUTTING J	OTP-AM	H-684

This bill strengthens the animal trespass statute and allows the Commissioner of Agriculture, Food and Rural Resources to market and sell general merchandise to generate supplemental funds for the animal welfare program.

Committee Amendment "A" (H-684)

This amendment clarifies the means by which the Department of Agriculture, Food, and Rural Resources can recover costs incurred in responding to a violation of animal trespass laws. The amendment also clarifies that the animal trespass provision applies to animals that are unattended on a public road. The amendment changes the late fee for dog licenses from \$15 to \$25, the fee formerly applicable to dog owners who were placed on a warrant for failure to license a dog..

Enacted Law Summary

Public Law 2009, chapter 548 allows the court to order a person to pay restitution to the Department of Agriculture, Food, and Rural Resources for costs incurred while assisting a municipality or law enforcement officer in responding to a violation of animal trespass laws. The amendment also clarifies that the animal trespass provision applies to animals that are unattended on a public road. Chapter 548 authorizes the commissioner to sell merchandise to supplement the animal welfare auxiliary fund. The amendment changes the late fee for dog licenses from \$15 to \$25. Provisions requiring a municipal warrant and a \$25 late fee for dogs not licensed by January 30th were repealed by Public Law 2009, chapter 343, section 13 without the intended corresponding increase in the late fee without a warrant.

Public Law 2009, chapter 548 was enacted as an emergency measure effective March 25, 2010.

LD 1598 An Act To Strengthen the Laws against Cruelty to Animals

PUBLIC 573

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
SIMPSON	OTP-AM	S-419

This bill changes the penalty for animal cruelty by increasing the class of certain crimes from Class D crimes to Class C crimes when 25 or more animals are involved. It authorizes the court to order a person convicted of animal cruelty to recover the cost of relocating animals. It adds probation as a sentencing option for Class D

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animal cruelty violations.

Committee Amendment "A" (S-419)

This amendment removes the provision in the bill that made a Class D violation of animal cruelty involving 25 or more animals a Class C crime. It provides an expedited schedule for hearings when animals have been seized without a court order and specifies evidence that is admissible at a possession hearing.

Enacted Law Summary

Public Law 2009, chapter 573 authorizes the court to order a person convicted of animal cruelty to recover the cost of relocating animals. It adds probation as a sentencing option for Class D animal cruelty violations. It provides an expedited schedule for hearings when animals have been seized without a court order and specifies evidence that is admissible at a possession hearing.

LD 1607 An Act To Regulate the Transportation of Firewood

**PUBLIC 585
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MCCABE GOODALL	OTP-AM	H-667 S-442 NUTTING J

This bill prohibits the transportation of firewood into the State. The Director of the Bureau of Forestry within the Department of Conservation is authorized to use rulemaking to implement the prohibition. Firewood that is packaged and clearly labeled as "kiln dried" or certified by the United States Department of Agriculture, Animal and Plant Health Inspection Service is exempt from the prohibition. It directs the Bureau of Parks and Lands, also within the Department of Conservation, to work with the Bureau of Forestry to restrict the transportation of firewood into state parks and other lands managed by the Bureau of Parks and Lands. This bill also requires the director to use available resources to conduct surveillance to detect the presence of the emerald ash borer and the Asian longhorned beetle.

Committee Amendment "A" (H-667)

This amendment directs the Director of the Bureau of Forestry within the Department of Conservation to seek funding sufficient to implement restrictions on the transportation of firewood into the State. It requires the director to use existing rule-making authority to establish restrictions on the transportation of firewood into the State as soon as adequate funding to implement the rule is secured. It removes the definition of "firewood" in the bill, allowing a definition to be established by rule.

This amendment revises the directive to the Bureau of Forestry and the Bureau of Parks and Lands within the Department of Conservation to work closely on restricting firewood transported into state parks and other lands managed by the Bureau of Parks and Lands. The amendment clarifies that this directive is not dependent on rules being adopted under the Maine Revised Statutes, Title 12, section 8306.

Senate Amendment "A" To Committee Amendment "A" (S-442)

This amendment adds a definition of "firewood" and allows the Director of the Bureau of Forestry within the Department of Conservation to propose modifications to the definition to the joint standing committee of the Legislature having jurisdiction over forestry matters to achieve the intent of this legislation to protect the State's forests from pests.

Enacted Law Summary

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Public Law 2009, chapter 585 requires the Director of the Bureau of Forestry within the Department of Conservation to use existing rule-making authority to establish restrictions on the transportation of firewood into the State to protect the forest from introduction of the emerald ash borer and the Asian longhorned beetle. It requires the director to seek funding sufficient to implement restrictions on the transportation of firewood into the State. The Act contains a definition of "firewood." It also requires the director to use available resources to conduct surveillance to detect the presence of the emerald ash borer and the Asian longhorned beetle.

The Bureau of Forestry and the Bureau of Parks and Lands within the Department of Conservation are directed to work together on restricting firewood transported into state parks and other lands managed by the Bureau of Parks and Lands to protect the forests from the introduction of the emerald ash borer and the Asian longhorned beetle.

Public Law 2009, chapter 585 was enacted as emergency legislation effective April 1, 2010.

LD 1684 An Act To Amend the Laws That Provide an Exemption for ONTP
Agricultural Guard Dogs from Municipal Ordinances Governing
Barking Dogs

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
STRANG BURGESS DAVIS G	ONTP	

This bill restricts the exemption from barking dog ordinances for agricultural working dogs to dogs engaged in agricultural guarding or herding activities on land that is classified as farmland under the State's current use taxation program for farmland and land that is not classified as farmland but meets other criteria relating to size, use and location.

LD 1698 An Act To Prevent the Spread of Eastern Equine Encephalitis ONTP

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

This bill is a concept draft pursuant to Joint Rule 208. It proposes to establish a state-municipal partnership to improve suppression, prevention and reporting of eastern equine encephalitis.

LD 1726 Resolve, Regarding Legislative Review of Portions of Chapter 28: RESOLVE 173
Notification Provisions for Outdoor Pesticide Applications, a Major EMERGENCY
Substantive Rule of the Department of Agriculture, Food and Rural
Resources, Board of Pesticides Control

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
	OTP-AM	H-683

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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-683)

This amendment denies authorization for final adoption of portions of Chapter 28: Notification Provisions for Outdoor Pesticide Applications, a provisionally adopted major substantive rule of the Department of Agriculture, Food and Rural Resources, Board of Pesticides Control.

Enacted Law Summary

Resolve 2009, chapter 173 denies authorization for final adoption of rules proposed by the Department of Agriculture, Food and Rural Resources, Board of Pesticides Control and pertaining to notification for outdoor pesticides applications.

Resolve 2009, chapter 173 was finally passed as an emergency measure effective March 25, 2010.

See the bill summary for LD 1547 for statutory changes to pesticides notification requirements.

LD 1744 Resolve, Regarding Legislative Review of Chapter 9: Rule Requiring Best Management Practices for Growing Crops To Minimize Cross Contamination, a Major Substantive Rule of the Department of Agriculture, Food and Rural Resources

**RESOLVE 174
EMERGENCY**

Sponsor(s)

Committee Report

Amendments Adopted

OTP-AM

H-668

This resolve provides for legislative review of Chapter 9: Rule Requiring Best Management Practices for Growing Crops to Minimize Cross Contamination, a major substantive rule of the Department of Agriculture, Food and Rural Resources.

Committee Amendment "A" (H-668)

This amendment authorizes final adoption of the rule only if certain minor changes are made to clarify that the list of potential protective measures in Chapter 9, section 4, subsection 2 is a list of measures to consider; only measures appropriate to the crop and site need be employed.

Enacted Law Summary

Resolve 2009, chapter 174 authorizes final adoption of a major substantive rule of the Department of Agriculture, Food and Rural Resources. The Chapter 9 rule requires use of best management practices for growing crops to minimize cross contamination.

Resolve 2009, chapter 174 was finally passed as an emergency measure effective March 16, 2010.

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LD 1753 An Act To Adjust the Milk Handling Fee

**PUBLIC 468
EMERGENCY**

Sponsor(s)

Committee Report

Amendments Adopted

This bill adjusts the milk handling fee, establishing a minimum fee of 4¢ per gallon and a maximum fee of 84¢ per gallon.

Enacted Law Summary

Public Law 2009, chapter 468 adjusts the rate schedule for the milk handling fee, establishing a minimum fee of 4¢ per gallon and a maximum fee of 84¢ per gallon.

Public Law 2009, chapter 468 was enacted as an emergency measure effective February 12, 2010.

LD 1758 An Act To Implement the Recommendations of the Task Force on the Sustainability of the Dairy Industry in Maine

**PUBLIC 467
EMERGENCY**

Sponsor(s)

Committee Report

Amendments Adopted

LD 1758 is the report of the Joint Standing Committee on Agriculture, Conservation and Forestry authorized by Public Law 2009, chapter 213, Part TTT, section 9. This bill makes statutory changes to the Maine dairy stabilization program and gives directives in unallocated law for further study and rulemaking by the Maine Milk Commission. It repeals provisions for the Maine Milk Income Loss Contract.

It raises the cap on transfers from the dairy stabilization program in fiscal years 2009-10 and 2010-11. It requires the Maine Milk Commission to report to the joint standing committee of the Legislature having jurisdiction over agriculture matters by January 15, 2011 and authorizes the committee to submit legislation to the 125th Legislature.

Enacted Law Summary

Public Law 2009, chapter 467 directs the Maine Milk Commission to develop a method of comprehensive data collection to improve the reliability of future cost of production studies and to report on the method to the joint standing committee of the Legislature having jurisdiction over agriculture matters by January 15, 2011. The report must include a timeline for implementing the new data collection method and revising the tiers of production and target prices.

It requires the Maine Milk Commission to establish 4 tiers of production within the dairy stabilization program rather than 3 and establishes 4 tiers of production and target prices to be in effect until the next cost-of-production study is complete and revised production levels and target prices are adopted through rulemaking. It repeals provisions for a Maine Milk Income Loss Contract.

PL 2009, chapter 467 raises the cap on transfers from the dairy stabilization program in fiscal years 2009-10 and 2010-11 from \$13,349,000 to \$17,361,291 and authorizes the administrator of the Maine Milk Pool to make monthly adjustments in payments as needed in fiscal year 2010-11. It establishes methods for calculating payments and

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specifies that reductions in payments for milk produced in June, July and August of 2010 are to reflect a 1:2 ratio between adjacent tiers.

Chapter 467 authorizes the joint standing committee of the Legislature having jurisdiction over agriculture matters to submit legislation to revise the tiers and target prices used to calculate dairy stabilization payments to the 125th Legislature.

Public Law 2009, chapter 467 was enacted as an emergency measure effective February 12, 2010.

See the bill summary for LD 1829 for subsequent revisions pertaining to the distribution of payments.

LD 1765 Resolve, Regarding Legislative Review of Chapter 348: Poultry Slaughter and Processing with Grower/Producer Exemption, a Major Substantive Rule of the Department of Agriculture, Food and Rural Resources

**RESOLVE 185
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
	OTP-AM MAJ OTP-AM MIN	H-728

This resolve provides for legislative review of Chapter 348: Poultry Slaughter and Processing with Grower/Producer Exemption, a major substantive rule of the Department of Agriculture, Food and Rural Resources.

Committee Amendment "A" (H-728)

This amendment is the majority report of the Joint Standing Committee on Agriculture, Conservation and Forestry. It requires the Commissioner of Agriculture, Food and Rural Resources to include requirements for the humane handling and slaughter of poultry in Chapter 348: Poultry Slaughter and Processing with Grower/Producer Exemption prior to final adoption and authorizes the commissioner to finally adopt the rule without additional hearings or proceedings.

Enacted Law Summary

Resolve 2009, chapter 185 authorizes final adoption of Chapter 348: Poultry Slaughter and Processing with Grower/Producer Exemption provided requirements for the humane handling and slaughter of poultry are included in the rule.

Resolve 2009, chapter 185 was finally passed as an emergency measure effective March 31, 2010.

LD 1788 Resolve, Directing the Commissioner of Agriculture, Food and Rural Resources To Examine the Collection of the Milk Handling Fee on Packaged Milk for Out-of-state Sales

RESOLVE 183

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
FLEMINGS NASS R	OTP-AM	H-737 S-458 NUTTING J

Joint Standing Committee on Agriculture, Conservation and Forestry

This bill provides a credit to a milk handler for any fee paid under Title 36, chapter 721 on packaged milk that is sold or shipped out of state by a person other than the handler that paid the fee. The credit applies as long as that milk is not later imported for sale into this State.

Committee Amendment "A" (H-737)

This amendment changes the bill to a resolve. It directs the Commissioner of Agriculture, Food and Rural Resources to convene a stakeholder group to examine the collection of the milk handling fee and possible impacts of the fee on the sale of milk produced in Maine and destined for out-of-state retail markets. It requires the commissioner to report to the Joint Standing Committee on Agriculture, Conservation and Forestry no later than October 29, 2010 and directs the committee to discuss and develop recommendations during an authorized interim meeting of the committee. It authorizes the joint standing committee of the Legislature having jurisdiction over agricultural matters to submit a bill to the First Regular Session of the 125th Legislature pertaining to the collection of the milk handling fee and barriers to increasing sales of Maine-produced milk in other states.

Senate Amendment "A" To Committee Amendment "A" (S-458)

This amendment removes authority for the joint standing committee of the Legislature having jurisdiction over agricultural matters to submit a bill to the First Regular Session of the 125th Legislature.

Enacted Law Summary

Resolve 2009, chapter 183 directs the Commissioner of Agriculture, Food and Rural Resources to convene a stakeholder group to examine the collection of the milk handling fee and possible impacts of the fee on the sale of milk produced in Maine and destined for out-of-state retail markets. It requires the commissioner to report to the Joint Standing Committee on Agriculture, Conservation and Forestry no later than October 29, 2010.

LD 1803 **Resolve, Authorizing Certain Land Transactions by the Department of Conservation, Bureau of Parks and Lands and the Department of Inland Fisheries and Wildlife and Directing the Initiation of Negotiations Regarding Easements on Certain Land**

RESOLVE 209

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
PIEH	OTP-AM	H-723 H-824 FLAHERTY S-509 RAYE

This resolve authorizes land transactions and conveyance of easements on designated lands held by the Bureau of Parks and Lands within the Department of Conservation and by the Department of Inland Fisheries and Wildlife.

Committee Amendment "A" (H-723)

This amendment terminates authorization for conveying power line easements in the Town of Sullivan and the Town of Franklin on April 1, 2013.

Senate Amendment "B" (S-509)

This amendment authorizes the Director of the Bureau of Parks and Lands within the Department of Conservation to convey by quitclaim deed without covenant, for negotiated value, a parcel of land on the edge of a public boating facility to the municipal government of the Town of Lubec.

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House Amendment "A" (H-824)

This amendment directs the Commissioner of Inland Fisheries and Wildlife to initiate negotiations with interested parties, including but not limited to abutting property owners, regarding granting easements on land adjacent to the Eastern Trail near the intersection of Blackpoint Road in Scarborough, Cumberland County, with such terms and conditions as the commissioner may direct.

Enacted Law Summary

Resolve 2009, chapter 209 allows the Director of the Bureau of Parks and Lands within the Department of Conservation to:

1. Convey to the municipal government of Monhegan Plantation any interests in Monhegan Plantation that may have reverted to the bureau;
2. Convey the right to cross the St. John Heritage Valley Trail in the Town of St. Francis to an abutter.
3. Convey a transmission line easement to Bangor Hydro Electric Company near Donnell Pond and Tunk Lake in the Town of Sullivan and the Town of Franklin in Hancock County providing the easement is conveyed prior to April 1, 2013;
4. Together with the Land for Maine's Future Board, to allow the Frenchman Bay Conservancy to convey a transmission line easement to Bangor Hydro Electric Company across Schoodic Bog in the Town of Sullivan in Hancock County providing the easement is conveyed prior to April 1, 2013;
5. Sell a lot with a garage in Big Lake Township in Washington County; and
6. Convey a parcel of land to the Town of Lubec.

Chapter 209 also authorizes the Commissioner of Inland Fisheries and Wildlife to convey a parcel of land in the Town of Kennebunk in York County to Central Maine Power Company and directs the Commissioner of Inland Fisheries and Wildlife to initiate negotiations to grant easements on land adjacent to the Eastern Trail near the intersection of Black Point Road in Scarborough.

LD 1806 An Act To Implement the Recommendations of the Joint Standing Committee on Agriculture, Conservation and Forestry Regarding Review of the Department of Agriculture, Food and Rural Resources under the State Government Evaluation Act

PUBLIC 552

Sponsor(s)

Committee Report

Amendments Adopted

H-686 HAYES

This bill is the report of the Joint Standing Committee on Agriculture, Conservation and Forestry authorized under the Government Evaluation Act. It changes the names of the divisions within the department to reflect the restructuring that began with the elimination of a director's position for the Division of Marketing and Production in Public Law 2009, chapter 462, An Act to Implement the Recommendations of the Initiative to Streamline State Government and to Make Other Necessary Changes to Law.

It amends Resolve 2009, c 63 to remove the requirement that the Commissioner of Agriculture, Food, and Rural Resources establish best management practices for poultry production in rule. It also updates the proposed schedule

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for agency reviews under the Government Evaluation Act.

House Amendment "A" (H-686)

This amendment, presented on behalf of the Committee on Bills in the Second Reading, corrects dates for agency reviews under the Government Evaluation Act.

Enacted Law Summary

Public Law 2009, chapter 552 revises the names of the divisions within the department to reflect the restructuring of the Department of Agriculture, Food, and Rural Resources from 4 divisions to 3: the Division of Quality Assurance and Regulation, the Division of Agriculture Resources Development and the Division of Animal and Plant Health.. It removes the requirement that the commissioner establish best management practices for poultry production in rule. It also updates the proposed schedule for agency reviews under the Government Evaluation Act. The Department of Agriculture, Food, and Rural Resources and the Baxter State Park Authority are scheduled for review again in 2017.

It amends Resolve 2009, c 63 to remove the requirement that the Commissioner of Agriculture, Food, and Rural Resources establish best management practices for poultry production in rule. It also updates the proposed schedule for agency reviews under the Government Evaluation Act.

LD 1809 An Act To Facilitate Communication between the Department of Administrative and Financial Services, Bureau of Revenue Services and the Department of Conservation, Bureau of Forestry

**PUBLIC 568
EMERGENCY**

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

This bill requires the Department of Conservation, Bureau of Forestry, to make information contained in certain landowner reports available to the State Tax Assessor for use in administering the commercial forestry excise tax and other taxes in the Maine Revised Statutes, Title 36. It authorizes employees of the Department of Administrative and Financial Services, Bureau of Revenue Services to disclose information pertaining to the assessment and collection of the commercial forestry excise tax to the Department of Conservation to facilitate administration of the commercial forestry excise tax.

Enacted Law Summary

Public Law 2009, chapter 568 requires the Department of Conservation, Bureau of Forestry to make information in the harvest and silvicultural practices reports submitted by owners of forest land available to the State Tax Assessor for use in administering tax laws in the Maine Revised Statutes, Title 36. Prior to enactment of chapter 568, the bureau was required to make this information available to the Bureau of Revenue Services for use in administering the Tree Growth Tax Law. It also authorizes employees of the Department of Administrative and Financial Services, Bureau of Revenue Services to disclose information pertaining to the assessment and collection of the commercial forestry excise tax to the Department of Conservation to facilitate administration of the commercial forestry excise tax.

Public Law 2009, chapter 568 extends the requirement that the Department of Conservation, Bureau of Forestry make information in forest harvest reports and silvicultural practices reports available to the State Tax Assessor for use in administering the Tree Growth Tax Law, making that information available for administering the commercial forestry excise tax and other taxes laws in the Maine Revised Statutes, Title 36. It also authorizes employees of the Department of Administrative and Financial Services, Bureau of Revenue Services to disclose information pertaining to the assessment and collection of the commercial forestry excise tax to the Department of Conservation

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to facilitate administration of the commercial forestry excise tax.

Public Law 2009, chapter 568 was enacted as an emergency effective March 29, 2010.

LD 1821 An Act Pertaining to Sales Tax Exemptions for Products Purchased for Agricultural Use

PUBLIC 632

Sponsor(s)

Committee Report

Amendments Adopted

This bill is the report of the Joint Standing Committee on Agriculture, Conservation and Forestry submitted pursuant to Resolve 2009, chapter 25, section 3. It clarifies that antiseptics and cleaning agents used in commercial animal agricultural production are exempt from sales tax. It requires the State Tax Assessor to post certain information on the website maintained by the Bureau of Revenue Services.

Enacted Law Summary

Public Law 2009, chapter 632 clarifies that antiseptics and cleaning agents used in commercial animal agricultural production are exempt from sales tax. It requires the State Tax Assessor to post on the Bureau of Revenue Services' publicly accessible website a list of products used in agricultural production for which a determination on tax exempt status has been made. The State Tax Assessor is required to post information regarding the process by which a person can request a refund for or appeal a decision by the assessor regarding sales tax paid on products used in commercial agricultural and silvicultural production or in animal agriculture and refunds of sales taxes paid on depreciable machinery and equipment or electricity for use in commercial agricultural production, commercial fishing or commercial aquacultural production.

LD 1829 An Act To Support the Dairy Industry

PUBLIC 594

Sponsor(s)

Committee Report

Amendments Adopted

PIEH
BRYANT B

This bill directs the administrator of the Maine Milk Pool to reduce payments under the dairy stabilization program only if projections indicate that total distributions from the dairy stabilization program will exceed \$17,361,291 prior to March 1, 2011. Prior legislation enacted as Public Law 2009, chapter 467 authorized payment reductions if projections indicated the cap would be reached before June 30, 2011. It clarifies that the mechanism established in chapter 467 for calculating payments on milk produced in June 2010, July 2010 and August 2010 is only used if projections indicate that the cap will be reached prior to March 1, 2011. (See bill summary for LD 1758)

Enacted Law Summary

Public Law 2009, chapter 594 directs the administrator of the Maine Milk Pool to reduce payments under the dairy stabilization program if projections indicate that total distributions from the dairy stabilization program will exceed \$17,361,291 prior to March 1, 2011. It clarifies that the mechanism provided in Public Law 2009, chapter 467 for calculating payments on milk produced in June 2010, July 2010 and August 2010 is only used if projections indicate that the cap will be reached prior to March 1, 2011.

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SUBJECT INDEX

Agriculture

Enacted

LD 1586	An Act To Amend the Definition of "Farmers' Market"	PUBLIC 547 EMERGENCY
LD 1744	Resolve, Regarding Legislative Review of Chapter 9: Rule Requiring Best Management Practices for Growing Crops To Minimize Cross Contamination, a Major Substantive Rule of the Department of Agriculture, Food and Rural Resources	RESOLVE 174 EMERGENCY
LD 1806	An Act To Implement the Recommendations of the Joint Standing Committee on Agriculture, Conservation and Forestry Regarding Review of the Department of Agriculture, Food and Rural Resources under the State Government Evaluation Act	PUBLIC 552
LD 1821	An Act Pertaining to Sales Tax Exemptions for Products Purchased for Agricultural Use	PUBLIC 632

Animal Control, Health and Welfare

Enacted

LD 1587	An Act To Amend the Animal Welfare Laws	PUBLIC 548 EMERGENCY
LD 1598	An Act To Strengthen the Laws against Cruelty to Animals	PUBLIC 573

Not Enacted

LD 1684	An Act To Amend the Laws That Provide an Exemption for Agricultural Guard Dogs from Municipal Ordinances Governing Barking Dogs	ONTP
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Dairy and Livestock

Enacted

LD 1238	An Act Concerning the National Animal Identification System	PUBLIC 544
LD 1517	Resolve, Regarding Legislative Review of Portions of Chapter 26: Producer Margins, a Major Substantive Rule of the Maine Milk Commission	RESOLVE 155 EMERGENCY
LD 1753	An Act To Adjust the Milk Handling Fee	PUBLIC 468 EMERGENCY

LD 1758	An Act To Implement the Recommendations of the Task Force on the Sustainability of the Dairy Industry in Maine	PUBLIC 467 EMERGENCY
LD 1765	Resolve, Regarding Legislative Review of Chapter 348: Poultry Slaughter and Processing with Grower/Producer Exemption, a Major Substantive Rule of the Department of Agriculture, Food and Rural Resources	RESOLVE 185 EMERGENCY
LD 1788	Resolve, Directing the Commissioner of Agriculture, Food and Rural Resources To Examine the Collection of the Milk Handling Fee on Packaged Milk for Out-of-state Sales	RESOLVE 183
LD 1829	An Act To Support the Dairy Industry	PUBLIC 594

Not Enacted

LD 628	An Act To Allocate Prospective Federal Funding To Support Maine's Dairy Industry	ONTP
LD 1182	An Act To Prevent Price Gouging in the Sale of Milk	ONTP
LD 1698	An Act To Prevent the Spread of Eastern Equine Encephalitis	ONTP

Department of Conservation - Maine Forest Service

Enacted

LD 1809	An Act To Facilitate Communication between the Department of Administrative and Financial Services, Bureau of Revenue Services and the Department of Conservation, Bureau of Forestry	PUBLIC 568 EMERGENCY
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Land Preservation, Public Access and Land Transfers

Enacted

LD 687	Resolve, To Direct the Department of Conservation To Seek To Acquire Public Access to the Dead River	RESOLVE 153
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Land transactions

Enacted

LD 1803	Resolve, Authorizing Certain Land Transactions by the Department of Conservation, Bureau of Parks and Lands and the Department of Inland Fisheries and Wildlife and Directing the Initiation of Negotiations Regarding Easements on Certain Land	RESOLVE 209
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Pesticides

Enacted

LD 1239	An Act To Provide Funding To Educate Homeowners in Integrated Pest Management	P & S 31
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LD 1547	An Act To Revise Notification Requirements for Pesticides Applications Using Aircraft or Air-carrier Equipment	PUBLIC 584 EMERGENCY
LD 1726	Resolve, Regarding 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	RESOLVE 173 EMERGENCY

Plant Protection

Enacted

LD 1585	Resolve, To Enhance Protection of Maine Farms and Nurseries	RESOLVE 159 EMERGENCY
LD 1607	An Act To Regulate the Transportation of Firewood	PUBLIC 585 EMERGENCY

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