

STATE OF MAINE
125TH LEGISLATURE
SECOND REGULAR SESSION



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

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

June 2012

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Joint Standing Committee on Agriculture, Conservation and Forestry

LD 362 Resolve, Directing the Department of Conservation To Acquire an Easement To Provide Access to the Dead River ONTP

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

This bill was carried over from the First Regular Session of the 125th Legislature.

It directs the Department of Conservation, Bureau of Parks and Lands to acquire a public right-of-way approximately 16 miles in length along the Lower Enchanted Road, from Route 201 in West Forks Plantation westward to and including an area commonly used for vehicle parking, trip staging and watercraft access to the Dead River near its confluence with Spencer Stream.

LD 1109 Resolve, To Target Job Creation in the Agricultural Sector To Improve the Stability and Economic Strength of Rural Maine ONTP

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

This bill was carried over from the First Regular Session of the 125th Legislature.

It requires the Department of Agriculture, Food and Rural Resources and the Department of Labor to invite the participation of a task force to develop strategies to identify barriers to and create job growth in the agricultural sector.

LD 1120 An Act To Move the Land for Maine's Future Program to the Department of Agriculture, Food and Rural Resources MAJORITY (ONTP) REPORT

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

This bill was carried over from the First Regular Session of the 125th Legislature.

It transfers responsibility for and resources in support of the Land for Maine's Future Board and Land for Maine's Future Program from the Executive Department, State Planning Office to the Department of Agriculture, Food and Rural Resources.

Committee Amendment "A" (H-698)

This amendment is the minority report of the Joint Standing Committee on Agriculture, Conservation and Forestry. It transfers responsibility for and resources in support of the Land for Maine's Future Board and Land for Maine's

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Future Program from the Executive Department, State Planning Office to the Department of Conservation, instead of to the Department of Agriculture, Food and Rural Resources, as proposed in the bill. See the bill summary for LD 1903 under the Joint Standing Committee on Appropriations and Financial Affairs. Part II of LD 1903, which became Public Law 2011, chapter 655, includes provisions similar to those proposed by LD 1120.

LD 1602 An Act To Remove the \$100 Reporting Fee for Fertilizer and Agricultural Liming Materials Sold

PUBLIC 607

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
LIBBY SHERMAN	OTP-AM	H-854

This bill removes the \$100 fee for each brand and grade of fertilizer and each brand of agricultural liming material sold during a 12-month period.

Committee Amendment "A" (H-854)

This amendment directs the Department of Agriculture, Food and Rural Resources to review the types and quantities of fertilizers and liming products for which registration is required in the State and to review regulation of residuals for agronomic use. The department is directed to review certain definitions and terms. The department is directed to report to the legislative committee of jurisdiction with its findings and recommendations and to submit legislation necessary to implement those recommendations. This amendment also adds an appropriations and allocations section to the bill establishing an ongoing Consumer Protection Inspector position funded from the dedicated account receiving tonnage fees for fertilizers and liming materials sold in the State.

Enacted Law Summary

Public Law 2011, chapter 607 removes the \$100 fee for each brand and grade of fertilizer and each brand of agricultural liming material sold during a 12-month period while retaining the \$1 per ton fee. It directs the Department of Agriculture, Food and Rural Resources to review the types and quantities of fertilizers and liming products for which registration is required and to review regulation of residuals for agronomic use. The department is directed to review certain definitions and terms. The department is directed to report to the legislative committee of jurisdiction with its findings and recommendations and to submit legislation necessary to implement those recommendations. It also adds an appropriations and allocations section to the bill establishing an ongoing Consumer Protection Inspector position funded from the dedicated account receiving tonnage fees for fertilizers and liming materials sold in the State.

LD 1649 An Act To Authorize the Registration of Farmland

**PUBLIC 608
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
SAVIELLO	OTP-AM	S-500

This bill allows a landowner to register farmland in 2012 and 2013 under the Maine Revised Statutes, Title 7, chapter 2-B. Under current law, the time period for registering farmland was limited to between June 1st and June 15th in 1990 and 1991. The purpose of farmland registration is to ensure a farmer's ability to engage in agricultural practices without adversely affecting neighboring landowners.

Committee Amendment "A" (S-500)

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This amendment allows a landowner to register farmland on an ongoing basis beginning on July 1, 2012. The bill restricted the registration to a 2-year period. The amendment revises eligibility requirements for farmland registered on or after July 1, 2012, and clarifies the landowner's responsibility for filing the registration. It requires a landowner to submit a copy of the registration to the Department of Agriculture, Food and Rural Resources and removes the requirement for a municipality to maintain a registry. To renew the registration of farmland registered in 1990 or 1991, a landowner must submit documentation of the original registration. All landowners with registered farmland must renew registration every 5 years. It changes the income-producing requirement for registering farmland from at least \$300 per acre for at least 3 of the previous 6 calendar years to at least \$2,000 from the sales value of farm products in one of the 2, or 3 of the 5, preceding calendar years.

Enacted Law Summary

Public Law 2011, chapter 608 allows a landowner to register farmland on an ongoing basis beginning on July 1, 2012. The purpose of farmland registration is to ensure a farmer's ability to engage in agricultural practices without adversely affecting neighboring landowners. An owner of abutting land may not develop or use land within 50 feet of farmland registered on or after July 1, 2012 for a well, drinking water spring or water supply intake. To retain the registration of farmland registered in 1990 or 1991, a landowner must submit documentation of the original registration. When such documentation is provided, the registration is renewed with the protections provided under the original registration. An owner of land abutting farmland registered in 1990 or 1991 is restricted in the use of land within 100 feet of the registered farmland.

All landowners with registered farmland must renew registration every 5 years. Farmland registered on or after July 1, 2012 is not required to be enrolled under the Farm and Open Space Tax law.

Public Law 2011, chapter 608 was enacted as an emergency measure with an effective date of July 1, 2012.

LD 1689 Resolve, To Revise Requirements of the Maine Land Use Regulation Commission Pertaining to Maple Sugarhouses

RESOLVE 123

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
BLACK	OTP-AM	H-716

This resolve directs the Maine Land Use Regulation Commission to amend its rules to exempt maple sugarhouses from the 1,000-foot setback requirement.

Committee Amendment "A" (H-716)

This amendment replaces the resolve. It directs the Maine Land Use Regulation Commission to revise its rules establishing setbacks for leased lots in subdivisions created to establish maple sugar processing operations. The rules must establish setbacks equal to the setbacks for maple sugar processing operations that are not in a maple sugar processing subdivision. It directs the commission to revise its rules to allow pairings of abutting lots in a maple sugar processing subdivision while requiring a 1,000-foot separation between paired lots and single lots. It also requires the deed restrictions on leased lots in a maple sugar processing subdivision to be recorded at the registry of deeds when the subdivision is created.

Enacted Law Summary

Resolve 2011, chapter 123 directs the Maine Land Use Regulation Commission to eliminate the 1,000-foot setbacks required in rule for leased lots in subdivisions created to establish maple sugar processing operations, making the setbacks from roads, great ponds, flowing waters and other development equal to the setbacks for maple sugar processing operations that are not in a maple sugar processing subdivision. It directs the commission to revise its

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rules to allow pairings of abutting lots in a maple sugar processing subdivision while requiring a 1,000-foot separation between paired lots and single lots. It also requires the deed restrictions on leased lots in a maple sugar processing subdivision to be recorded at the registry of deeds when the subdivision is created.

**LD 1734 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 2011, chapter 118 authorizes final adoption of amendments to a Board of Pesticides Control rule pertaining to the sale and use of BT corn seed, seeds with a plant incorporated protectant. The revisions to rule Chapter 41 remove the requirement that a seed dealer ensure that purchasers are trained prior to selling them seed and extends the length of time between required refresher training for growers from 2 to 3 years.

Resolve 2011, chapter 118 was finally passed as an emergency measure effective March 5, 2012.

LD 1739 An Act To Change Regulation of Forestry Activities **PUBLIC 599**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
SHERMAN	OTP-AM	S-471

This bill transfers authority for regulation of timber harvesting activities in protection districts in the unorganized territory from the Maine Land Use Regulation Commission to the Department of Conservation, Maine Forest Service. It directs the Maine Forest Service to adopt rules to establish standards for the enhancement of brook trout habitat, specifically the placement of wood in stream channels. The bill provides that the initial rules adopted are routine technical rules and amendments to these rules are major substantive rules.

Committee Amendment "A" (S-471)

This amendment clarifies and expands on provisions in the bill. It provides more specific direction to the Commissioner of Conservation for adopting rules to allow wood to be placed in stream channels for the purpose of enhancing cold water fisheries habitat. It amends the directive regarding oversight of timber harvesting and timber harvesting activities within the jurisdiction of the Maine Land Use Regulation Commission. The department and the commission are directed to review the commission's rules regarding these activities and particularly standards for land management roads, water crossings and gravel pits to protect historic, scenic, scientific, recreational and aesthetic resources in areas identified as requiring special protection.

It provides for the Bureau of Forestry to administer and enforce timber harvesting and timber harvesting activities in

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shoreland areas for municipalities that:

1. Have repealed their ordinances;
2. Have adopted ordinances identical to the statewide standards and request the bureau to assume administrative and enforcement responsibilities; or
3. Have ordinances that are consistent with laws and rules in effect on December 31, 2005 and request the bureau to assume responsibility. The bureau may agree to assume the responsibility after reviewing the ordinance but is not required to do so. The bureau may not assume responsibility for administering or enforcing ordinances that are more stringent than or significantly different from requirements under shoreland zoning.

Enacted Law Summary

Public Law 2011, chapter 599 directs the Commissioner of Conservation to adopt rules to allow wood to be placed in stream channels for the purpose of enhancing cold water fisheries habitat. The Commissioner is required to consult with the Commissioner of Inland Fisheries and Wildlife and the Commissioner of Marine Resources in developing techniques to be used by licensed foresters to implement habitat enhancement. Only licensed foresters trained in these techniques are allowed to implement the habitat enhancement known as "chop and drop." It provides an exemption from permit requirements under the Natural Resources Protection Act for the placement of wood in stream channels when the placement is in compliance with rules adopted by the Department of Conservation for this activity.

Chapter 599 transfers responsibility for the regulation of timber harvesting and timber harvesting activities in protection and management districts within the jurisdiction of the Maine Land Use Regulation Commission to the Maine Forest Service beginning November 1, 2012. It provides for the Maine Forest Service to also administer and enforce the construction and maintenance of land management roads, water crossings and gravel pits of less than 5 acres in these areas. It allows the Maine Forest Service to establish a fee schedule for activities relating to timber harvesting, land management roads, water crossings and gravel pits in protection and management districts.

It provides for the Bureau of Forestry to administer and enforce timber harvesting and timber harvesting activities in shoreland areas for certain municipalities before the 252 -municipality threshold for adoption of statewide standards is reached.

LD 1740 An Act To Remove the Repeal Date for Outcome-based Forestry

**PUBLIC 488
EMERGENCY**

Sponsor(s)
SHERMAN

Committee Report
OTP

Amendments Adopted

This bill removes the repeal for laws governing outcome-based forestry. As defined in statute, "outcome-based forest policy" means a science-based, voluntary process to achieve agreed-upon economic, environmental and social outcomes in the State's forests, as an alternative to prescriptive regulation, demonstrating measurable progress towards achieving statewide sustainability goals and allowing landowners to use creativity and flexibility to achieve objectives, while providing for the conservation of public trust resources and the public values of forests. The provisions are scheduled to be repealed July 1, 2012.

Enacted Law Summary

Public Law 2011, chapter 488 removes the repeal on provisions pertaining to outcome-based forestry.

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Public Law 2011, chapter 488 was enacted as an emergency measure effective March 8, 2012.

LD 1741 An Act To Streamline the Paperwork Requirements of the State's Forest Practices Laws

PUBLIC 532

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
SHERMAN	OTP-AM	S-409

This bill eliminates and simplifies paperwork requirements of the State's forest practices laws. The bill repeals the requirement that the Director of the Bureau of Forestry within the Department of Conservation publish an annual report on clear cutting in the State. The bill also changes the requirement that the director issue a state of the State's forests report every 2 years to a requirement that the director issue the report every 5 years. The bill expands the scope of rulemaking by the Commissioner of Conservation and requires the adoption of rules by November 1, 2012.

Committee Amendment "A" (S-409)

This amendment deletes the section of the bill that revises rule-making authority governing forest practices. It revises the requirement for filing a notification with the Bureau of Forestry prior to beginning a timber harvest to apply only to harvesting for the primary purpose of selling or processing forest products. It retains the requirement in current law that a harvest notification form indicate if the land being harvested is taxed under the Maine Tree Growth Tax Law but removes the requirement that the notification include a statement that the harvest is consistent with the forest management and harvest plan required under Title 36. It clarifies the bureau's authority to modify the notification process for harvests under 10 acres and harvesting for the purpose of land use conversion. It directs the bureau to adopt rules pertaining to timber harvesting notifications.

Enacted Law Summary

Public Law 2011, chapter 532 repeals the requirement that the Director of the Bureau of Forestry within the Department of Conservation publish an annual report on clear cutting in the State. Information on clear-cuts over 75 acres, total acres planted and total acres precommercially thinned will be included in the director's annual report on harvesting practices. Chapter 532 also changes the requirement that the director issue a state of the State's forests report from every 2 years to every 5 years. It revises the requirement for filing a notification with the Bureau of Forestry prior to beginning a timber harvest to apply only to harvesting for the primary purpose of selling or processing forest products. It removes the requirement that the notification include a statement that the harvest is consistent with the forest management and harvest plan required under Title 36. It clarifies the bureau's authority to modify the notification process for harvests under 10 acres and harvesting for the purpose of land use conversion. It directs the bureau to adopt routine technical rules pertaining to timber harvesting notifications separate from rules pertaining to forest practice. It directs the Commissioner of Conservation to amend rules to eliminate the requirement that regeneration standards for Category 2 and 3 clear-cuts be certified. For other revisions to rulemaking to implement forest practices provisions, see the bill summary for LD 1739.

LD 1758 An Act To Eliminate the Deposit Requirements for Containers of Limited and Restricted Use Pesticides

PUBLIC 510

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
SAVIELLO	OTP-AM	S-392

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This bill repeals the deposit requirements for containers of limited and restricted use pesticides.

Committee Amendment "A" (S-392)

This amendment provides purchasers who paid a deposit on pesticide containers an opportunity to recover the deposit if the containers are returned before December 31, 2017.

Enacted Law Summary

Public Law 2011, chapter 510 repeals the deposit requirements for containers of limited and restricted use pesticides. It provides purchasers who paid a deposit on pesticide containers an opportunity to recover the deposit if the containers are returned before December 31, 2017.

LD 1759 An Act To Amend the Laws Governing the Pull Events Commission

PUBLIC 487

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
CRAY	OTP-AM	H-701

This bill reduces the number of members on the Pull Events Commission from 9 members to 5 members.

Committee Amendment "A" (H-701)

This amendment increases the membership of the Pull Events Commission from 9 to 10 and revises the membership. It provides for the staggering of the terms of members appointed in 2012. It requires 6 members of the 10-member commission to be present to transact business. A majority vote of those present is necessary to approve any action.

Enacted Law Summary

Public Law 2011, chapter 487 increases the membership of the Pull Events Commission from 9 to 10 and revises the membership by specifying that 2 members are appointed by farmers associations representing owners of animals who participate in pull events. It specifies that the fair superintendent who serves on the commission is appointed by the Commissioner of Agriculture, Food and Rural Resources. It provides for a member to be appointed by a state association of agricultural fairs. It eliminates the member representing the animal pulling industry appointed by the Commissioner of Agriculture, Food and Rural Resources. It provides for the staggering of the terms of members appointed in 2012. Subsequent appointments are for 3 years. It requires 6 members of the 10-member commission to be present to transact business and a majority vote of those present to approve any action.

LD 1798 An Act To Reform Land Use Planning in the Unorganized Territory

PUBLIC 682

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
	OTP-AM	H-918 S-611 ROSEN R

This bill contains statutory changes to implement the recommendations of the Commission on Reform of the Governance of Land Use Planning in the Unorganized Territory. This bill is submitted by the Joint Standing Committee on Agriculture, Conservation and Forestry pursuant to Resolve 2011, chapter 113, section 9.

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It establishes a process beginning in September 1, 2015, for a county to assume authority for land use planning and regulation for the unorganized and deorganized areas of that county. It changes the Maine Land Use Regulation Commission to the Maine Land Use Planning Commission. It revises the membership to include 3 members appointed by the Governor and subject to confirmation by the Legislature and 6 members appointed by counties. The county commissioners of each of the 6 counties with the most acreage in the unorganized or deorganized areas of the state would select one among them or appoint another resident of that county to serve on the commission.

The Joint Standing Committee on Agriculture, Conservation and Forestry has not taken a position on the substance of the recommendations in the report or this bill to implement those recommendations. The committee is not suggesting and does not intend to suggest that it agrees or disagrees with the recommendations of the commission or that it supports the substance of this bill. The committee is submitting the bill for the sole purpose of turning the commission's proposal into a printed bill that can be referred to the committee for an appropriate public hearing and subsequent work sessions. The committee is taking this action to ensure clarity and transparency in the legislative review of the commission's proposal.

Committee Amendment "A" (H-918)

This amendment removes the provisions for a county to assume authority for land use planning and regulation for the unorganized and deorganized areas of that county. This amendment increases the number of county nominees to the Maine Land Use Planning Commission to 8 and requires all members to be confirmed by the Senate. It includes a provision for the Governor to make a nomination if a county does not make a nomination within 90 business days of that county's being eligible to make a nomination. It requires county nominees to meet certain qualifications. It specifies that county representatives may not be nominated before December 15, 2012.

It specifies that the Maine Land Use Planning Commission retains jurisdiction over a planned subdistrict if a municipality or plantation in which the planned subdistrict is located assumes authority for land use planning and regulation unless the owner of the land delineated as a planned subdistrict agrees to the transfer of authority.

It clarifies which projects will be reviewed and permitted by the Department of Environmental Protection.

It clarifies that the Maine Land Use Planning Commission must receive certification from the Department of Environmental Protection prior to permitting non-grid-scale wind energy development.

It clarifies that certification from the Maine Land Use Planning Commission is needed prior to the Department of Environmental Protection's issuing permits under the site location of development laws. The Maine Land Use Planning Commission retains responsibility for the review and permitting of projects in planned subdistricts approved or accepted for review prior to September 1, 2012.

It adds a section of unallocated law that directs the Maine Land Use Planning Commission to establish a process by which a landowner can request a preapplication meeting to discuss a potential project with the commission and a section directing the Maine Land Use Planning Commission to initiate prospective zoning and to provide information on its progress in its January 2013 report.

It lists in unallocated law all planned subdistricts that have been approved and proposals for planned subdistricts that have been accepted for processing as of March 16, 2012. It adds an appropriations and allocations section that transfers two Environmental Specialist II positions from the Department of Conservation to the Department of Environmental Protection.

House Amendment "A" To Committee Amendment "A" (H-926)

This amendment removes the appropriations and allocations section and requires the Department of Environmental Protection to carry out its responsibilities under this legislation using existing budgeted resources.

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Senate Amendment "A" To Committee Amendment "A" (S-611)

This amendment changes the effective date provision for selected sections from August 1, 2012 to September 1, 2012. It adds an appropriations and allocations section to transfer one Environmental Specialist Position III from the Land Use Regulation Commission to the Department of Environmental Protection.

Enacted Law Summary

Public Law 2011, chapter 682 changes the name of the Maine Land Use Regulation Commission to the Maine Land Use Planning Commission (LUPC). It increases the commission's membership from 7 to 9 and specifies that the Governor nominates only 1 member of the commission. Each of the 8 counties with the most acreage in the commission's jurisdiction nominates one member. All nominations are subject to review by the legislative committee of jurisdiction and confirmation by the Senate. All nominees must meet certain qualifications established in statute.

Chapter 682 requires commission meetings to be held within the jurisdiction or in a convenient location approved by the commission Chair. It requires field offices to be in or close to the jurisdiction and LUPC employees to receive regular training on customer service.

It defines "planned subdistrict" and authorizes the commission to designate planned subdistricts and establish unique standards for each. It removes the standard in statute that development districts be areas that are "discernible as having patterns of intensive use," requiring instead that the areas are "appropriate for" such use. It removes statutory language prohibiting a change in a land use district boundary unless the proposed land use district "satisfies a demonstrated need in the community or area."

Chapter 682 authorizes but does not require the commission to delegate certain permitting and enforcement functions to a county. It specifies that LUPC retains jurisdiction over a planned subdistrict if a municipality or plantation in which the planned subdistrict is located assumes authority for land use planning and regulation unless the owner of the land delineated as a planned subdistrict agrees to the transfer of authority.

It transfers responsibility for permitting grid-scale wind energy development in the unorganized and deorganized areas to the Department of Environmental Protection (DEP). LUPC retains authority to review and permit community-based offshore wind development projects and non-grid-scale wind energy development. LUPC must receive certification from DEP prior to issuing a permit for non-grid-scale wind energy development.

Chapter 682 provides for all projects reaching the threshold for review under the Site Location of Development law (Title 38, Chapter 3, Subchapter 6) to be reviewed by DEP rather than LUPC except for projects proposed within a planned subdistrict that was approved or accepted for review prior to September 1, 2012. LUPC retains authority to review and permit development within these areas. Certification from LUPC is required prior to DEP issuing a permit for a project within the unorganized or deorganized areas under the site location of development law.

Chapter 682 requires legislative approval of the comprehensive land use plan (the CLUP) prior to final adoption. It provides for involvement of the commission in developing and implementing regional comprehensive plans when a county or counties request the commission's assistance. It requires the commission to submit an annual performance report to the legislative committee of jurisdiction.

Chapter 682 directs LUPC to establish a process by which an applicant can request a public preapplication meeting with the LUPC commissioners to discuss a proposed project. It also directs LUPC to initiate prospective zoning and to provide information on the initiatives in their January 2013 report. It contains provisions for the transition from the Land Use Regulation Commission to the Land Use Planning Commission and for the transfer of certain project review and permitting functions to DEP.

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LD 1814 Resolve, To Promote the Expansion of the Maine Maple Sugar Industry

**RESOLVE 132
EMERGENCY**

Sponsor(s)

Committee Report

Amendments Adopted

OTP

This resolve is the report of the Joint Standing Committee on Agriculture, Conservation and Forestry submitted pursuant to Resolve 2011, chapter 48, section 8. It directs the Commissioner of Agriculture, Food and Rural Resources to convene a task force to address obstacles that affect the expansion of Maine's maple sugar industry and develop strategies to promote the industry. This task force will continue the work of the task force convened under Resolve 2011, chapter 48.

This resolve directs the commissioner to submit a report including the findings and recommendations of the task force to the joint standing committee of the Legislature having jurisdiction over agriculture matters no later than December 4, 2013. It authorizes the committee to submit legislation to the Second Regular Session of the 126th Legislature.

Enacted Law Summary

Resolve 2011, chapter 132 directs the Commissioner of Agriculture, Food and Rural Resources to convene a task force to continue the work of the task force convened under Resolve 2011, chapter 48, to address obstacles that affect the expansion of Maine's maple sugar industry, and to develop strategies to promote the industry.

The commissioner is directed to submit a report including the findings and recommendations of the task force to the joint standing committee of the Legislature having jurisdiction over agriculture matters no later than December 4, 2013. It authorizes the committee to submit legislation to the Second Regular Session of the 126th Legislature.

Resolve 2011, chapter 132 was finally passed as an emergency measure effective March 19, 2012.

LD 1819 Resolve, Regarding Legislative Review of Chapter 26: Producer Margins, a Major Substantive Rule of the Maine Milk Commission

**RESOLVE 151
EMERGENCY**

Sponsor(s)

Committee Report

Amendments Adopted

OTP-AM

H-841

This resolve provides for legislative review of Chapter 26: Producer Margins, a major substantive rule of the Maine Milk Commission. This rule proposes revisions to the target prices used to determine payments under the dairy stabilization program.

Committee Amendment "A" (H-841)

This amendment stipulates that the Joint Standing Committee on Agriculture, Conservation and Forestry does not authorize final adoption of the target prices for the dairy stabilization program that were provisionally adopted in Chapter 26: Producer Margins, a provisionally adopted major substantive rule of the Maine Milk Commission.

Enacted Law Summary

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Resolve 2011, chapter 151 does not authorize final adoption of the target prices for the dairy stabilization program that were provisionally adopted in Chapter 26: Producer Margins, a provisionally adopted major substantive rule of the Maine Milk Commission. Resolve 2011, chapter 151. The Joint Standing Committee on Agriculture, Conservation and Forestry reported out a bill to establish revised target prices for the dairy stabilization program. See the bill summary for LD 1905.

Resolve 2011, chapter 151 was finally passed as an emergency measure effective April 9, 2012.

LD 1830 An Act To Establish the Department of Agriculture, Conservation and Forestry

**DIED ON
ADJOURNMENT**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
TIMBERLAKE THIBODEAU	OTP-AM A ONTP B OTP-AM C	H-876 H-910 TIMBERLAKE

This bill establishes the Department of Agriculture, Conservation and Forestry.

1. It directs the Department of Agriculture, Conservation and Forestry to assume the duties and responsibilities of the current Department of Agriculture, Food and Rural Resources and the current Department of Conservation.
2. It does not repeal any provisions of the Maine Revised Statutes, Title 7, which sets forth the laws and policies implemented by the current Department of Agriculture, Food and Rural Resources, or of Title 12, which sets forth the laws and policies implemented by the current Department of Conservation.
3. It eliminates one commissioner position.

Committee Amendment "A" (H-876)

This amendment is the majority report of the Joint Standing Committee on Agriculture, Conservation and Forestry. It expands oversight by the joint standing committee of the Legislature having jurisdiction over agriculture, conservation and forestry matters during the transition from two departments to one. It also amends the membership of the Land for Maine's Future Board and the Interagency Task Force on Invasive Aquatic Plants and Nuisance Species to reflect the consolidation of the Department of Agriculture, Food and Rural Resources and the Department of Conservation into one department with one commissioner.

House Amendment "C" To Committee Amendment "A" (H-910)

This amendment retains those provisions of the bill that establish the consolidated department but makes the following changes.

1. It establishes the consolidated Department of Agriculture, Conservation and Forestry in the Maine Revised Statutes, Title 7-A, rather than in Title 12-A as proposed in the bill.
2. It enacts a provision expressing the intent of the Legislature that a bill to consolidate relevant portions of the Maine Revised Statutes, Title 7 and Title 12 in the new Title be enacted into law by the 126th Legislature.
3. It provides that if a bill that consolidates the relevant portions of the Maine Revised Statutes, Title 7 and Title 12 in the new Title is not enacted into law by the date on which the 127th Legislature convenes, the statute that establishes the consolidated department is repealed.

Joint Standing Committee on Agriculture, Conservation and Forestry

The provisions in this bill, as amended by Committee Amendment "A" and House Amendment "C," are incorporated into Public Law 2011, chapter 657, Parts V,W, X and Y. See the bill summary for LD 1746 under the Joint Standing Committee on Appropriations and Financial Affairs.

LD 1869 An Act To Establish the Dairy Improvement Fund

**PUBLIC 625
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
PLOWMAN	OTP-AM	S-512

This bill creates the Dairy Improvement Fund within the Department of Agriculture, Food and Rural Resources to fund programs and activities to improve the economic viability of the dairy industry. The bill provides that revenue from slot machines operated by a casino operator that is distributed to the department for dairy stabilization under current law would instead be transferred to the improvement fund.

Committee Amendment "A" (S-512)

This amendment clarifies the process for the distribution of 1% of the net slot machine revenues under the Maine Revised Statutes, Title 8, section 1036, subsection 2-A, paragraph K credited to support payments under the dairy stabilization program. Effective July 1, 2013, the 1% credited for dairy stabilization payments will be reduced to 1/2 of 1%, with the other 1/2 of 1% being credited to the Dairy Improvement Fund established in the bill. It provides for the Dairy Improvement Fund to be deposited with and maintained by the Finance Authority of Maine. The fund provides loans to dairy farmers for capital improvements.

Enacted Law Summary

Public Law 2011, chapter 625 provides a process for the distribution of 1% of the net slot machine revenues under the Maine Revised Statutes, Title 8, section 1036, subsection 2-A, paragraph K credited to support payments under the dairy stabilization program. Effective July 1, 2013, the 1% credited for dairy stabilization payments will be reduced to 1/2 of 1%, with the other 1/2 of 1% being credited to the Dairy Improvement Fund established in the bill. It provides for the Dairy Improvement Fund to be deposited with and maintained by the Finance Authority of Maine. The fund provides loans to dairy farmers for capital improvements.

Public Law 2011, chapter 625 was enacted as emergency measure effective April 12, 2012.

LD 1892 An Act To Implement the Recommendations of the Joint Standing Committee on Agriculture, Conservation and Forestry under the State Government Evaluation Act

PUBLIC 579

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

This bill is the report of the Joint Standing Committee on Agriculture, Conservation and Forestry pursuant to the Maine Revised Statutes, Title 3, section 955, subsection 4. It establishes dates for the next review of agencies under the State Government Evaluation Act. It removes the Wild Blueberry Advisory Committee and the Seed Potato Board from the list of agencies to be reviewed. It ensures continuing staggered terms for members of the Wild

Joint Standing Committee on Agriculture, Conservation and Forestry

Blueberry Commission of Maine. It requires the Maine Potato Board to report to the joint standing committee of the Legislature having jurisdiction over agricultural matters on seed potato production, distribution and sales no later than January 15, 2013.

Enacted Law Summary

Public Law 2011, chapter 579 implements the recommendations of the Joint Standing Committee on Agriculture, Conservation and Forestry relating to review of agencies under the Government Evaluation Act. It removes the Wild Blueberry Advisory Committee and the Seed Potato Board from the list of agencies to be reviewed. It ensures continuing staggered terms for members of the Wild Blueberry Commission of Maine. It requires the Maine Potato Board to report to the joint standing committee of the Legislature having jurisdiction over agricultural matters on seed potato production, distribution and sales no later than January 15, 2013. It establishes 2019 as the year for the next review of the Department of Conservation, the Board of Pesticides Control and the Wild Blueberry Commission of Maine under the State Government Evaluation Act.

LD 1905 An Act To Revise the Target Prices for the Dairy Stabilization Program

**PUBLIC 690
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
	OTP MAJ OTP-AM MIN	S-535 SHERMAN S-546 SHERMAN S-607 ROSEN R

This bill is the majority report of the Joint Standing Committee on Agriculture, Conservation and Forestry authorized under Public Law 2009, chapter 467, section 16. It revises the target prices used to calculate dairy stabilization payments under the Maine Revised Statutes, Title 7, section 3153-B. It transfers funds to the Maine Milk Pool, Other Special Revenue Funds account and directs the administrator of the Maine Milk Pool to subtract funds available prior to certifying to the State Controller the amount needed from the General Fund for distribution under the dairy stabilization program under the Maine Revised Statutes, Title 7, section 3153-B.

Senate Amendment "A" (S-535)

This amendment adds an effective date that was inadvertently omitted from the bill.

Senate Amendment "B" (S-546)

This amendment increases the target price for the first 16,790 hundredweight of milk produced each year from \$19.64 per hundredweight to \$21.00 per hundredweight and revises the appropriations and allocations section accordingly.

Senate Amendment "A" To Senate Amendment "B" (S-607)

This amendment postpones the date by which funds from the accounts specified in the bill must be transferred from May 15, 2012 to May 31, 2012. It decreases the allocation to the Maine Milk Commission to make payouts through the dairy stabilization program as a result of updated projections on the price of milk.

Enacted Law Summary

Public Law 2011, chapter 690 revises the target prices used to calculate dairy stabilization payments beginning on July 1, 2012. It transfers funds from 5 accounts within the Department of Agriculture, Food and Rural Resources and 3 accounts within the Department of Conservation to the Maine Milk Pool - Other Special Revenue account and directs the administrator of the Maine Milk Pool to subtract funds available in this account prior to certifying to the

Joint Standing Committee on Agriculture, Conservation and Forestry

State Controller the amount needed from the General Fund for distribution under the Dairy Stabilization Program.

Public Law 2011, chapter 690 was enacted as an emergency measure effective May 21, 2012.

Joint Standing Committee on Agriculture, Conservation and Forestry

SUBJECT INDEX

Agriculture - Policy

Enacted

LD 1649	An Act To Authorize the Registration of Farmland	PUBLIC 608 EMERGENCY
LD 1814	Resolve, To Promote the Expansion of the Maine Maple Sugar Industry	RESOLVE 132 EMERGENCY

Not Enacted

LD 1109	Resolve, To Target Job Creation in the Agricultural Sector To Improve the Stability and Economic Strength of Rural Maine	ONTP
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Dairy

Enacted

LD 1819	Resolve, Regarding Legislative Review of Chapter 26: Producer Margins, a Major Substantive Rule of the Maine Milk Commission	RESOLVE 151 EMERGENCY
LD 1869	An Act To Establish the Dairy Improvement Fund	PUBLIC 625 EMERGENCY
LD 1905	An Act To Revise the Target Prices for the Dairy Stabilization Program	PUBLIC 690 EMERGENCY

Department of Agriculture - Regulation

Enacted

LD 1602	An Act To Remove the \$100 Reporting Fee for Fertilizer and Agricultural Liming Materials Sold	PUBLIC 607
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Department of Conservation - Maine Forest Service

Enacted

LD 1739	An Act To Change Regulation of Forestry Activities	PUBLIC 599
LD 1740	An Act To Remove the Repeal Date for Outcome-based Forestry	PUBLIC 488 EMERGENCY
LD 1741	An Act To Streamline the Paperwork Requirements of the State's Forest Practices Laws	PUBLIC 532

Land Preservation and Public Access

Not Enacted

LD 362	Resolve, Directing the Department of Conservation To Acquire an Easement To Provide Access to the Dead River	ONTP
LD 1120	An Act To Move the Land for Maine's Future Program to the Department of Agriculture, Food and Rural Resources	MAJORITY (ONTP) REPORT

Maine Land Use Regulation Commission

Enacted

LD 1689	Resolve, To Revise Requirements of the Maine Land Use Regulation Commission Pertaining to Maple Sugarhouses	RESOLVE 123
LD 1798	An Act To Reform Land Use Planning in the Unorganized Territory	PUBLIC 682

Miscellaneous

Enacted

LD 1759	An Act To Amend the Laws Governing the Pull Events Commission	PUBLIC 487
LD 1892	An Act To Implement the Recommendations of the Joint Standing Committee on Agriculture, Conservation and Forestry under the State Government Evaluation Act	PUBLIC 579

Not Enacted

LD 1830	An Act To Establish the Department of Agriculture, Conservation and Forestry	DIED ON ADJOURNMENT
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Pesticides

Enacted

LD 1734	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
LD 1758	An Act To Eliminate the Deposit Requirements for Containers of Limited and Restricted Use Pesticides	PUBLIC 510

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