

Committee: ACF

Minority Report

LA: DJI

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COMMITTEE AMENDMENT ". TO LD 1830, An Act to Establish the Department of Agriculture, Conservation and Forestry

Amend the bill by striking the emergency preamble and Emergency Clause

Further amend the bill in Sec. A-1 by deleting all of §202 (page 2, lines 6-15) – *Mission and guiding principles*

Further amend the bill in Sec. A-1. in §203, sub-§2 to read:

2. Deputies; staff. The commissioner shall appoint 2 deputy commissioners, one of whom assists the commissioner with operations and administration of the department conservation and protection of public resources and one of whom assists the commissioner with agriculture, forestry and natural resources-based economic development.

Re-number the sections within proposed Title 12-A, Chapter 1, Subchapter 2 to read consecutively.

Further amend the bill in Part A by inserting a new section at the end of Part A (p. 4, line 16 to read:

Sec. A-2. Contingent effective date. That section of this Part that enacts Title 12-A takes effect October 1, 2013 only if the bill submitted to the 126th Legislature pursuant to Part B, section 5 implementing the consolidation of the Department of Agriculture, Food and Rural Resources and the Department of Conservation has been enacted into law by that date.

Amend the bill by deleting all of Part B, C, D and E and replacing them with:

PART B

Sec. B- 1. Development of plan. The Commissioner of Agriculture, Food and Rural Resources and the Commissioner of Conservation shall develop a plan to implement the consolidation of the Department of Agriculture, Food, and Rural Resources and the Department of Conservation into the Department of Agriculture, Conservation and Forestry. In developing the plan, the commissioners shall address issues including administrative structure and functions, and program

and service delivery functions of the proposed consolidated department. The commissioners shall discuss the topics outlined in subsection 1, 2, 3 **and 4** and bring recommendations on each to the Joint Standing Committee on Agriculture, Conservation and Forestry during interim meetings authorized under Sec. B-2.

1. Placement of the Bureau of Parks and Lands as a division within the Department of Agriculture, Conservation and Forestry. The commissioners shall examine the functions of the bureau and determine if any functions are more appropriately aligned within another state agency.

2. Law enforcement responsibilities of forest rangers. The commissioners shall examine the historical role of forest rangers within the Forest Protection Division of the Maine Forest Service and how the duties of forest rangers might be expanded to meet the more comprehensive enforce needs of the new department. The commissioners shall consider the possibility of forest rangers investigating and enforcing animal welfare laws under Title 7, Part 9.

3. Recommendations of the Natural Resource Agency Task Force convened under PL 2007, c. 539, Part YY. The commissioners shall review the eight specific recommendations for improving services in Maine's natural resource sector that were included in in the task force report dated 2008 and submitted to the Governor with a transmittal letter dated January 8, 2009. The commissioners shall determine what actions have been taken to implement these recommendations and provide the Joint Standing Committee on Agriculture, Conservation and Forestry with a description on how these recommendations have been implemented or will be addressed with the merger of the 2 departments.

4. Rulemaking. The commissioners shall identify existing rulemaking authority in statute for each of the proposed divisions and the need for additional rulemaking authority under the new structure. The commissioners shall seek the committee's input in designating rules as major substantive or routine technical prior to submitting legislation under Sec. B-5.

Sec. B-2. Interim meetings; authorized. The Joint Standing Committee on Agriculture, Conservation and Forestry is authorized to meet during the 2012 legislative interim to hear reports regarding the development of the plan required pursuant to section B-1. At these meetings, the Commissioner of Agriculture, Food and Rural Resources and the Commissioner of Conservation shall brief the committee on issues including administrative structure and functions, and program and service delivery functions of the proposed consolidated department. The committee shall provide opportunities for stakeholders to communicate with the commissioners regarding the consolidation. The committee shall work with the commissioners to develop a mission statement and guiding principles for the Department of Agriculture, Conservation and Forestry.

Sec. B-3. Budget. The Department of Administrative and Financial Services, Bureau of the Budget shall work with the Commissioner of Agriculture, Food and Rural Resources and the Commissioner of Conservation with regard to the duties transferred to the Department of Agriculture, Conservation and Forestry as set forth in this Act to develop the budget for the Department of Agriculture, Conservation and Forestry in conjunction with the Natural Resources Service Center of the Department of Administrative and Financial Services.

Sec. B-4. Federal approval. If the Commissioner of Agriculture, Food and Rural Resources or the Commissioner of Conservation, determines that federal approval will not be obtained for any part of this Act that requires federal approval, the commissioner shall notify the joint standing committee of the Legislature having jurisdiction over agriculture, conservation and forestry matters, the joint standing committee of the Legislature having jurisdiction over appropriations and financial affairs and the Executive Director of the Legislative Council.

Sec. B-5. Legislation. The Commissioner of Agriculture, Food and Rural Resources and the Commissioner of Conservation shall review those parts of the Maine Revised Statutes governing agriculture, food safety, weights and measures, forestry and conservation issues, including, but not limited to, Titles 7, 8, 10, 12, 12-A and 22. Based upon their review, the commissioners shall develop and submit by November 15, 2012 a bill for introduction to the 126th Legislature to consolidate existing law appropriate for inclusion into Title 12-A and to correct any errors and inconsistencies in the law that result from this Act.

SUMMARY

This amendment is the Minority Report of the Joint Standing Committee on Agriculture, Conservation and Forestry. It authorizes the merger of the Department of Agriculture, Food, and Rural Resources and the Department of Conservation into the Department of Agriculture, Conservation and Forestry with effective date of October 1, 2013 contingent on the directives in Part B being completed and legislation to implement the merger being enacted. It removes the mission statement and guiding principles from the original bill. It removes Parts C, D and E from the bill and revises the directives in Part B.

It expands oversight by the Joint Standing Committee on Agriculture, Conservation and Forestry during the development of recommendation and legislation to effect the merger. It directs the Commissioner of Conservation and the Commissioner of Agriculture, Food and Rural Resources to examine certain topics and report to the Joint Standing Committee on Agriculture, Conservation and Forestry with recommendations. It directs the Joint Standing Committee on Agriculture, Conservation and Forestry to work with the Commissioners in developing a mission statement and guiding principles for the Department of Agriculture, Conservation and Forestry.