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Resolve, To Enhance Protection of Maine Farms and Nurseries

Emergency preamble. Whereas, acts and resolves of the Legislature do not become effective until 90 days after adjournment unless enacted as emergencies; and

Whereas, the identification of shipments of tomato seedlings coming into the State for commercial sale is needed to facilitate monitoring for disease; and

Whereas, the introduction of disease can devastate tomato crops of both commercial growers and home gardeners; and

Whereas, shipments for the 2010 growing season will begin prior to the effective date of nonemergency legislation; and

Whereas, in the judgment of the Legislature, these facts create an emergency within the meaning of the Constitution of Maine and require the following legislation as immediately necessary for the preservation of the public peace, health and safety; now, therefore,

Sec. 1 Commissioner of Agriculture, Food and Rural Resources to require notice of shipment of tomato seedlings into the State. Resolved: That the Commissioner of Agriculture, Food and Rural Resources shall adopt rules under the Maine Revised Statutes, Title 7, section 2217 to require a person shipping tomato seedlings into the State for ultimate sale at the wholesale or retail level to notify the State Horticulturist prior to shipping. The commissioner shall ensure that the rules are established to facilitate monitoring of tomato seedlings coming into the State during the 2010 growing season; and be it further

Sec. 2 Commissioner of Agriculture, Food and Rural Resources to review license fees for owners of plant nurseries and dealers in nursery stock. Resolved: That the Commissioner of Agriculture, Food and Rural Resources shall review license fees authorized under the Maine Revised Statutes, Title 7, section 2171 and established in Chapter 267 of the Department of Agriculture, Food and Rural Resources's rules. The commissioner shall research fees for licenses to sell nursery stock in other states and consider the advisability of a license fee structure with more than 2 tiers based on gross annual sales of nursery stock and square footage dedicated to nursery stock or a combination of these 2 or other parameters.

The commissioner shall also consider the benefit of establishing a dedicated account to receive license fees for plant nurseries and dealers of nursery stock, estimate the amount of dedicated revenue generated and determine the optimal use of the revenue to provide inspection and other services to protect growers in the State; and be it further

Sec. 3 Commissioner of Agriculture, Food and Rural Resources to report recommendations. Resolved: That the Commissioner of Agriculture, Food and Rural Resources shall report to the joint standing committee of the Legislature having jurisdiction over agriculture matters no later than January 15, 2011 with recommendations regarding fees for licenses to sell nursery stock and the advisability of establishing a dedicated account to receive license fees.

If the commissioner's recommendations include revisions to the Department of Agriculture, Food and Rural Resources's existing fees, the commissioner shall:

1. Provisionally adopt amendments to Chapter 267 of the department's rules to implement the recommendations and submit the provisionally adopted rule to the First Regular Session of the 125th Legislature for review as a major substantive rule in accordance with the Maine Revised Statutes, Title 5, section 8072; or

2. Submit a bill to the First Regular Session of the 125th Legislature to establish in statute fees for licenses to sell nursery stock.

Emergency clause. In view of the emergency cited in the preamble, this legislation takes effect when approved.