

The Maryland Farm Bureau Hotline

Legislative proposals that impact Maryland's farm community



Contact: Val Connelly or Kurt Fuchs
(410) 269-0656

No. 4 February 11, 2010

The blizzard of 2010 shut down most of the state this week. Hearings in the Committees of Maryland General Assembly were cancelled on Wednesday and Thursday. The bills listed in last week's Hotline will be rescheduled for hearings in the next couple of weeks. Maryland Farm Bureau's Day in Annapolis was cancelled and rescheduled for Tuesday, March 2nd. Farm Bureau members who were registered for Day in Annapolis will automatically be included on the participant list for March 2nd. Farm Bureau members who cannot attend on the new date should contact Kurt Fuchs at kurtf.mdfb@verizon.net or (410) 922-3426 before February 22nd to arrange for a refund of registration fees. Members of the Maryland General Assembly will also be added to the March 2nd list. Updates will be included in future Hotline publications.

Bill hearings for the week of February 15th include:

Tuesday, February 16, 2010

HB 248/ SB 414 - Vehicle Laws - Equine Riding - Helmet Requirement for Minors

– Delegate Pena-Melnyk House: *Environmental Matters, 250 Lowe House Office Building at 1:00pm*
– Senator Pugh Senate: *Judicial Proceedings, 2 East Miller SOB at 1:00pm*

This bill would require persons under 18 years of age to wear a helmet that meets or exceeds the standards of the American Society of Testing and Materials or the Safety Equipment Institute for Protective Headgear while riding a horse on a highway, equine-riding path, or other property open to the public or used by the public for pedestrian or vehicular traffic. Penalties include a warning for the first offense, \$15 for the second, and \$35 for the third and any subsequent offense. The bill would also require police officers to disperse educational materials about the measure and the proper use of a helmet while riding a horse to those charged with the offense. MFB reviewed this bill with several internal advisory committees and had many unanswered questions. Some included: Why are the police distributing the information? Where is this information coming from? Who is paying for it to be produced? Who is the fine issued to? If it's to a minor, how will it be tracked? **FOR INFORMATION ONLY**

HB 607 - Public Health - Sale of Baked Goods - Private Home Kitchens – Delegate Love

House: *Health and Government Operations, 240 Lowe HOB at 1:00pm*

This bill would allow a person who registers with the Department of Health and Mental Hygiene (DHMH) to sell baked goods that are “not potentially hazardous” and are made in a private home kitchen without a license to operate a food establishment. These items may only be sold from the person's home, at a farmer's market or at a roadside stand. The baked goods must be labeled with a list of ingredients, a statement that the baked goods have been produced in a private home kitchen, have not been inspected and are not for resale. In order to qualify to register with the Department a person must have completed a ServSafe Food Safety course and passed an exam. A person must also agree to permit access to the

private home kitchen for inspection by DHMH and pay a fee. **POSITION PENDING DISCUSSION BY MFB BILL REVIEW COMMITTEE ON MONDAY, FEBRUARY 15TH.**

SB 311 - Chesapeake Conservation Corps – Senator Miller

Senate: *Education Health and Environmental Affairs, 2 West Miller SOB at 2:00pm*

This bill creates the Chesapeake Conservation Corp to promote, preserve, protect and sustain the environment. The Corps will (1) provide young adults with opportunities to become better citizens, students and workers through meaningful service to their communities and the state; (2) promote energy conservation and mitigate and prevent threats to the environment; (3) provide opportunities for youth and young adults to be trained for careers that will be part of the emerging field of “green collar” jobs; (4) educate and train communities for long-term action need to protect the environment; (5) coordinate public-private partnerships in developing “green collar” job opportunities; and (6) channel available public and private resources to the protection, conservation and preservation of the environment. The Corps will receive \$1 million per year from the Environmental Trust Fund, which is funded through an existing surcharge on electricity bills. The Board of the Corps will include 11 members: 2 members of the Senate, 2 members of the House, one member appointed by the Chancellor of the University System of Maryland, and six members appointed by the Governor, including at least one individual from the not-for-profit sector with a background in education and student service. Of the many permissible projects listed in the bill for the Corps, one is “agricultural and forestry projects may include working with Corps volunteers from rural areas of the State in partnership with the agricultural community in projects to prevent or reduce nutrient runoff.” MASCDC believes the Corps may be helpful to the services provided by Soil Conservation Districts. **MARYLAND FARM BUREAU SUPPORTS SB 311.**

SB 229 - Blue Ribbon Commission on Maryland Transportation Funding – Senator Garagiola

Senate: *Budget and Taxation, 3 West Miller SOB at 1:15pm (Rescheduled from 2/10)*

This bill would establish the Blue Ribbon Commission on Maryland Transportation Funding to review, evaluate, and make recommendations generally related to funding of the transportation projects. This includes the sources and structure of the Transportation Trust Fund, mass transit and highway construction, public-private partnership options, regional transportation authorities, impacts of economic development and smart growth on transportation funding, and long-term funding solutions for transportation. The 21-member commission is to be comprised of legislators, and the following appointed by the Governor: the secretaries of Transportation, Budget and Management, DBED, Planning; representatives of the Washington Metropolitan Transit Authority; three reps from the business community two reps from the transit community; two reps in from the environmental community; one rep each from AAA, the freight rail industry, and the motor carrier industry; and 2 other individuals. An interim report is due by January 2011 with a final report due by January 2012. The commission will sunset on June 30, 2012. **FOR INFORMATION ONLY**

Wednesday, February 17, 2010

HB 246 - Allegany County and Garrett County - Deer Hunting on Private Property - Sundays –

Allegany and Garrett County Delegations House: *Environmental Matters, 250 Lowe HOB at 1:00pm*

This bill would add Garrett and Allegany Counties to the list of counties that allow deer hunting with a bow on private lands on the last three Sundays in October and the second Sunday in November. These counties currently allow deer hunting on the first Sunday of the bow season in November and the firearms season. **FOR INFORMATION ONLY**

HB 301 - Calvert County and St. Mary's County - Deer Hunting on Private Property - Sundays –

Delegate O'Donnell House: *Environmental Matters, 250 Lowe HOB at 1:00pm*

This bill would expand deer hunting on private property in St. Mary's and Calvert Counties to include the first Sunday of the bow season in November and each Sunday in the deer firearms season. It would also add Calvert (St. Mary's already on the list) to the list of counties that allows deer hunting on private property with a bow on the last three Sundays of October and the second Sunday in November.

CALVERT AND ST. MARY'S COUNTY FARM BUREAUS SUPPORT HB 301.

HB 356 - Forest Product Operators - Standards, Procedures, and Enforcement – Delegate Cane

House: *Environmental Matters, 250 Lowe HOB at 1:00pm*

This bill removes some obsolete provisions of law governing woodlands inspections and creates a Forest Product Operator's license for any type of forest products manufacturing plant. It is to be issued by the Department of Natural Resources. The license is valid for one year, with a fee to be determined by the department paid each year and must demonstrate compliance with the Maryland Workers' Compensation Act before issuance. The bill sets requirements for the licensees including adherence to sediment and erosion control standards, reporting of firewood aulity, quantity, and species, submit annual timber consumption reports, and comply with standards of practice determined by the department. Penalties and the process by which they are assessed are addressed in the provisions of the bill as well.

FOR INFORMATION ONLY

HB 420 - Secretary of Agriculture - Mosquito Control - Enforcement Authority

– by request of MDA House: *Environmental Matters, 250 Lowe HOB at 1:00pm*

This bill gives the Maryland Secretary of Agriculture new enforcement authority for mosquito control. If the Secretary, after consulting the local health authority, finds that a person is causing or allowing mosquitoes to breed or develop on any property in a manner that may pose a threat to public health, the Secretary may order that the person abate the mosquito habitat in a manner and at a time specified in the order. The bill also authorizes the Secretary to enter on and inspect private property (excluding a dwelling), after making reasonable attempts to contact the property owner and/or tenant. The bill gives the Secretary to authority to seek injunctive relief for failure to obey the abatement order. Failure to obey can lead to a misdemeanor conviction and a fine of up to \$5,000.

MARYLAND FARM BUREAU OPPOSES THE RIGHT OF ENTRY PROVISIONS IN HB 420.

HB 421 - Department of Agriculture - Advertising Agricultural Products as Locally Grown - Regulatory Authority – By request of MDA House: *Environmental Matters, 250 Lowe at 1:00pm*

This bill authorizes the Secretary of Agriculture to adopt standards to regulate the use of the terms "locally grown" and "local" to advertise or identify an agricultural product. The bill is intended to promote and support local farmers and encourage retailers to use products grown in and near Maryland to meet consumer demand for local produce. The actual definition would be determined through meetings with local growers and other stakeholders during the regulatory process.

MARYLAND FARM BUREAU SUPPORTS HB 421.

HB 474 - Smart, Green, and Growing - Maryland Sustainable Growth Commission

– by request of the Administration House: *Environmental Matters, 250 Lowe HOB at 1:00pm*

This bill would repeal the current Task Force on the Future for Growth and Development in Maryland and replace it with the newly created Maryland Sustainable Growth Commission consisting of 30 members. The Commission membership is to consist of members of the General Assembly, ex officio members from 10 executive agencies, four reps from local government, and 12 other representatives from specified stakeholders. The agricultural community is a specified stakeholder. Terms are for a period of 5 years and lobbyists are able to serve on the Commission without conflict. Commissioners are not entitled to compensation, but are entitled to reimbursement for expenses under the Standard State Travel regulations.

Chair and Vice Chair are to be designated by the Governor, the Commission may adopt rules of procedure, and Department of Planning is to provide staff support. The Commission is empowered to deliberate on virtually all things related to growth and development in the state and must report each year on its activities to the Speaker of the House, President of the Senate, House Environmental Matters Committee, Senate EHEA Committee, and the Governor. The Commission is to remain in effect until December 31, 2020. **FOR INFORMATION ONLY**

HB 502 - Calvert, Charles, and St. Mary's Counties - Deer Hunting – Delegate Bohanan

House: *Environmental Matters, 250 Lowe HOB at 1:00pm*

This bill would require DNR to establish a program in Calvert, Charles, and St. Mary's counties to train riflemen to hunt deer during daylight hours, with priority given to applicants holding Deer Management Permits, to more efficiently harvest deer in those counties. The bill would also create a fourth season to hunt deer with a shotgun from January through March in these three counties only. Persons using a DMP in these counties may use a shotgun to hunt deer throughout the season. Additionally, those persons with Deer Management permits may hunt deer on state agricultural crop land to the same extent as authorized under the permit while hunting on private land in the above counties. Lastly, renewal for the Deer Management Permits would occur no more than once every three years.

ST. MARY'S COUNTY FARM BUREAU SUPPORTS HB 502.

HB 524 - Maryland Organic Transition Investment Pilot Program - Funding and Extension of Sunset – Delegate Manno

House: *Environmental Matters, 250 Lowe HOB at 1:00pm*

This bill would add money appropriated in the State budget to the list of eligible sources of funding for the Maryland Organic Transition Investment Pilot Program which was created last year. It would also extend the sunset from 2012 to June 30, 2015. MOTIPP is designed to assist farmers in the 3-yr period of transitioning from traditional to certified organic status. **FOR INFORMATION ONLY**

HB 296 - State Government - State Soil - Sassafras Soil – Delegate Stull

House: *Health and Government Operations, 240 Lowe HOB at 1:00pm*

This bill declares "Sassafras sandy loam" as the state soil. The bill is supported by the Maryland Association of Soil Conservation Districts. The purpose of the bill is to demonstrate the state's significant concern for its soil resources. Almost 50% of the states in the country have a designated state soil. Sassafras sandy loam (fine-loamy, siliceous, semiactive, mesic Typic Hapludults) covers more land area than any other soil in Maryland and is used for a wide variety of purposes. Maryland Farm Bureau policy encourages the Natural Resource Conservation Service to complete the updating of the county soil surveys for Maryland to include numerical productivity indexes. **FOR INFORMATION ONLY**

SB 477 - State Highways - Mobile Produce Vendors - Required State Lease – Senator Frosh

Senate: *Judicial Proceedings, 2 East Miller SOB at 1:00pm*

This bill would allow mobile produce vendors to operate within the right-of-way of any State highway so long as the vendor has acquired a lease from the State. The bill defines produce as any fruit or vegetable product of the soil that is intended for human consumption and does not include a canned, frozen, dried, or pickled product. The provisions do not diminish the authority of a county to license and regulate mobile produce vendors. Mobile seafood vendors are currently able to operate similarly.

MARYLAND FARM BUREAU SUPPORTS SB 477.

Thursday, February 18, 2010

SB 462 - Chesapeake Bay Restoration Consumer Retail Choice Act of 2010 – Senator Raskin

Senate: *Finance and Education Health and Environmental Affairs*

This bill requires a store to charge consumers 5 cents per bag for disposable carryout bags. Stores may also implement a “Customer Bag Credit Program” which would require the store to pay a customer a credit of at least 5 cents for each bag provided by the customer. A store may keep 1 cent of each 5 cents charged, or 2 cents of each 5 cents if the store has a Customer Bag Credit Program. The remainder of the funds collected shall be remitted to the Maryland Department of Natural Resources and deposited in the 2010 Bay Trust Fund, which is to be used implement nonpoint source pollution control projects. The bill sets certain standards for the use of recycled /recyclable bags that a store may use in lieu of charging the bag fee. Maryland Farm Bureau is concerned about the cost and administrative burden this bill will have on farm roadside stands and Farmer’s Markets located around the state.

MARYLAND FARM BUREAU OPPOSES SB 462.

SB 466 - Vehicle Laws - Off-Highway Recreational Vehicles - Titling – Senator Forehand

Senate: *Judicial Proceedings, 2 East Miller SOB at 1:00pm*

This bill defines “off-highway recreational vehicle,” commonly referred to as all-terrain vehicle, or ATVs, and establishes electronic titling requirements. The definition would also include dirt-bikes and snowmobiles, and exclude such vehicles used on a farm or when used on residential property for landscaping, gardening, or lawn care. The bill does allow the administration to adopt by regulation other limitations or requirements to the definition of off-highway recreational vehicle (OHRV). The bill requires that a certificate of title for an OHRV be submitted electronically if purchased after October 1, 2010. When considering the titling fees for new or used OHRV’s the bill establishes that fair market value is considered to be the greater of the total purchase price or \$320.

MARYLAND FARM BUREAU SUPPORTS SB 466.

National Update

Vilsack Announces New NAIS Guidelines

Agriculture Secretary Tom Vilsack announced today that the Agriculture Department will develop a new, flexible framework for the National Animal Identification System (NAIS) and will undertake several other actions to further strengthen its disease prevention and response capabilities.

“After concluding our listening tour on the National Animal Identification System in 15 cities across the country, receiving thousands of comments from the public and input from states, tribal nations, industry groups, and representatives for small and organic farmers, it is apparent that a new strategy for animal disease traceability is needed,” Vilsack said. “I’ve decided to revise the prior policy and offer a new approach to animal disease traceability with changes that respond directly to the feedback we heard.” Among the changes, NAIS will only apply to animals moved in interstate commerce and will be administered by the states and tribal nations to provide more flexibility. It will also encourage the use of lower-cost technology and be implemented transparently through federal regulations and the full rulemaking process. [USDA news release](#)

Public Policy Internship

The American Farm Bureau Federation is seeking one student for a 2010 summer internship with the Public Policy Department in its Washington, D.C. office. Interested applicants must have completed at least their sophomore year of undergraduate coursework, preferably with a major in an agriculture- or

public policy-related field. The selected intern will be assigned to projects overseen by the Intern Coordinator, pertaining to timely topics important to agriculture and the rural economy. Applicants should specify their areas of interest and how their background provides them with the proper knowledge and abilities to excel in this internship. The Public Policy Department oversees the implementation of Farm Bureau policy by working with elected and appointed public officials on a wide range of government policies that impact farm and ranch families.

The deadline for applications is March 12, 2009. Interns will be notified of their selection no later than March 31, 2009. Applicants should supply a cover letter, resume, transcript and two letters of recommendation. Materials may be mailed, e-mailed or faxed to:

Tara Smith
Director, Congressional Relations
American Farm Bureau Federation
600 Maryland Avenue, SW, STE 1000W
Washington, D.C. 20024
taras@fb.org
202-406-3675, phone
202-406-3604, fax

Although the start and end dates of the paid internship are flexible, a minimum commitment of 8-10 weeks is expected. Interns will receive a stipend, but are responsible for their own housing. Relatives of AFBF employees are not eligible.

Yellow Tail's Donation to HSUS Ignites Social Media Firestorm

Numerous posts on blogs and social media sites Facebook and Twitter focus on a donation that set off a firestorm of activism among agricultural social media users Wednesday. After hearing news that Yellow Tail Wine was planning on donating \$100,000 to the Humane Society of the United States (HSUS), people decided to make their voices heard.

After the word of that donation and a related in-store promotion spread, farmers, ranchers and pet lovers who know the true story behind HSUS embarked on an instantaneous flurry of action. Numerous posts were made to [Yellow Tail's Facebook](#) page, and the donation was the topic of numerous posts on Twitter. As of this morning, the messages continued to pile up.

Most of the posts focus on three main points: people enjoy the company's wine but will think twice about their future purchases; requests to the company to reconsider the HSUS donation; and suggestions that the company focus its donations on local animal shelters. While it is not yet clear, the company may be listening. Yellow Tail posted the following status message on its Facebook page yesterday: "Hi all, lots of conversation here today – we're listening. Check back soon, as we'll be announcing news shortly on our Tails for Tails program."

As blogger Amanda Nolz wrote in today's [Beef Daily Blog](#), "They are paying attention, folks! It will be interesting to see what they do next as a result of this massive response from agriculture standing up against their partnership with HSUS, an organization with a main mission to abolish meat, dairy and eggs from the American diet, while putting farmers and ranchers out of business."