

The Maryland Farm Bureau Hotline

Legislative proposals that impact Maryland's farm community



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Maryland Farm Bureau Day-In-Annapolis

We would like to invite each Member of the General Assembly to our rescheduled Farm Bureau Day-in Annapolis luncheon. The luncheon will be held on **Tuesday, March 2, 2010** and will begin at noon at the Governor Calvert House. Our Women's Leadership Committee and our Young Farmers' Committee are jointly hosting this event. Because each committee has very limited funding, this event is a *MGA Members-only* event. We will not be able to accommodate staff with/or in place of elected officials. We have encouraged each county to send Farm Bureau leaders, young farmers and women's committee members to share with you their concerns about farming in the year 2010 and beyond. We urge General Assembly members to mark your calendars and plan to join us for lunch on March 2nd.

Bill hearings for the week of February 21st include:

Tuesday, February 23, 2010

HB 921 - Maryland Winery Modernization Act – Delegate Love

House: *Economic Matters, 230 House Office Building at 1:00pm*

This bill alters the scope and definition of the Class 4 Limited Winery License to improve the framework under which they are regulated. It would remove requirements that a mandatory guided tour be conducted prior to offering any samples or selling any wine or pomace brandy. It would also allow the winery to sell/serve a number of specified foods in addition to utilizing the services of a licensed caterer. Provisions also allow for various avenues for off-premises sale and consumption and a specific provision for Garrett County on Sundays. It also would allow the licensee to operate 7 days a week and hold planned promotional events upon prior notice to the Comptroller and allows for certain storage and production activities to take place at a separate location. The bill would also create a farmers market permit to allow for the sale of wine by a Class 4 Limited Winery licensee at farmers market located in the jurisdiction in which the winery is currently licensed. The Comptroller would issue the license and allow for only one such permit per market. Under the provisions of the permit, the holder may sell wine for off-premise consumption and offer samples (1 oz per brand). Only Class 4 Limited Winery products may be offered under the permit. **MARYLAND FARM BUREAU SUPPORTS HB 921.**

SB 259 - Calvert, Charles, and St. Mary's Counties - Deer Hunting –

Senators Dyson, Colburn, and Middleton

Senate: *Education Health and Environmental Affairs, 2 West Miller SOB 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 AND CHARLES COUNTY FARM BUREAUS SUPPORT SB 259.

SB 278 - Smart, Green, and Growing - Maryland Sustainable Growth Commission - By Request of the Administration Senate: *Education Health and Environmental Affairs, 2 West Miller 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. **MARYLAND FARM BUREAU SUPPORTS AN AMENDMENT TO DESIGNATE MEMBERS FROM FARM BUREAU AND THE MDA.**

SB 361 - Natural Resources - Local Forest Conservation Funds - Use of Money - Senator Astle Senate: *Education Health and Environmental Affairs, 2 West Miller SOB at 1:00pm*
This bill would eliminate the requirement that unspent funds held within a local jurisdiction's Forest Conservation Fund, after 2 years or 3 growing seasons, be returned to the person(s) that provided the money. The Fund consists of fees paid by developers in lieu of reforestation or afforestation offsets required under state and county Forest Conservation programs. The current rate is 30 cents per square foot of the area of required replanting which, after 2014, will be adjusted annually for inflation by the Department. **FOR INFORMATION ONLY**

HB 611 - State Highways - Mobile Produce Vendors - Required State Lease – Delegate Frick House: *Environmental Matters, 250 House Office Building 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. Farm Bureau supports an amendment to the bill that would essentially require that an applicable local program must be in place prior to issuance/approval of an SHA lease within the right-of-way. In this way, the county program would be able to determine who could actually be permitted as a “mobile produce vendor” and where their proposed site would be and what rules would be followed by the vendors. Under the amendment, if the county does not have a program to license/permit such a vendor – than the expansion of the privileges under the bill would not apply.
MARYLAND FARM BUREAU SUPPORTS HB 611 WITH AN AMENDMENT.

HB 667 - Somerset, Wicomico, and Worcester Counties - Vehicle Laws - Exceptional Hauling

Permits – Delegate Elmore

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

This bill would add Somerset, Wicomico, and Worcester counties to those counties where you can use an exceptional hauling permit to haul forest products. These permits are currently only valid in Allegany and Garrett counties. After meeting certain equipment criteria and fees, the permit allows vehicles carrying forest products a maximum 20,000 lbs gross weight on a single axle, an 87,000 lb gross combination weight and a load limit tolerance of 1000 lbs for GCW and 15% for axle weights. The permits have increased the profitability of forestry operations in Western Maryland while maintaining safety provisions necessary for increased loads. **MARYLAND FARM BUREAU SUPPORTS HB 667.**

Wednesday, February 24, 2010

SB 458 - Task Force to Review Property Tax Assessment Procedure and the Assessment Appeals

Process – Senator Glassman

Senate: *Budget and Taxation, 3 West Miller SOB at 1:00pm*

This bill creates a Task Force to review the property tax assessment process to make it easier to understand for citizens of the state and to find a method to determine the true market value of property. Each county and Baltimore City would have a representative on the Task Force. The bill further states that at least one TF member must represent each of these industries: agriculture, building construction, civil engineer, financial lending, utilities, manufacturing and the real estate appraisal and sales community. The TF report is due to the Governor by January 1, 2011.

MARYLAND FARM BUREAU SUPPORTS SB 458.

HB 357 - Natural Resources - Land Acquisition - Notification and Approval

– Dorchester Co. Delegation

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

This bill would require the Department of Natural Resources to notify at least 45 days in advance the county or counties in which a property being brought before the Board of Public Works for purchase by the State when the purchase prices exceeds \$2 million. Currently, such notification must only be provided to the Senate Budget and Tax and the House Appropriations Committees. It also would prohibit the State from acquiring a tract of land in Dorchester County of over 100 acres for preservation of open space unless the County Council of Dorchester County approves the purchase. This last requirement currently only applies to Allegany County. **FOR INFORMATION ONLY**

HB 648 - Environment - Drug Stewardship Program – Delegate Barnes

House: *Environmental Matters, 250 House Office Building at 1:00pm*

This bill requires the manufacturers of all prescription drugs, nonprescription over-the-counter drugs and veterinary drugs sold in Maryland to operate a program to collect, transport, manage and dispose of unwanted drugs and the packaging related to the unwanted drugs. The bill exempts vitamins and herbal-based remedies. The bill allows the manufacturers to operate a joint program or an individual program. The bill authorizes the MD Department of the Environment to issue regulations, collect fees and impose penalties on manufacturers of drugs. **FOR INFORMATION ONLY**

HB 813 - Agriculture - Sludge - Timing of Winter Application – Delegate O'Donnell

House: *Environmental Matters, 250 House Office Building at 1:00pm*

This bill requires the MD Department of Agriculture to establish criteria for the timing of the winter application of sewage sludge that are the same as or substantially similar to the criteria adopted for the timing of the winter application of animal manure.

MARYLAND FARM BUREAU SUPPORTS HB 813.

SB 636 - Mental Hygiene Administration - Upper Shore Community Mental Health Center - Continued Operation

– Senator Pipkin - Senate: *Finance & Budget and Taxation, 3 East Miller at 1pm*
This bill adds the Upper Shore Community Mental Health Center to the list of 8 other hospitals that are maintained by the state Department of Health and Mental Hygiene. The bill also requires the administration to continue the operation of the Center indefinitely. Currently the Center is slated to close after budget cuts made by the Governor over the summer and fall.

MARYLAND FARM BUREAU SUPPORTS SB 636.

Thursday, February 25, 2010

SB 509 - Somerset, Wicomico, and Worcester Counties - Vehicle Laws - Exceptional Hauling Permits

– Senator Colburn Senate: *Judicial Proceedings, 2 East Miller SOB at 1:00pm*
This bill would add Somerset, Wicomico, and Worcester counties to those counties where you can use an exceptional hauling permit to haul forest products. These permits are currently only valid in Allegany and Garrett counties. After meeting certain equipment criteria and fees, the permit allows vehicles carrying forest products a maximum 20,000 lbs gross weight on a single axle, an 87,000 lb gross combination weight and a load limit tolerance of 1000 lbs for GCW and 15% for axle weights. The permits have increased the profitability of forestry operations in Western Maryland while maintaining safety provisions necessary for increased loads. **MARYLAND FARM BUREAU SUPPORTS SB 509.**

Friday, February 26, 2010

HB 712 - Public Health - Medical Marijuana

– Delegate Morhaim
House: *Health and Government Operations and Judiciary, 240 House Office Building at 1:00pm*
This bill legalizes the growth and distribution of marijuana to be prescribed by a physician for use by a person with a “debilitating medical condition.” A debilitating medical condition is a chronic or debilitating disease or medical condition or its treatment that produces one or more of the following: cachexia or wasting syndrome, severe or chronic pain, severe nausea, seizures, severe and persistent muscle spasms or any other condition a physician determines is severe and resistant to conventional medicine. The bill sets up the conditions for pharmacies to dispense and for farmers to grow the product. Specific to growers, the Department of Health and Mental Hygiene (DHMH) is authorized to issue a request for proposal (RFP) to select as many authorized growers as necessary to ensure medical marijuana is available in all geographic regions of the state. An authorized grower shall cultivate the marijuana in Maryland, meet certain security and safety standards that may be verified by an outside entity as approved by DHMH and submit to a pharmacological testing of the marijuana to ensure consistency and no adulteration or contamination. A grower would also have to submit to a criminal history records check for all employees. An individual who has been convicted of possession or sale of a controlled dangerous substance may not be an employee of an authorized grower, unless the conviction was for a violation of federal law relating to possession or sale of marijuana for conduct that is legal under this bill. An individual who has been convicted of a felony may not be an employee of an authorized grower. The bill authorized DHMH to work with the MD Department of Agriculture to adopt regulations on the standards for cultivating marijuana, the security features to be required on the premises and in the transport of the product, and the location of the authorized grower, including consideration of the proximity to schools.

FOR INFORMATION ONLY

Additional Information

HumaneWatch.org Scrutinizes HSUS - *From the AFBF Executive Newswatch*

HumaneWatch.org, launched Tuesday by the Center for Consumer Freedom, will analyze the activities of the Humane Society of the United States (HSUS). HumaneWatch will include a blog written by CCF's director of research, a document library and a database capable of tracking the dozens of nonprofit (and for-profit) organizations that make up HSUS's sprawling financial empire.

HSUS has become the animal rights industry's most powerful player, but it has avoided serious public scrutiny for years. HSUS raises nearly \$100 million annually from Americans who largely believe their donations filter down to local pet shelters and improve the lives of dogs and cats. But in 2008, less than one-half of 1 percent of HSUS's budget consisted of grants to actual hands-on "humane societies" that deal with the thankless task of sheltering unwanted pets. "Someone has to ask the hard questions about the Humane Society of the United States, and HumaneWatch will be a relentless source of useful information," said David Martosko, CCF director of research. "Nearly 1 million Americans donate money to HSUS every year. And most are completely unaware that they're bankrolling PETA-style propaganda, far-reaching anti-meat campaigns, a huge staff of lawyers and bloated pension plans for HSUS executives."

LABOR CERTIFICATION FOR TEMPORARY AGRICULTURAL EMPLOYMENT OF H-2A ALIENS IN THE UNITED STATES (H-2A WORKERS) - *from the US Dept. of Labor Fact Sheet*

On September 4, 2009, the Department published in the Federal Register a Notice of Proposed Rulemaking proposing to amend the 2008 regulations governing the labor certification process under the H-2A temporary agricultural worker program. The comment period initially was planned to end on October 5, 2009 but was extended to October 20, 2009. The timeline for completion of a Final Rule targets January 6, 2010 for submission to the Office of Management and Budget for review, with a tentative publication on February 12, 2010. Under the Immigration and Nationality Act, the Department of Labor must ensure that U.S. workers are provided access to temporary agricultural jobs, and that both U.S. and foreign workers are provided with appropriate worker protections. This rulemaking reflects the Administration's commitment to providing fair wages and strong labor protections for this vulnerable group of workers.

Major Features of the Final Rule:

- The employer must provide the Department with documentation that it has complied with the prerequisites for bringing H-2A workers into the country, including the requirements related to recruiting for qualified U.S. workers, instead of simply attesting to compliance.
- Returns to using the USDA Farm Labor Survey as the basis for determining the Adverse Effect Wage Rate (AEWR). The 2008 rule used the Occupational Employment Statistics Survey, which resulted in a substantial reduction of worker wages (an average of over \$1.00/hour).
- Reinstates the critical role of the State Workforce Agencies (SWA) in assisting employers by using their expertise on local labor market conditions and recruitment patterns, thereby expanding job opportunities for U.S. workers.
- Reinstates the requirement that the SWA inspect and approve employer-provided housing before the Department issues an H-2A labor certification.
- Requires that all employer-provided transportation meet, at a minimum, the same Federal standards for vehicle safety, vehicle insurance and driver licensure applicable to most other agricultural workers.
- Strengthens revocation and debarment authorities by providing WHD with independent debarment authority in addition to ETA, raises civil money penalties and expands audit authority to include housing.

- Continues to include logging as an H-2A occupation. The NPRM proposed to add other forestry-related occupations such as tree planting and related reforestation activities as well as pine straw gathering, but this was not included in the Final Rule in response to concerns from both the industry and advocates about the costs and the workers' potential loss of MSPA protections, including a private right of action.
- Creates a national electronic job registry for all H-2A job orders to improve U.S. worker access to agricultural jobs and help growers find workers from across the U.S.
- Extends H-2A program benefits to workers in "corresponding employment" (other workers employed by an H-2A employer in any work included in the job order and any work performed by the H-2A workers) to ensure that similarly employed U.S. workers are not provided with lower wages or fewer benefits.
- Requires employers to provide workers with copies of the job orders no later than before departure, including from the workers' home countries and to display a poster describing employee rights and protections in English and another language common to the workers at the work site.
- Prohibits the use of multi-area itineraries by H-2A Labor Contractors, ending the practice of moving H-2A workers from site to site in multiple areas of employment under one labor certification. Labor contractors participating in this program will now have the same regulatory standards as fixed-site farmers. Required surety bond amounts for H-2ALCs have been increased.
- Prohibits the approval of labor certification applications for worksites where workers are on strike or locked out and protects U.S. workers who are denied employment or laid off.

Maryland farm labor employers are reminded that the new regs go into effect on March 15th. A new Adverse Effect Wage Rate (AEWR) will go into effect as well. That AEWR has not been announced yet but is expected to be over \$10 per hour in Maryland. All H2A applications filed prior to March 15th will be subject to the old regulations and wage rates.

Farmers and Hunters Curb Deer Population and Feed the Hungry

In an effort to reduce crop damage and improve yields while simultaneously supporting the less fortunate in their communities, the Maryland Grain Producers provided funding for a novel approach to reduce the state's overpopulation of white-tailed deer – the 2009 Doe Harvest Challenge (DHC).

As a pilot program on the Mid-Shore and in Southern Maryland, the DHC partnership also included the Maryland Farm Bureau and Farmers and Hunters Feeding the Hungry (FHFH) with a goal of reducing local overpopulations of deer by incentivizing the legal harvest and donation of does within participating counties. Beginning on opening day of bow season, each time a hunter donated a legally harvested doe to a participating FHFH processor, they were entered into a drawing for a prize package valued at \$500. The program was split into five, 3-week cycles with drawings taking place at the end of each cycle. Hunters were able to enter as many times as they donated a doe and winners of previous cycles remained eligible for participation in future drawings, including the grand prize drawing held in January 2010. With each region holding five contest cycle drawings and a grand prize drawing valued at \$1,000, participating hunters had a total of 12 opportunities to win over \$7,000 in prizes simply by donating their harvested does. As a result of the program, hunters in the participating regions donated nearly 30 percent more deer to local FHFH processors than in 2008. These donations represent an additional 100,000 meals of high-quality, lean protein for the less fortunate in their local communities and a reduction in economic losses to farm families.

A special thank you to program sponsors, Fred's Sports in Waldorf and Shore Sportsman in Easton and congratulations to this year's contest winners, we look forward to your participation in the 2010 Doe Harvest Challenge.