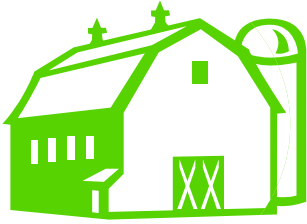


The Maryland Farm Bureau Hotline

Legislative proposals that impact Maryland's farm community



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No. 10 – Final Hotline – April 30, 2010

The 2010 Maryland General Assembly session was the final in the 4-year cycle leading up to the November elections. The budget and the economy continued to dominate the legislative agenda. While we expected to see monumental cuts to state programs that impact the farm community, Farm Bureau and our friends at MDA, Soil Conservation, DPI and other commodity groups fought hard to maintain the bulk of our funding. The final budget includes \$15 million for cover crops, \$11 million for MALPF, \$2.7 million for MARBIDCO, \$22.1 million in the Chesapeake Bay 2010 Trust Fund, and 7 new positions for the Soil Conservation District offices. MDA also secured \$500,000 in federal grant funds from EPA for the nutrient management program.

We were also able to achieve a good bit of Farm Bureau's policy in the area of marketing and value-added ag economic development. Several bills passed to allow farmers to earn more of the retail dollar for their products by easing permit restrictions for those who cross county lines to sell directly to consumers at farmers' markets. Restrictions on the sale of farm commodities along state right-of-ways were lifted and legislation to define "local" in a way that will promote Maryland-grown products was finalized. And after several years of negotiation with the wholesale and retail liquor industry, Maryland's wineries won the right to expanded sales and consumer activities to improve their businesses.

For the first time in a dozen years we made progress in the fight to reform the estate tax law. Although incremental in nature, a bill pushed forward by Senator Mac Middleton and Delegate Norm Conway takes the first step toward relieving farmers of the death tax burden. The 4-year pilot project will allow farmers to defer paying the estate tax for 3 years and then in year 4 begin paying the tax due in 3 annual installments. Farm Bureau and other proponents like MARBIDCO, Farm Credit, MD Grain Producers and 1000 Friends of Maryland believe this bill will prevent the immediate sale of farms when a parent dies and will give the next generation time to secure an agland preservation easement or otherwise acquire the funds to pay the tax.

The environmental issue of the year was stormwater regulation. MDE regulations scheduled to go into effect this spring pitted developers against environmentalists in a dispute over effective dates for new more restrictive stormwater requirements. As that debate ensued, Farm Bureau worked to defeat a new fertilizer surcharge, a reporting scheme for chemicals used on farms, a ban on arsenic in poultry feed and a new impervious surface fee. Listed below are many of the bills that Maryland Farm Bureau tracked during the session. Bills that were "Returned Passed" or Passed Enrolled" are expected to be signed by the Governor in May and become law. The effective date for most new laws is October 1, 2010.

Agricultural Marketing, Agland Preservation & MDA Bills	MFB position & status of bill
<p><u>HB 421 - Department of Agriculture - Advertising Agricultural Products as Locally Grown - Regulatory Authority</u> – By request of MDA House: <i>Environmental Matters</i></p> <p>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. The bill</p>	<p>SUPPORT</p> <p>PASSED ENROLLED</p>

<p>was amended to require the Secretary to consult with representatives from retailers, restaurants and agriculture before proposing regulations and prohibit a person from knowingly identifying or advertising a product in violation of the standards to be adopted under the bill.</p>	
<p><u>SB 198/ HB 166 - Farmer's Markets - Raw Agricultural Product Sales - Producer Mobile Farmer's Market</u> License – Senator Glassman, Delegate Hubbard Senate: <i>Finance</i> House: <i>Health and Government Operations</i> In general this bill would reduce the regulatory burden with regards to licensing of farmer’s markets and producers participating in farmer’s markets by prohibiting a local jurisdiction from requiring a license to sell raw agricultural products at a farmers’ market. The bill would ensure that a location in a farmers’ market where raw ag products are would not be considered a food service facility. It would create a statewide “producer mobile farmer’s market” license which would make producers eligible to sell their raw (as defined under regulation by DHMH) as well as on-farm processed products at farmer’s markets statewide. The fee for the permit will be based on anticipated costs of the licensing, inspecting, and regulating licensees, but may not exceed \$100. The mobile unit must display the license and be inspected at least once a year by the Department. County health departments will enforce and levy fines for violations of the bill’s provisions and any regulations adopted to carry them out. Amendments to the bill add language regarding products that have been certified, licensed, or inspected by MDA as eligible to be covered under the producer mobile license – making it easier to sell these in across various jurisdictions.</p>	<p>SUPPORT RETURNED PASSED</p>
<p><u>SB 199 / HB 167 - Seasonal Farmer's Market Producer Sampling License</u> – Senator Glassman, Delegate Hubbard Senate: <i>Finance</i> House: <i>Health and Government Operations</i> This bill would create a county seasonal farmer’s market sampling license to enable producers to offer samples and tastings at the market. The license would be valid at all farmers’ markets within the county and for the entire season for which it is issued. A county issuing such a license would be required to adopt an ordinance to establish the license, appropriate fees and set penalties for violation. Amendments to the bill remove the requirement that counties develop an ordinance and instead require DHMH to adopt standards and regulations for the license and leave enforcement to the counties. Prior to the adoption of the amendments, MFB had some concerns that leaving enactment of the regs and standards under the license to local jurisdictions could lead to more varied licenses and license requirements, instead of a more desirable streamlining of necessary direct-marketing requirements. The amendments have alleviated those concerns.</p>	<p>SUPPORT w/Amendment RETURNED PASSED</p>
<p><u>HB 1070/ SB 912 - Farmer's Markets - Sale of Poultry and Rabbits</u> – Del. Shank, Sen. Brinkley House: <i>Health and Government Operations</i> Senate: <i>Finance</i> This bill allows producers to sell poultry or rabbit products at a Farmer’s Market without a license if the product sold is exempt under USDA meat inspection regulations. The bill defines poultry or rabbit products as the whole carcass of poultry or rabbit that was raised in accordance with the Maryland Wholesome Meat Act and that is owned by and has been raised, slaughtered and processed by the seller.</p>	<p>SUPPORT WITHDRAWN – MDA already has this authority and is working to complete</p>
<p><u>HB 611/ SB 477 - State Highways - Mobile Produce Vendors - Required State Lease</u> – Delegate Frick, Senator Frosh House: <i>Environmental Matters</i> Senate: <i>Judicial Proceedings</i> 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. Amendments to the bill address our original concerns and prevent the State from entering into a lease unless the applicable county licenses mobile produce vendors. Additional amendments would allow SHA to implement regs to carry out the provisions of the bill and allow the state to require an application and reasonable fee to offset administrative costs.</p>	<p>SUPPORT W/Amendment RETURNED PASSED</p>
<p><u>HB 1553 - Agriculture - Honey - Standards</u> – Delegate Stull House: <i>Environmental Matters</i> This bill requires the MDA to adopt regulations to establish standards for products sold as honey. The standards must be consistent with a specified standard for honey of the Food and Agriculture Organization of the United Nations (FAO) and the World Health Organization (WHO).</p>	<p>FYI DIED IN COMMITTEE</p>

<p><u>SB 90 - Secretary of Agriculture - Farm Quarantine</u> – Chair of EHEA by request of MDA Senate: <i>Education Health and Environmental Affairs</i> This bill gives the Secretary of Agriculture the authority to quarantine farmland and agricultural products and stop-sale on-farm agricultural products that have been contaminated by a chemical or radiological material or similar agent after consulting with the Governor and the Secretaries of Health & Mental Hygiene and the Environment. The bill requires the Secretary to give reasonable notice of the quarantine in a newspaper, through radio or TV, by circulating notices or posting signs, and by notifying each landowner or tenant affected. Maryland Farm Bureau supported an amendment to add poultry companies and other livestock owners to the list of those notified of the quarantine. The amendment was added in the Senate.</p>	<p>SUPPORT w/Amendment</p> <p>SIGNED INTO LAW</p>
<p><u>HB 420 - Secretary of Agriculture - Mosquito Control - Enforcement Authority</u> – by request of MDA House: <i>Environmental Matters</i> 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 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 gives the Secretary 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. As originally drafted, the bill authorized the Secretary to enter onto and inspect private property (excluding a dwelling), after making reasonable attempts to contact the property owner and/or tenant. At Farm Bureau’s request, the bill was amended to delete the right-of-entry provision.</p>	<p>SUPPORT W/Amendment</p> <p>PASSED ENROLLED</p>
<p><u>HB 953/ SB 859 - Agriculture - Commercial Feed - Arsenic Prohibition</u> – Delegate Hucker, Senator Pinsky House: <i>Environmental Matters</i> Senate: <i>Education, Health and Environmental Affairs</i> This bill would prohibit a person from using, selling or distributing for use or sale within the state any commercial feed intended for use as poultry feed that contains Roxarsone or any other additive that contains arsenic. MFB opposes this bill because it is not supported by science and because food additives and livestock feed additives should continue to be regulated at the national level.</p>	<p>OPPOSE</p> <p>DIED IN COMMITTEE</p>
<p><u>SB 82 - Maryland Commercial Feed Law - Definitions - Prohibition on Sale</u> – Chair of EHEA by request of MDA Senate: <i>Education Health and Environmental Affairs</i> This bill updates Maryland’s Commercial Feed Law to reflect changes to the definitions of “commercial feed” and “adulterated” as proposed in the model bill presented by the Assoc. of Feed Control Officials. The model bill has been broadly endorsed by industry, other state departments of ag and the U.S. FDA. The bill also mandates that a person may not adulterate or misbrand a commercial feed, distribute a commercial feed that is not registered with the Department (commercial feed does not include commodities that are not intermixed with other materials or adulterated), remove or dispose of commercial feed in violation of a “stop sale” order, or detach, alter, deface or destroy, wholly or partially, any label or labeling required by law or regulation.</p>	<p>FYI</p> <p>SIGNED INTO LAW</p>
<p><u>SB 93 - Agriculture - Pest Control - Fees and Registration</u> - Chair of EHEA by request of MDA Senate: <i>Education Health and Environmental Affairs</i> This bill allows the MDA to charge pest control businesses a new fee of \$30 per year for each employee registered to apply pest control products. The bill also institutes a \$30 late fee if the application for the renewal of a license, certificate or registration for a pest control business is more than 30 days late. Finally, the bill establishes a \$10 fee to retake pesticide applicator certification exams. MDA estimates that approximately 1350 businesses will pay to register an average of 3 employees. The funds would be deposited into the Pesticide Fund at MDA and would be used to operate the program.</p>	<p>FYI</p> <p>RETURNED PASSED</p>
<p><u>HB 89 / SB 3 - Environment - Wetlands and Waterways Program Fees - Aquaculture</u> – Delegate O’Donnell, Senator Klausmeier House: <i>Environmental Matters</i> Senate: <i>Education Health and Environmental Affairs</i> This bill would exempt aquaculture activities permitted by DNR under the Wild Stock Protection section of the Natural Resources Article from application fees established for projects that impact wetlands and waterways. Current activities that are exempt include regulated activities conducted by various government agencies and agricultural and forestry best management practices when accompanied by a certified soil conservation and water quality plan and/or an erosion and sediment control plan. Non-exempt projects can incur fees from \$500 - \$7500 and up, based on size and scope. Amendments to the bill added additional sponsors and required that by 2013 the Aquaculture Coordinating Council must report the status of Maryland’s aquaculture industry and what, if any, fiscal impact the fee exemption has had.</p>	<p>SUPPORT</p> <p>RETURNED PASSED</p>

<p><u>HB 1360 - Department of Agriculture - Invasive Plants - Labeling and Notice</u> – Delegate Boteler House: <i>Environmental Matters</i> This bill requires that each container of invasive plant that is sold or offered for sale in the State shall have in a conspicuous place a label with the words “Invasive Plant Species – Harmful to the Environment” in at least 8 point bold font. A retail display of invasive plants must include a prominent sign that advises customers that invasive plant species cause harm to the environment. The MDA is requires to develop a sign that retailers may use and make the sign available to retailers at no cost. Landscapers who supply invasive plants are required to give written notice to customers that the invasive plant is harmful to the environment. The Secretary of Agriculture must notify, in writing, a person suspected of violating this law. The penalty is \$500 per violation. The bill lists 45 invasive species and gives the Secretary the authority to add additional plants to the list.</p>	<p>FYI DIED IN COMMITTEE</p>
<p><u>SB 95 - Maryland Agricultural Land Preservation Foundation - Farmland Preservation Partnership Program</u> - Chair of EHEA by request of MDA Senate: <i>Education Health and Environmental Affairs</i> This bill gives the MALPF Board explicit authority to acquire preservation easements on farmland in partnership with outside public and private entities. No state funds or additional staff would be used in the purchases of these easements. The legislation authorizes the use of different ranking criteria, valuation methods and easement provisions than what is used in the standard MALPF program. The bill also changes the due date for the MALPF annual report from November 1st to January 15th. MALPF anticipates making easement agreements with groups like Ducks Unlimited that have complementary goals such as carbon offsets, habitat protection or environmental management.</p>	<p>SUPPORT SIGNED INTO LAW</p>
<p><u>SB 59 - Agricultural Land Transfer Tax - Distribution and Use of Revenue</u> – Chair of B&T by request of MDA Senate: <i>Budget and Taxation</i> This bill removes the dedication of \$4 million per year of MALPF funds to MARBIDCO to implement an installment purchase program (IPA) for ag easements. A provision in legislation that passed in 2008 to allow MARBIDCO to undertake “leveraged” IPAs on behalf of MALPF was determined to be unconstitutional by the State Attorney General’s office. The \$4 million will be used by MALPF for traditional easement purchases.</p>	<p>SUPPORT RETURNED PASSED</p>
<p>Energy Bills</p>	
<p><u>HB 801 - Electricity - Net Energy Metering - Credits</u> – Del. McHale House: <i>Economic Matters</i> This bill alters the state’s net energy metering law to be more beneficial for eligible customer generators. It would remove the 12 month accrual limitation regarding excess generation credits and would require companies to show credits to eligible customer-generators in dollar amounts at the end of each billing period. Companies must carry forward generation credits until the customer-generator has been paid for such credits or they have consumed enough electricity from the grid to eliminate the excess. At written request, the customer is eligible to receive payment for accrued credit that remains at the end of each calendar quarter, or each 12-month period. Additionally, the electric company must pay the customer for any credits remaining when the customer closes the account (at present, remaining credits revert back to the electric company).</p>	<p>SUPPORT PASSED ENROLLED</p>
<p><u>SB 569 / HB 827 - Biomass and Biofuels - In-State Production Incentives</u> – Senator Middleton, Delegate Hubbard Senate: <i>Finance and Education Health and Environmental Affairs</i> House: <i>Economic Matters</i> In general, this bill looks to enhance the future of next-generation biofuel production and use in the State. <i>Cellulosic feedstock</i> would be added to those feedstocks eligible for net energy metering under Maryland law and defined in the bill as plant matter or material comprised of cellulose, hemicellulose, or lignin that is available on a renewable or recurring basis, including: a) agricultural wastes like corn stover and seed hulls; b) high-yielding agricultural crops; c) wood materials; and d) waste materials including municipal wastes and lawn clippings. The bill would allow any remaining energy generated with cellulosic feedstock by an eligible customer-generator to be recovered by the customer and not revert back to the electric company. <i>Renewable Diesel</i> is defined in the bill as a diesel fuel substitute that: a) is derived from nonpetroleum renewable resources; b) is produced from biological sources of oils; c) has an emissions profile at least as environmentally protective as the biodiesel that it replaces; d) is suitable for use as a fuel; and e) is fully registered under federal and state requirements. Furthermore, this bill would create an in-state mandate on the blend requirements for biodiesel and cellulosic fuels sold in Maryland. If the in-State production level of biodiesel produced from feedstocks grown in the USA reaches 12 million gallons/yr, then all diesel sold within the state would have to be at least a 2% biodiesel blend; 30 million gallons triggers a B5 mandate; 55 million gallons triggers a B10 mandate; and 110 million gallons triggers a B20 mandate. Renewable diesel produced in the United States could be used to satisfy up to 25% of the biodiesel requirements</p>	<p>SUPPORT UNFAVORABLE REPORT</p>

<p>described above. Additionally, once in-State production of cellulosic biofuel reaches 100 million gallons annually, gasoline sold in-State must be at least a blend of 5% cellulosic biofuel. The bill would allow a suspension of the blend requirements if they would substantially increase costs to consumers, puts retailers at a competitive disadvantage, or cannot be met as a result of insufficient supplies and lack of infrastructure. An infrastructure plan by state agencies is required by 2011.</p>	
<p>Environmental Protection Bills</p>	
<p><u>HB 974 - Nutrient Trading - Voluntary Agricultural Nutrient Credit Certification Program</u> – at the request of MDA House: <i>Environmental Matters</i> This bill gives MDA the authority to implement a nutrient credit trading program by verifying and certifying tradable agricultural nutrient credits, reviewing technical elements and approving those practices subject to additional procedures, and facilitating transactions between participating parties by reviewing contracts and establishing a web-based registry to post, trade and track credits and assist users in the management of their accounts. The bill was amended to clarify that only MDA may have this authority and it may not grant the authority to another agency.</p>	<p>SUPPORT</p> <p>RETURNED PASSED</p>
<p><u>HB 621 - Agriculture - Commercial Fertilizer - Surcharge</u> – Delegate Frush House: <i>Environmental Matters</i> This bill establishes a \$5 per ton surcharge on commercial fertilizer distributed in the State. The surcharge would be deposited into the 2010 Chesapeake Bay Trust Fund. The surcharge would be paid by fertilizer distributors (and passed on to farmers) to the MD Department of Agriculture along with the current registration and inspection fees. The bill exempts “low phosphorus fertilizer” from the surcharge. Low phosphorus fertilizer contains not more than 5% of available phosphoric acid. Last year, the General Assembly passed legislation allowing only low phosphorous fertilizer to be labeled for use on established lawns. Maryland Farm Bureau believes this bill will have an inequitable impact on farmers in the state, who are already spending significant personal funds on Best Management Practices to benefit the Chesapeake Bay. Maryland Farm Bureau believes it is inefficient for the state to collect a fee, essentially from farmers, to be deposited in a fund that is targeting farms as the best and most efficient way to install practices that help the state meet its Bay Restoration Goals.</p>	<p>OPPOSE</p> <p>WITHDRAWN</p>
<p><u>SB 686 / HB 999- Watershed Protection and Restoration Act</u> – Senator Raskin, Delegate Hucker Senate: <i>Education Health and Environmental Affairs</i> House: <i>Environmental Matters</i> This bill requires local governments to establish a stormwater remediation fee and a local Watershed Protection Fund. The stormwater management fee shall be the same amount for all residential property owners within the jurisdiction. The fee for commercial property owners shall be based on the amount of impervious surface on each commercial property. Impervious surface is defined as structures, buildings, dwelling units, roads parking lots or driveways and areas that are covered with gravel, stone, shell, impermeable decking, pavers or any other impervious material. The local Watershed Protection Fund must be used for stormwater management projects.</p>	<p>OPPOSE</p> <p>DIED IN COMMITTEE</p>
<p><u>HB 813 - Agriculture - Sludge - Timing of Winter Application</u> – Delegate O’Donnell House: <i>Environmental Matters</i> 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.</p>	<p>SUPPORT</p> <p>UNFAVORABLE REPORT</p>
<p><u>SB 359 / HB 930- Agriculture - Fertilizers and Pesticides - Release Reporting</u> – Senator Lenett, Delegate Frush Senate: <i>Education Health and Environmental Affairs</i> House: <i>Environmental Matters</i> This bill requires any farm operator, certified private pesticide applicator, commercially licensed business, public agency and other responsible entities who release or apply fertilizers or pesticides to annually report the quantities and locations of the products released or applied. MDA is required to establish regulations that include: outdoor agricultural uses, wood destroying insect control treatments, lawn care and landscaping services, golf courses, cemeteries, highway, utility and railroad rights of way, forest pest control and mosquito control. Annual reports shall contain the name of the pesticide or fertilizer, the watershed, the intended purpose (including the name of the crop it is intended to protect or enhance), and shall include monthly or seasonal details. Reports must be filed beginning March 1, 2012 through an online electronic reporting system that MDA will have to develop. The bill also establishes a Fertilizer and Pesticide Use Fund. The bill instructs MDA to place a surcharge on registration fees for fertilizers and pesticides in an amount sufficient to generate funds to meet the annual revenue target for the program.</p>	<p>OPPOSE</p> <p>UNFAVORABLE REPORT</p>
<p><u>HB 50 - Agriculture - Specialty Fertilizers - Low Phosphorous Fertilizer</u> – Delegate G. Clagett House: <i>Environmental Matters</i> This bill changes the definition of “low phosphorus fertilizer”. The current definition limits the maximum amount of phosphoric acid to 5%. This bill lowers that to 0.5%. Under the law already</p>	<p>FYI</p> <p>DIED ON SENATE FLOOR</p>

<p>scheduled to go into effect on April 1, 2011, a manufacturer may not label fertilizer for use on established lawns unless it meets the current “low phosphorus” definition. Offsetting amendments were offered in the House and Senate Committee to address organic lawn fertilizer. Maryland Farm Bureau became concerned about the bill after the sponsor told local press that if his bill passed citizens would know that all phosphorus still getting in the bay was from farms.</p>	
<p><u>HB 351 / SB 462 - Chesapeake Bay Restoration Consumer Retail Choice Act of 2010</u> – Delegate Carr, Senator Raskin House: <i>Economic Matters and Environmental Matters</i> Senate: <i>Finance and EHEA</i> This bill requires a store to charge consumers 5 cents per bag for disposable carryout bags. “Store” means a retail establishment that provides disposable carryout bags to its customers as a result of the sale of a product. Stores may 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 for disposable bags, 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. This bill imposes a difficult burden on farmers who operate on-farm markets, roadside stands and sell products at farmers’ markets.</p>	<p>OPPOSE</p> <p>UNFAVORABLE REPORT</p>
<p><u>SB 311/ HB 943 - Chesapeake Conservation Corps</u> – Senator Miller Delegate McIntosh Senate: <i>Education Health and Environmental Affairs</i> House: <i>Environmental Matters</i> This bill creates the Chesapeake Conservation Corp within the Chesapeake Bay Trust to provide meaningful service learning opportunities for young adults and to promote, preserve, protect and sustain the environment. The Corps will receive \$250,000 per year from the Environmental Trust Fund, which is funded through an existing surcharge on electricity bills. 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.” MASCD believes the Corps may be helpful to the services provided by Soil Conservation Districts.</p>	<p>SUPPORT</p> <p>RETURNED PASSED</p>
<p><u>HB 296 - State Government - State Soil - Sassafras Soil</u> – Delegate Stull House: <i>Health and Government Operations</i> This bill declares “Sassafras sandy loam” as the state soil. 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, semiaactive, mesic Typic Hapludults) covers more land area than any other soil in Maryland and is used for a wide variety of purposes.</p>	<p>FYI</p> <p>UNFAVORABLE REPORT</p>
<p>Equine Industry Bills</p>	
<p><u>HB 248 / SB 414 - Vehicle Laws - Equine Riding - Helmet Requirement for Minors</u> – Delegate Pena-Melnyk, Senator Pugh House: <i>Environmental Matters</i> Senate: <i>Judicial Proceedings</i> 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, \$15for 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.</p>	<p>FYI</p> <p>UNFAVORABLE REPORT</p>
<p><u>SB 62 - Maryland Horse Industry Fund - Fees</u> – Chair of EHEA by request of MDA Senate: <i>Education Health and Environmental Affairs</i> This bill directs all revenue collected for the licensing and inspection of horse stables to the Maryland Horse Industry Fund rather than the General Fund. The bill also increases the fees for licensing a horse stable from \$50 to \$75 annually and inspecting horse stables from \$25 to \$50 annually. MDA reports that the stable inspection fee has not increased in over 29 years and the cost of licensing has not increased for 18 years.</p>	<p>SUPPORT</p> <p>SIGNED INTO LAW</p>
<p>Growth Management Bills</p>	
<p><u>SB 278/ HB 474 - Smart, Green, and Growing - Maryland Sustainable Growth Commission</u> - By Request of the Administration Senate: <i>Education Health and Environmental Affairs</i> House: <i>Environmental Matters</i> 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 various stakeholders. The Commission membership is to consist of members of the General</p>	<p>FYI - Support an amendment to add MDA and MFB to membership list</p>

<p>Assembly, ex officio members from 11 executive agencies, four reps from local government, and 17 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. The Bill was amended to include the Secretary of Agriculture. Representatives of the Washington and Baltimore metro areas increase from 1 to 3 each and of those at least one of the three from each area must be from local or regional government. Of the representatives appointed by the Governor, at least one must be an architect living and licensed in Maryland. Senate and House amendments are identical except for a rural representative added to the Senate version and not to the House version. The House version was further amended by the Senate to include the rural representative, but also added a rep from the heritage tourism industry, a scientist with expertise in demonstrating linkages between land use and water quality, and a rep from the land conservation community.</p>	<p>RETURNED PASSED</p>
<p><u>SB 479 - State Capital Projects - High Performance Buildings - Green Globes Rating</u> – Senator Stoltzfus Senate: <i>Budget and Taxation</i> This bill would alter the definition of a “high performance building” to allow for an alternative to the LEED (Leadership in Energy and Environmental Design) Green Building Rating System. Under the bill’s provisions, a structure would be considered a “high performance building” if it achieved at least a two globe rating according to the Green Globes Program as adopted by the Green Building Initiative. The LEED certification program only recognizes Forest Stewardship Council (FSC) certified wood and as a result wood grown under the American Tree Farm System (ATFS) or the Sustainable Forestry Initiative (SFI) does not qualify under the LEED system. Both ATFS and SFI certified forests, however, do qualify under Green Globes. Maryland contains very little FSC certified woodland, yet we have over 58,049 acres of SFI and over 157,174 acres of ATFS forests. Due to the dearth of LEED qualified forests in Maryland it is highly likely that the wood used in state buildings could wind up coming from other states, or even overseas, rather than from Maryland.</p>	<p>SUPPORT DIED IN HOUSE COMMITTEE</p>
<p>Hunting & Natural Resource Bills</p>	
<p><u>SB 987 - Natural Resources - Conservation Law Enforcement Act of 2010</u> – Senator Astle Senate: <i>Education, Health and Environmental Affairs</i> The bill establishes in statute that DNR’s Natural Resources Police (NRP) has statewide authority to enforce conservation, boating, and criminal laws and (1) provides maritime and rural search and rescue services; (2) provides public education in hunting, boating, and water safety; (3) provides primary law enforcement services for State parks, State forests, wildlife management areas, and public lands owned and managed by DNR; and (4) serves as the lead agency for maritime homeland security on State waterways. Provisions in the bill also establish a commemorative lifetime hunting license of which DNR is required to issue a limited number to nonprofit organizations until December 31, 2011. Nonprofit organizations that receive commemorative lifetime hunting licenses may, in cooperation with DNR, market and sell the licenses. Proceeds from commemorative lifetime hunting licenses must be allocated to NRP for conservation law enforcement. DNR is authorized to adopt associated implementing regulations.</p>	<p>FYI RETURNED PASSED</p>
<p><u>HB 357 / SB 746 - Natural Resources - Land Acquisition - Notification and Approval</u> – Dorchester Co. Delegation, Senator Colburn House: <i>Environmental Matters</i> Senate: <i>Education Health and Environmental Affairs</i> 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.</p>	<p>Dorchester Co Farm Bureau SUPPORTS DIED IN COMMITTEE</p>
<p><u>HB 1352 - Forest Conservation Fund - Contribution Rates - Priority Funding Areas</u> – Delegate Stein House: <i>Environmental Matters</i> This bill will alter the fee-in-lieu of rate under the state forest conservation program for projects outside of Priority Funding Areas. The rate of 30 cents per square foot of required planting area</p>	<p>FYI PASSED ENROLLED</p>

remains in effect for projects conducted inside a PFA and calls for a 36 cent per sq ft rate for projects outside PFAs. After September 30, 2014, DNR must annually adjust the rate for inflation and set rates for projects outside PFAs 20% higher than those inside. The bill would also require local forest conservation programs to set fee-in-lieu rates that are at least the same level as the state program and set the rate for projects outside PFAs at least 20% higher as well. The bill was amended to allow for lower rates within local program for projects occurring within a priority funding area.	
<u>SB 69 - Woodland Incentives Program - Prohibition on Use of Federal Funds - Repeal</u> – Chair of EHEA by request of DNR Senate: <i>Education Health and Environmental Affairs</i> This bill would repeal the prohibition on using Woodland Incentives Fund cost-share dollars on land that received or is currently receiving federal funds for management projects. Removal of the prohibition will result in greater leveraging of federal funding and possibly reduce WIP expenditures per applicant. The House amended the bill to prohibit receiving a combination of federal and state cost share funding that would exceed 100% of the cost of the approved practice.	SUPPORT PASSED ENROLLED
<u>HB 858 - Montgomery County - Leghold or Body-Gripping Traps - Prohibition MC 16-10</u> – Montgomery County Delegation House: <i>Environmental Matters</i> This bill removes the exception in Montgomery County that allows the use of steel jaw leghold traps on farmland. Under current law Montgomery County farmers experiencing crop, livestock, or property damage as a result of nuisance wildlife are exempted from the prohibition, as is the Department of Natural Resources in exercising wildlife control.	OPPOSE DIED ON SENATE FLOOR
<u>HB 246 - Allegany County and Garrett County - Deer Hunting on Private Property - Sundays</u> – Allegany and Garrett County Delegations House: <i>Environmental Matters</i> 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.	FYI SIGNED INTO LAW
<u>HB 851/ SB 978- Talbot County - Deer Hunting on Private Property - Sundays</u> – Talbot County Delegation, Senator Colburn House: <i>Environmental Matters</i> Senate: <i>Education, Health and Environmental Affairs</i> This bill would expand the number of Sundays open to deer hunting on private lands in Talbot County with a bow to include the last 3 Sundays of October and the second Sunday in November.	Talbot Co FB SUPPORTS RETURNED PASSED
<u>SB 259 / HB 502 - Calvert, Charles, and St. Mary's Counties - Deer Hunting</u> - Senators Dyson, Colburn, and Middleton; Delegate Bohanan Senate: <i>Education Health and Environmental Affairs</i> House: <i>Environmental Matters</i> 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. The House version of this bill was amended to be substantially different.	St. Mary's, Charles & Calvert SUPPORT DIED WHEN HOUSE AND SENATE COULD NOT AGREE ON FINAL VERSION ON LAST DAY
<u>HB 301 - Calvert, Charles and St. Mary's County - Deer Hunting on Private Property - Sundays</u> – Delegate O'Donnell House: <i>Environmental Matters</i> This bill would expand deer hunting on private property in St. Mary's, Charles 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) and Charles 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 & St. Mary's SUPPORT PASSED ENROLLED
<u>HB 877 - Baltimore County - Deer Hunting on Private Property - Sundays</u> – Delegate Weir House: <i>Environmental Matters</i> This bill would remove the prohibition on Sunday deer hunting in Baltimore County and allow it to occur on private land with a bow on the first and second Sundays of November and the last 3 Sundays in October and on the first Sunday of firearms season.	Baltimore County FB SUPPORTS WITHDRAWN
<u>HB 818 / SB 670 - Criminal Law - Trespass on Posted Property and Wanton Trespass on Private Property – Penalties</u> - Delegate Dumais, Senator Simonaire House: <i>Judiciary</i> Senate: <i>Judicial Proceedings</i> This bill raises the maximum penalty for repeat trespass on property that is posted conspicuously by signs or paint marks. The current penalty is 90 days in prison with a \$500 fine. A recurrence of the	FYI PASSED ENROLLED

trespass within 2 years will now result in 6 months in prison with a \$1000 fine. A third and subsequent violation could be punishable by 1 year in prison with a \$2500 fine if the violation occurs within 2 years of the preceding violation.	
Tax Policy & Estate Tax Reform Bills	
<p><u>SB 396 / HB 1571 - Maryland Estate Tax – Pilot Project for Payment Deferral for Qualified Agricultural Property</u> –Senator Middleton, Delegate Norm Conway Senate: <i>Budget and Taxation</i> House: <i>Ways and Means</i> As amended, this bill creates a 4-year pilot project that allows a 3-year deferral of estate taxes on agricultural property that continues to be used for agricultural purposes. The amount eligible for the deferral may not exceed \$375,000 and is calculated by dividing the total value of the agricultural property by the total value of the entire estate. In most cases, this will allow a farm estate with assets of \$4 million to defer all taxes for 3 years. The deferred portion of the estate tax may not accrue interest and may be paid in 3 annual installments beginning in year 4. If the property ceases to be used for agricultural purposes within the 3 years, the tax is due immediately. The Comptroller administers this program and is required to provide a report to the General Assembly and MALPF by October 1, 2013. The report must contain data on the number of applications for deferral and the total number of acres. The report must also include the aggregate value of the tax deferrals and the number of farms that applied to MALPF for easement sale during the deferral period. The bill takes effect on July 1, 2010. The deferral program ends on June 30, 2014 unless the General Assembly takes action to extend it.</p>	SUPPORT RETURNED PASSED
<p><u>HB 160 SB 155 - Maryland Estate Tax - Exclusion for Family Farm Subject to Agricultural Preservation Easements</u> – Delegate Malone, Senator Glassman House: <i>Ways and Means</i> Senate: <i>Budget and Taxation</i> Under this bill, the Maryland estate tax would be determined by excluding from the value of the gross estate the value of any real property that is subject to a perpetual agricultural preservation easement that has been granted to the MD Agland Preservation Foundation (MALPF) or a local agricultural land preservation program that has been approved by MALPF. The bill also requires that the farm be used actively as a farm at the time of the transfer. The exclusion would apply to farmland that passes to a spouse, parent, grandparent, bother, sister child (or child’s spouse) or lineal descendant of a child.</p>	SUPPORT DIED IN COMMITTEE
Transportation Bills	
<p><u>SB 321 – The Delegate John Arnick Electronic Communications Traffic Safety Act of 2010</u> - Senator Stone Senate: <i>Judicial Proceedings</i> This bill would prohibit the following people from using any electronic device capable of accessing a wireless telephone network (cell phone, Blackberry, etc.) while driving a motor vehicle: a driver of a Class H (school bus) that is carrying passengers and in motion, a holder of a learner’s permit, or a holder of a provisional driver’s license that is 18 years or older. This prohibition does not apply to emergency phones calls made while driving or to law enforcement and emergency personnel. All other drivers may not use their hands to operate a handheld telephone while the vehicle is in motion except to initiate or terminate the call or turn the phone on/off. This is to be considered a secondary offense which requires the police officer to have detained the driver for other moving violations. Violators may be fined up to \$40 for the first offense and \$100 for the second and any subsequent offenses. Points may not be assessed for the first offense unless the violation results in an accident. Penalties for a first offense may be waived if the driver can show proof of purchase of a hands-free accessory.</p>	FYI RETURNED PASSED
<p><u>HB 445 / SB 466 - Vehicle Laws - Off-Highway Recreational Vehicles – Titling</u>- Delegate Weir, Senator Forehand House: <i>Environmental Matters</i> Senate: <i>Judicial Proceedings</i> 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. The bill was amended to make it an emergency measure requiring passage by three fifths of all the legislators of the General Assembly and taking effect immediately upon passage.</p>	SUPPORT w/Amendment RETURNED PASSED

<p><u>SB 509 / HB 667- Somerset, Wicomico, and Worcester Counties - Vehicle Laws - Exceptional Hauling Permits</u> – Senator Colburn, Delegate Elmore Senate: <i>Judicial Proceedings</i> House: <i>Environmental Matters</i> 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. Amendments to the House version add Dorchester and Talbot counties to the bill and alter the bill’s title. Amendments to the Senate version add Dorchester and Talbot, as well as codify language related to the State Highway Administrator’s discretion in issuing the permits and reporting requirements.</p>	<p>SUPPORT</p> <p>RETURNED PASSED</p>
<p>Winery Bills</p>	
<p><u>SB 858 / HB 921 - Maryland Winery Modernization Act</u> – Senator Conway, Delegate Love Senate: <i>Education, Health and Environmental Affairs</i> House: <i>Economic Matters</i> 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. Uncodified language in the bill directs the Comptroller’s office to determine the impact, if any, that the state’s limitations on special event permits have had on the growth of the Maryland wine industry. The bill was amended to require a licensee to notify the local licensing board of the jurisdiction in which the farmer’s market permit will be used and that the farmers market must be listed in the MDA’s farmer’s market directory. A licensee or an entity in which the licensee has pecuniary interest may not act as caterer. There is also a provision that requires the Comptroller to report on the viability and efficacy of instituting in Maryland the policy of direct wine shipment to consumers in Maryland.</p>	<p>SUPPORT</p> <p>RETURNED PASSED</p>
<p><u>SB 566 / HB 716- Alcoholic Beverages - Direct Wine Shipper’s License</u> – Senator Raskin, Delegate Krysiak Senate: <i>Education Health and Environmental Affairs</i> House: <i>Economic Matters</i> This bill would create a direct wine shipper’s license enabling the shipment of wine to persons in Maryland and to be issued by the office of the Comptroller. The bill would allow certain qualifying out-of-state entities to ship wine in addition to in-state businesses which would include holders of Class 3 and Class 4 Wine manufacturer’s licenses. The permit fee is \$100 and a shipper must file with the Comptroller on a monthly basis. The bill establishes reporting requirements and sets a limit of 24 nine-liter cases of wine annually shipped by a permit holder to any given individual.</p>	<p>SUPPORT</p> <p>DIED IN COMMITTEE – but study added to Winery Modernization Act</p>
<p><u>HB 559 - Prince George’s County - Winery Special Event Permits - Farmers’ Markets PG 304-10</u> – Prince George’s Delegation House: <i>Economic Matters</i> This bill will enable a Class 4 Limited Winery 12 winery Special Event Permits (not including any other SEPs) for use at MDA-listed farmers’ markets in P.G. County. The bill establishes certain restrictions for use of the permits. <i>Amendments to the bill were grammatical.</i></p>	<p>PG CO FB SUPPORTS</p> <p>RETURNED PASSED</p>
<p><u>HB 823 - Montgomery County - Winery Special Event Permits - Farmers’ Markets MC 9-10</u> – Montgomery County Delegation House: <i>Economic Matters</i> This bill will enable a Class 4 Limited Winery 12 winery Special Event Permits (not including any other SEPs) for use at MDA-listed farmers’ markets in Montgomery County. The bill establishes certain restrictions for use of the permits. <i>Amendments made to the bill were grammatical.</i></p>	<p>RETURNED PASSED</p>