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#5 February 14, 2019



This week in Annapolis Maryland Farm Bureau was more active in committee bill hearings as the Maryland General Assembly is now in high gear. We want to thank Farm Bureau members Brad Miller (Prince George's County), Guy Moore (Howard County), Kyle Hutchison (Talbot County), John Murphy (Queen Anne's County), Jeremy Criss (Montgomery County) and Michael Jamison (Montgomery County) for coming to Annapolis to testify on bills this week. We also want to thank the state FFA officers and the students from Frederick, Howard, Queen Anne's, Gwynn Park, Southern and Urbana FFA for coming to testify in support of the agriculture education bills. Lastly, we want to thank Governor Hogan for appropriating \$1.5 million dollars to assist Maryland's dairy farmers in this time of sustained low milk prices. This state funding will allow our dairy farmers to leverage an additional \$17 million dollars in federal assistance through the Dairy Margin Coverage program that was created in the 2018 Farm Bill. Dairy farmers should contact their FSA office to sign up for this federal program.

Here are the bills of interest for next week:

Monday, February 18, 2019

[HB0333](#) - **Montgomery County - Alcoholic Beverages - Micro-Breweries and Farm Breweries**

Montgomery County Delegation, ECM at 1:00pm in 230 HOB

This bill amends current law in Montgomery County for the Class 8 Farm Brewery and a Class 7 Limited Beer Wholesaler's license. The bill would allow a holder of a Class 8 Farm Brewery license in Montgomery County to sell beer produced by the license holder for on- premise consumption; brew, bottle, or contract for sale an unlimited number of barrels of beer each calendar year; and engage in retail sales and food service during the same hours and days established for a Class B beer, wine, and liquor license.

The bill would also allow the holder of a Class 7 Limited Beer Wholesaler's license in Montgomery County that produces no more than 45,000 barrels of beer annually to sell and deliver the license holder's beer produced at the license holder's premises to a holder of a retail license or permit authorizing the acquisition of beer from a wholesaler; and distribute up to 6,000 barrels of the license holder's beer annually. Lastly, the license holder would also be able to use a second location for the warehousing, sale, and delivery of beer.

FOR INFORMATION ONLY

[HB0615](#) - **Frederick County - Alcoholic Beverages - Micro-Breweries, Farm Breweries, and Limited Beer Wholesalers**

Frederick County Delegation, ECM at 1:00pm in 230 HOB

This bill amends current law in Frederick County for the Class 8 Farm Brewery and a Class 7 Limited Beer Wholesaler's license. The bill would expand the hours of sale for a holder of a Class 8 Farm Brewery license in Frederick County to 10 AM until 10 PM.

The bill would also allow the holder of a Class 7 Limited Beer Wholesaler's license in Frederick County that produces no more than 45,000 barrels of beer annually to sell and deliver the license holder's beer produced at the license holder's premises to a holder of a retail license or permit authorizing the acquisition of beer from a wholesaler; and distribute up to 6,000 barrels of the license holder's beer annually. Lastly, the license holder would also be able to use a second location for the warehousing, sale, and delivery of beer.

FOR INFORMATION ONLY

Tuesday, February 19, 2019

[HB0492](#) - **Procurement - Carbon-Intensive Foods**

Delegate Gilchrist, HGO at 1:00pm in 240 HOB

This bill requires the Maryland Green Purchasing Committee to publish a list of carbon-intensive foods, in consultation with the Department of the Environment and the Department of General Services, and to establish best practices for state government procurement to reduce the volume of carbon-intensive foods purchased to the maximum extent practicable as a percentage of gross food purchases. The Maryland Green Purchasing

Committee is: the Secretary of General Services, the Secretary of Budget and Management, the Secretary of Natural Resources, the Secretary of the Environment, the Secretary of Health, the Secretary of Commerce, the Secretary of Transportation, the Secretary of Public Safety and Correctional Services, the Chancellor of the University System of Maryland, the Secretary of Information Technology, the Secretary of Education, the State Treasurer, or the Treasurer’s designee.

There is no direction in this bill about how foods will be measured and what impacts this will have on Maryland farmers, especially livestock and poultry producers. In addition, the Department of Agriculture is not on the committee to give an ag perspective.

FOR INFORMATION ONLY

HB0627 - Solar Photovoltaic Property - Personal Property Tax Exemption and Local Fee Requirement

Delegate Luedtke, W&M at 1:00pm in 130 HOB

This bill requires that a county and municipal government replace the commercial use tax assessment of a utility scale solar project and instead charge \$2,500 per megawatt if the project is located on ag-zoned land and \$2,000 per megawatt for project located on commercially-zoned land.

Farmers struggle to compete with land rentals versus the solar industry. One of the things that levels the playing field is a county or municipality can assess the new commercial solar use as that and collect a commercial use tax. Many counties agreed with commercial solar groups to open up thousands of acres of land.

MFB Policy: We oppose the State of Maryland preemption of local and county land use policy for renewable energy generation projects. We do not support commercial solar energy facilities being built on prime and productive farmland. We oppose commercial solar energy facilities being considered as an agricultural activity and receiving the same exemptions as an agricultural structure or ag land. This would also include receiving the agricultural tax assessment.

MARYLAND FARM BUREAU OPPOSES HB 627

SB0390 - Natural Resources - Sunday Hunting - Deer

Senator Bailey, EHEA at 1:00pm in 2 West Miller

This bill starts by authorizing the Department Natural Resources to set Sunday hunting dates in Maryland. In addition, the bill standardizes the state Sunday hunting so that every county will have all-day hunting on three Sundays during firearm season, two Sundays during muzzleloader season and Sundays during bow season. Unless already allowed in a county, any additional Sundays authorized by DNR would be restricted to daylight until 10:30 AM hunting timeframe. The Sunday hunting days that are already in law for counties do not change.

The Department of Natural Resources continues to stress that Sunday hunting is one of the most productive deer management tools they have to offer. Opening up more opportunities for hunters to harvest over-populations of deer on private land will assist with curbing the ever-increasing crop loss due to deer damage. Per the 2011 Maryland Ag Statistics survey, deer accounted for \$7.7 million in crop losses in Maryland annually. Maryland Farm Bureau supports uniform Sunday deer hunting laws throughout the state on private land. This bill starts that uniformity.

MARYLAND FARM BUREAU SUPPORTS SB 390

SB0446 - Public Safety - Agritourism - Permit Exemption

Senator Jennings, JPR at 1:00pm in 2 East Miller

This bill adds Baltimore County to the list of counties that exempt existing ag structures that are going to be used for agritourism from being required to retrofit the structure with bathrooms, sprinklers and other high occupancy requirements. This exemption allows up to 200 people in the structure. The structure must still adhere to the structural integrity standards as well as entrance & exit requirements. The counties already exempt are: Carroll County, Cecil County, Garrett County, and Howard County.

MFB Policy: We define agritourism as activities conducted on a farm and offered to the public or to invited groups for the purpose of education, recreation, or active involvement in the farm operation. Directly related to this bill, MFB policy reads: We further support the inclusion of specific language in the building code to permit public access to existing, structurally sound, nonresidential buildings without mandated upgrades to the full current codes.

MARYLAND FARM BUREAU SUPPORTS SB 446

SB0744 - Protecting Natural Resources and Preserving Productive Farms - Commission on the Development of a Blueprint for Solar Energy in Maryland

Senator Pinsky, EHEA at 1:00pm in 2 West Miller

This bill creates a Commission that is to develop a blueprint for solar energy facility siting in Maryland. Maryland Farm Bureau would be able to appoint a representative from the Eastern Shore and one from the Western Shore to the 18-member commission.

The commission will study and make recommendations on several areas of concern when it comes to siting solar facilities in Maryland. Some of these areas are: (i) restricting or discouraging the development of solar energy projects in ecologically or agriculturally important areas; (ii) options for siting solar energy projects in areas with low potential for conflict with natural and agricultural resources; (iii) encouraging the co-usage of land for solar energy projects and other purposes; (iv) options for implementing the siting policies and preferences identified by the Commission, including changing existing laws and regulations and developing new financial incentives; (v) updating the SmartDG+ tool developed by the Department of Natural Resources and the Maryland Energy Administration to reflect siting policies and preferences identified by the Commission; (vi) creating a solar energy clearinghouse in the Department of Planning to provide land use planning guidance and technical assistance to local governments undertaking solar energy planning; (vii) and centralizing the tracking and mapping of locations, acreage, and environmental characteristics of proposed solar energy projects and related transmission upgrades to facilitate coordinated, comprehensive land use and environmental planning for solar energy development.

The commission will develop a comprehensive siting blueprint to guide units of state and local government in the evaluation of proposed solar energy projects, consistent with the Commission's findings and recommendations. The commission report is due by January 1, 2020.

MARYLAND FARM BUREAU SUPPORTS SB 744

Wednesday, February 20, 2019

[HB0401](#) - Harford County - Hunting - Deer Management Permits

Harford County Delegation, E&T at 1:00pm in 250 HOB

This bill adds Harford County to a list of shotgun-only hunting counties that would allow the use of a rifle for the harvesting of deer under a Deer Management Permit. The regular deer firearms hunting season would still remain shotgun only. Currently, St. Mary's, Calvert and Charles counties have this provision in the law.

This bill will expand our farmers in Harford County's ability to utilize another tool in the toolbox in addressing the crop damage inflicted on their crops as a result of foraging deer herds. A Deer Management Permit does not allow nighttime shooting and is only permitted by DNR after they confirmed crop damage due to deer. The DMP only allows the harvest of antlerless deer and all deer harvested are to be donated to food banks or processed for the farmer's own consumption.

MARYLAND FARM BUREAU SUPPORTS HB 401

[HB0472](#) - Constitutional Amendment - Environmental Rights

Delegate Lafferty, E&T at 1:00pm in 250 HOB

This bill proposes an amendment to the Maryland Constitution to establish that every person has the right to a certain clean and healthy environment and if enacted, would allow any citizen to file a lawsuit against any entity in the state if they believed it was reducing their right to a clean and healthy environment.

MFB Policy: We support additional protections to farmers who are in compliance with state and federal laws from third party lawsuits. This bill would strip those protections and open up law abiding farmers to nuisance suits by anyone that doesn't agree with their type of farming practices.

MARYLAND FARM BUREAU OPPOSES HB 472

[SB0662](#) - Maryland Association of Environmental and Outdoor Education Grant (Maryland Green Schools Act of 2019)

Senator Miller, B&T at 1:00pm in 3 West Miller

This bill requires the Governor to increase the funding to the Maryland Association of Environmental and Outdoor Education to increase the number of green schools in the state.

FOR INFORMATION ONLY

Thursday, February 21, 2019

[SB0280](#) - Labor and Employment - Payment of Wages - Minimum Wage and Enforcement

Senator McCray, FIN at 1:00pm in 3 East Miller

This bill phases in an increase in the state minimum wage to \$15.00 per hour by fiscal 2024 and indexes it to inflation beginning July 1, 2024. The bill expands the applicability of the Maryland Wage and Hour Law, eliminates specified subminimum wages, expands anti-retaliation provisions of specified labor laws, and phases out (by July 1, 2026) the tip credit that can be applied against direct wages paid to “tipped” employees. In the bill, all exemptions have been removed, including the exemption for ag workers.

The adverse effect to increasing labor costs on the farming community would be extreme and very difficult to cover with the limited ability to increase what a farmer gets paid for the food being produced on the farm.

MARYLAND FARM BUREAU OPPOSES SB 280

[SB0441](#) - Public Safety - Access to Firearms - Storage Requirements

Senator Smith, JPR at 12:00pm in 2 East Miller

This bill would make it illegal to store or leave a loaded or unloaded firearm (pistol, rifle, shotgun) in a place where a child, meaning anyone under 18, could gain access. If not kept in a safe, somewhere to prohibit unintended persons being able to access the firearm or an external safety lock, an individual could face up to no more than 2 years in jail or a \$1,000 fine, or both.

MFB Policy: We believe in and support the Second Amendment to the U.S. Constitution, which protects the right of the people to keep and bear arms. We oppose any legislation that would further restrict the purchase and ownership by law-abiding citizens of firearms, handgun, long arm, autoloader or manual loader. Furthermore, we are opposed to any unreasonable restrictions or taxation of ammunition.

MARYLAND FARM BUREAU OPPOSES SB 441

Friday, February 22, 2019

[HB0728](#) - State Parks and Forests - Hunting - Use of Off-Road Vehicles

Delegate Beitzel, E&T at 1:00pm in 250 HOB

This bill would authorize any individual holding a valid hunting license to use an off-road vehicle, in accordance with regulations adopted by the Department of Natural Resources, to retrieve game during a hunting season in certain state parks or forest where hunting is allowed.

MFB Policy: We recommend that the use of ATVs and other transportation be allowed for the purpose of harvesting deer on federal and state-owned property.

MARYLAND FARM BUREAU SUPPORTS HB 728

[HB0808](#) - Weed Control - Noxious Weeds - Regulations and Penalties

Delegate Ghrist, E&T at 1:00pm in 250 HOB

This bill is a product of the 2018 summer study on how to address palmer amaranth and other noxious weeds in Maryland. The bill amends the current noxious weed law to give the authority to Maryland Department of Agriculture (MDA) when determining which weeds should be on the list. It also outlines how MDA will go about determining which weeds should be included in the required regulations. Lastly, the bill creates a civil penalty option for MDA to use when enforcing the noxious weed law. The current criminal penalty option would still remain in the law just in case MDA needs to use it on landowners unwilling to address their noxious weed problem.

MARYLAND FARM BUREAU SUPPORTS HB 808

[HB0815](#) - Agriculture - Milk and Milk-Based Products - Labeling

Delegate Jacobs, E&T at 1:00pm in 250 HOB

This bill would prohibit anyone from selling, offering for sale, or advertising a product labeled as milk or milk-based if the product doesn't come from a cow or another type of animal. The premise behind this request is that at the federal level, the Food & Drug Administration (FDA) has a definition of milk, yet doesn't enforce this definition when reviewing product labels. FDA defines milk as: the lacteal secretion, practically free from colostrum, obtained by the complete milking of one or more healthy hooved mammals.

MFB Policy: Milk is a liquid produced by the mammary glands of mammals, and only products meeting this definition should be permitted to be labeled, advertised and sold in Maryland as milk.

MARYLAND FARM BUREAU SUPPORTS HB 815

[HB0841](#) - Aquaculture - Submerged Aquatic Vegetation - Placement of Shellfish, Bags, Nets, and Structures

Delegate Clark, E&T at 1:00pm in 250 HOB

This bill is designed to address a conflict between Oyster Aquaculture and Submerged Aquatic Vegetation (SAV) in current law. Under current law, if SAV encroaches into an Aquaculture lease, that lease holder must cease from farming in that encroached area. This is for both water-column and bottom leases. This bill would give DNR the authority to determine what restrictions should be done on an SAV encroached lease. There is a 5-year sunset on this authority and the bill does require DNR to submit a report annually to the general assembly on what has been allowed and effects of those allowances.

Shellfish aquaculture is one of the Bay's primary water quality improvement practices. In most cases, it's because of the oyster aquaculture practice going on that encourages SAV revitalization and the two practices have a symbiotic relationship.

There is real concern that the dredging of bottom leased oysters and the large blocks of water column projects could and most likely would hurt SAV growth, so there does need to be some restrictions within these encroached areas. However, an all-out ban is not realistic and not productive to improving the Bay.

MFB believes this bill falls just short of giving the assurance to oyster farmers that they will be able to continue to farm in these SAV encroached areas. We are asking for an amendment to the bill to ensure that the farmer will be able to continue to farm in that area and be able to harvest oysters that they planted in that newly encroached area. The amendment would limit DNR's restrictions on SAV encroached leases to no less than 5% coverage of the restricted area for water-column leases and would allow oyster harvesting through diving on bottom leases. This amendment would not prevent DNR from allowing a higher threshold of coverage or harvesting if they believe the practice will not adversely affect the SAV in that area. However, it does give the farmer the assurance that they will be able to continue to farm that lease even if it is at this proposed restricted amount.

MARYLAND FARM BUREAU SUPPORTS HB 841 WITH AMENDMENT

SB0801 / HB1010 - Brewery Modernization Act of 2019

Senator Hayes, EHEA at 1:00pm in 2 West Miller

Delegate Atterbeary, ECM at 1:00pm in 230HOB

This bill has 8 main purposes. It eliminates the buyback and increases taproom limits to 5,000 barrels per year for Class 5 breweries; ensures the right for Class 5 brewers to sell on premises by reverting back to pre-2017 language regarding a local D license; allows Class 5 hours of operation to be determined by the local license provisions; removes the outdated guided tour requirement for off-premise sales to customers; increases taproom limits to 5,000 barrels per year for Class 7 breweries; increases the production cap for Class 7 to 45,000 barrels per year; allows holders of Class 7 licenses to hold one additional license (same class) anywhere in state; and adds ability for any class of license to brew (but not sell or serve) in off-site location under a state-issued "Storage Permit".

Maryland Farm Bureau policy: We support wineries', farm breweries' and farm distilleries' rights to market their product as broadly and as widely as possible, including in "Farmer's Markets" listed by the Department of Agriculture under annual permits issued by the Office of the Comptroller.

MARYLAND FARM BUREAU SUPPORTS SB 801 & HB 1010

SB0684 - Frederick County - Alcoholic Beverages - Micro-Breweries, Farm Breweries, and Limited Beer Wholesalers

Senator Young, EHEA at 1:00pm in 2 West Miller

See bill summary for HB 615.

FOR INFORMATION ONLY

Maryland Farm Bureau members are urged to contact their legislators and members of the relevant committees in support of Farm Bureau's positions on the bills listed above. To contact legislators, log on to the Maryland General Assembly website at: <http://mgaleg.maryland.gov> and select the "Legislators" Tab at the top.

Committees & Room Numbers:

Senate: Budget & Taxation (B&T), 3 West Miller; Education, Health & Environmental Affairs (EHEA), 2 West Miller; Finance (FIN), 3 East Miller; Judicial Proceedings (JPR), 2 East Miller

House: Appropriations (APP), 120 HOB; Economic Matters (ECM), 230 HOB; Environment & Transportation (E&T), 250 HOB; Health & Government Operations (HGO), 240 HOB; Judiciary (JUD), 100 HOB; Ways & Means (W&M) 130 HOB

In Other Ag News

Governor Larry Hogan Helps Maryland Dairy Farms



As dairy farmers in Maryland and across the nation continue to struggle due to low milk prices, Governor Larry Hogan has pledged to contribute approximately \$1.5 million in state funds to enable Maryland dairy farmers to participate in a new federal funding program, creating up to \$17 million in available assistance and saving jobs and family farms. For more information, contact Amelia Chassé or Jason Schellhardt at the Maryland Department of Agriculture.

Linthicum's Inducted into Governor's Agriculture Hall of Fame



Governor Larry Hogan and Agriculture Secretary Joe Bartenfelder inducted the Linthicum family of Montgomery County into the Governor's Agriculture Hall of Fame, making the family the 50th recipients of the prestigious recognition. Charles, Tom and Paula Linthicum of Seneca Ayr Farms accepted the honor from Governor Hogan on behalf of the family. You can read more at <https://news.maryland.gov/mda/press-release/>.

Department Offers Cost-Share Grants for Manure Injection

The Maryland Department of Agriculture is offering cost-share grants to help farmers cover the cost of injecting manure into cropland to lower the potential for nutrient runoff to surface waters and reduce on-farm odors. Cost-share assistance is available to hire custom operators, rent or lease equipment, or offset operating costs associated with using equipment needed to inject liquid manure into the soil. Farmers should visit their local soil conservation district office as soon as possible to apply. For more information, contact the Maryland Department of Agriculture at 410-841-5864.



Nominate Your Fire Department for Grain Bin Safety Contest

Maryland Farm Bureau is partnering with Nationwide and local fire departments to protect grain bin workers with the sixth annual safety contest. County Farm Bureaus are encouraged

to nominate their local fire department for a chance to receive a grain bin rescue tube and a grain entrapment safety session. Visit grainbinsafetyweek.com for more information.

Farmers May Apply Commercial Fertilizer to Small Grains

The Maryland Department of Agriculture announced that farmers who planted small grains for harvest last fall may “top dress” these crops with commercial fertilizer beginning February 15, as long as ground conditions remain favorable and in accordance with their nutrient management plans. For additional information on Maryland’s nutrient application requirements, contact the department’s Nutrient Management Program at 410-841-5959.

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