

# MAINE STATE LEGISLATURE

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STATE OF MAINE  
116TH LEGISLATURE

FIRST REGULAR SESSION

BILL SUMMARIES  
JOINT STANDING COMMITTEE  
ON  
AGRICULTURE

JULY 1993

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**ONE HUNDRED AND SIXTEENTH LEGISLATURE  
FIRST REGULAR SESSION**

**JOINT STANDING COMMITTEE  
BILL SUMMARIES**

**JULY 1993**

This document is a compilation of the bill summaries prepared by this office for the Joint Standing Committees and Joint Select Committees of the Maine Legislature. The volume is organized alphabetically by committee; within each committee, the summaries are arranged by LD number. A subject index is provided at the beginning of each committee's summaries.

The committee report or reports, the prime sponsor for each bill and the lead co-sponsor in each house if one has been designated are listed below each bill title. All adopted amendments are listed, by paper number (e.g., H-584 or S-222), together with the sponsor for floor amendments. Final action on each bill is listed to the right of the title. Various types of final action are abbreviated as follows:

<i>PUBLIC XXX</i>	<i>Chapter # of enacted Public Law</i>
<i>P&amp;S XXX</i>	<i>Chapter # of enacted Private &amp; Special Law</i>
<i>RESOLVE XXX</i>	<i>Chapter # of enacted Resolve</i>
<i>CON RES XXX</i>	<i>Chapter # of Constitutional Resolution passed by both Houses</i>
<i>EMERGENCY</i>	<i>Enacted law takes effect sooner than 90 days</i>
<i>CARRIED OVER</i>	<i>Bill carried over to Second Session</i>
<i>ONTP</i>	<i>Ought Not to Pass report accepted</i>
<i>ENACTMENT FAILED</i>	<i>Bill failed to get majority vote</i>
<i>INDEF PP</i>	<i>Bill Indefinitely Postponed</i>
<i>FAILED EMERGENCY ENACTMENT</i>	<i>Emergency bill failed to get 2/3 vote</i>
<i>FAILED MANDATE ENACTMENT</i>	<i>Bill imposing local mandate failed to get 2/3 vote</i>
<i>DIED BETWEEN BODIES</i>	<i>House &amp; Senate disagree; bill died</i>
<i>CONF CMTE UNABLE TO AGREE</i>	<i>Committee of Conference formed but unable to agree</i>
<i>VETO SUSTAINED</i>	<i>Legislature failed to override Governor's Veto</i>
<i>UNSIGNED</i>	<i>Not signed by Governor within 10 days</i>
<i>DIED ON ADJOURNMENT</i>	<i>Action incomplete when session ended; bill died</i>

These summaries were prepared by the analyst or analysts assigned to the committee. But, this document was produced by the efforts of all the office staff, including secretaries: Charlene Raymond and Valarie Parlin.

If you have any suggestions or comments on these summaries, please let us know.

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The committee amendment (S-145) would have required the Department of Agriculture, Food and Rural Resources to conduct a pilot program to test gasoline to determine whether it contains the octane level that is posted or certified. The pilot program would have been funded by the Highway Fund.

**LD 494**      **An Act to Continue the Maine Dairy Farm Stabilization Act**

PUBLIC 104

**SPONSOR(S)**

TARDY

**COMMITTEE REPORT**

OTP-AM

**AMENDMENTS ADOPTED**

H-169

**SUMMARY**

This bill continues the Maine Dairy Farm Stabilization Act, which under current law would be repealed on November 7, 1993. The Act imposes an excise tax on the handling of packaged milk for sale in the State. The rate of the tax changes in relation to the Class I price of milk established by the Maine Milk Commission and increases proportionately as the producer price of milk falls. 94% of the tax is returned to dairy farmers on the basis of milk production and 4% goes to supplement the Women, Infants and Children's Special Supplemental food program of the United States Child Nutrition Act of 1966 (WIC).

The committee amendment (H-169) repeals the sunset on a provision requiring that minimum milk prices set by the Maine Milk Commission become effective on the first Sunday of the calendar month. (Note: LD 806 further amends this section to provide that prices become effective on the Sunday closest to the first day of the month.) The amendment also adds an allocation section and a fiscal note.

**LD 499**      **An Act to Clarify the Process of Resolving Nuisance  
Complaints Involving Agriculture and to Protect Farm  
Operations**

PUBLIC 124

EMERGENCY

**SPONSOR(S)**

SPEAR

**COMMITTEE REPORT**

OTP-AM

**AMENDMENTS ADOPTED**

H-187

H-205    KONTOS

**SUMMARY**

This bill harmonizes the 3 laws that deal with the investigation of complaints regarding agricultural practices. The law regarding insect infestations is repealed. Its unique provisions are incorporated into the section dealing with all agricultural practices. The standard found in the insect infestation law, "generally accepted agricultural practices," is dropped in favor of the more current standard of "best management practices." Finally, the law regarding the investigation of complaints of improper manure handling is amended to make certain procedural clarifications including the deletion of the requirement that formal hearings precede any action taken under the law.

The committee amendment (H-187) provides that the use of best management practices by a farm or farm operation may not be considered a violation of a municipal ordinance. This does not prohibit a municipality from determining where farms may be located, but once a farm is legally located, a municipal ordinance may not restrict the farm's use of best management practices. The Department of Agriculture, Food and Rural Resources determines what constitutes best management practices. The amendment also adds an emergency preamble and clause and changes language to create more uniform terminology in the nuisance laws related to agriculture.

House Amendment "A" (H-205) makes a technical correction.