

# 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.

4693NRG

The amendment also permits existing off-track betting facilities and commercial racetracks to object to the location of an off-track betting facility within the racetrack or facility market area, and reduces the protected area of a commercial racetrack if off-track betting licenses are not issued within a certain period of time; requires an off-track betting facility to carry simulcasts of live races in the State if they are available for simulcast; increases the percentage of wagers used to supplement purses in certain situations; and places in statute the percent of wagers retained by racetracks and off-track betting facilities.

Senate Amendment "A" (S-299) changes the population criteria in the definition of "commercial track."

**LD 998      An Act to Promote Proper Animal Health Care      PUBLIC 367**

<b>SPONSOR(S)</b>	<b>COMMITTEE REPORT</b>	<b>AMENDMENTS ADOPTED</b>
DAGGETT	OTP-AM	H-462    DAGGETT
PARADIS J		H-495    TARDY

**SUMMARY**

Current law requires approval of the Commissioner of Agriculture, Food and Rural Resources for the sale of animal vaccines and other biological products that contain live organisms. This bill expands that regulation to biological products that contain dead organisms.

The bill would also have clarified that farmers are permitted to possess hypodermic apparatus for use on their own farm animals and poultry, and would have specified who may sell hypodermic apparatus, including pharmacies, health care facilities and practitioners, such as physicians and veterinarians, and manufacturers, wholesalers and retail outlets licensed by the Board of Commissioners of the Profession of Pharmacy.

House Amendment "A" (H-462) deletes the portions of the bill relating to hypodermic apparatus, which would otherwise have been in conflict with a bill considered in the Human Resources Committee (See LD 791 in the Human Resources Committee summary).

House Amendment "B" (H-495) makes a technical change to the bill.

**LD 1040      An Act to Provide Consistency in the Animal Welfare Laws      PUBLIC 468**

<b>SPONSOR(S)</b>	<b>COMMITTEE REPORT</b>	<b>AMENDMENTS ADOPTED</b>
	OTP-AM	S-256
		S-309    VOSE
		S-369    PEARSON

**SUMMARY**

This bill was submitted by the Department of Agriculture, Food & Rural Resources pursuant to Public Law 1991, chapter 779. The bill makes the following changes in animal welfare laws: removes a contradiction in the law regarding claims against the State for damage done by wild animals; removes undomesticated animals from the definition of animal control; adds a definition for livestock; allows animal control shelters to issue temporary dog licenses; and clarifies that any cat regardless of age needs a booster one year after initial vaccination.

The bill also clarifies the law regarding license and recording fees and adds a provision for a \$3 late fee; makes a technical change in the laws concerning dog license tags and adds a requirement that an

owner obtain a new tag when a tag is lost and pay \$1 for that new tag; and repeals a provision regarding licensing of dogs owned by breeding kennels so that a breeding kennel may either license dogs individually in accordance with Title 7, chapter 721 or obtain a kennel license and tags from its municipality in accordance with Title 7, section 3931.

The bill also prohibits the department from issuing breeding kennel licenses to persons who have violated animal cruelty laws; provides a penalty for violation of license laws by breeding kennels; and prohibits a municipality from appointing a person convicted or adjudicated of cruelty to animals as animal control officer.

The bill also amends provisions for the payment of claims for damage done by dogs to livestock, poultry and domestic rabbits. Municipalities are no longer required to estimate the value of the injured or killed animals. Guidelines are established for the department to use in payment of claims.

The bill amends the law regarding seizure and disposition of ferrets to parallel the law regarding seizure and disposition of dogs; adopts standards for the safe transport of animals in trucks; and enacts provisions enabling a humane agent to seize an abused animal without first obtaining a court order.

The committee amendment (S-256) makes the following changes to the bill: it prohibits the Department of Agriculture, Food and Rural Resources from hiring a person as state humane agent if the person has violated civil or criminal cruelty to animal laws; amends the section of the bill defining livestock to include only animals that are kept and used by commercial farmers; amends the section relating to issuance of temporary dog licenses by animal control shelters to require the shelters to issue temporary licenses and to require municipal clerks to notify their animal control officers if a person who was issued a temporary license fails to obtain a municipal license within 10 days after the temporary license is issued.

The amendment also amends the section of the bill relating to exemptions from dog license requirements to reword the existing exemptions and to add an exemption for search and rescue dogs; adds a section repealing the law requiring the State to pay for damage to livestock by dogs and retains the provision making an owner or keeper of a dog civilly liable for such damage; deletes from the bill the provisions requiring persons who carry animals in the back of trucks to protect the animals from the weather and to keep the animals restrained or confined in the trucks; amends the section requiring that a request for an ex parte order be supported by the affidavit of a state veterinarian to require that the request be supported by the affidavit of any veterinarian and that the State pay the expense of the veterinarian and to repeal the requirement after 2 years and provides that only a full-time state humane agent may seize an animal without a court order.

Senate Amendment "A" (S-369) incorporates the substance of Committee Amendment "A", adds provisions relating to rabies control, adds a municipal mandate preamble, and makes a technical correction to the bill. The amendment requires the Department of Agriculture, Food and Rural Resources to train animal control officers to respond to calls concerning animals suspected of having rabies; requires the Department of Agriculture, Food and Rural Resources to facilitate the establishment of a low-cost rabies clinic once a year in each county and requires veterinarians employed by the department to administer the rabies vaccine at the low-cost clinic if no other arrangements can be made; requires the Commissioner of Human Services, in consultation with the Commissioner of Agriculture, Food and Rural Resources and the Commissioner of Inland Fisheries and Wildlife, to establish procedures for the transportation, quarantine, euthanasia and testing of animals suspected of having rabies and provides for a set of differing procedures to be established based on perceived threat.

The amendment requires an owner of a domestic animal that is suspected of having rabies to pay costs of transportation, quarantine, euthanasia and testing. The Department of Inland Fisheries and Wildlife pays

all costs if the animal suspected of having rabies is undomesticated. The municipality pays if the animal suspected of having rabies is domesticated but has no known owner. The amendment also gives animal control officers, local health officers and game wardens the authority to immediately kill an undomesticated animal, a domesticated ferret, wolf or wolf hybrid if that animal has bitten a person and is suspected of having rabies; and clarifies a municipality's responsibilities with respect to animal control.

The amendment also requires the Commissioner of Human Services to report back to the Joint Standing Committee on Agriculture on efforts regarding rabies prevention and protection and to include legislation to implement recommendations in the report.

**LD 1085 An Act Repealing Advisory Boards on Agriculture Matters**

PUBLIC 251

**SPONSOR(S)**

**COMMITTEE REPORT**

**AMENDMENTS ADOPTED**

OTP-AM

H-302

**SUMMARY**

This bill was submitted in compliance with Public Law 1991, chapter 844, section 8, which requires the Secretary of State to submit legislation repealing certain advisory boards and commissions. The bill repeals the Maine Agricultural Viability Advisory Committee, the Integrated Pest Management Advisory Committee, the Animal Welfare Board, the Animal Welfare Advisory Committee and the Commission on Biotechnology and Genetic Engineering.

The committee amendment (H-302) strikes sections of the bill repealing the Animal Welfare Board, the Animal Welfare Advisory Committee and the Commission on Biotechnology and Genetic Engineering. Those boards would continue to operate, as under current law. The amendment leaves intact parts of the bill that repeal the Maine Agricultural Advisory Committee and the Integrated Pest Management Advisory Committee, which have not been active in the past year. The amendment strikes a reference to the Integrated Pest Management Advisory Committee which was not stricken in the bill.

**LD 1210 An Act to Require that Dogs Be Leashed**

ONTP

**SPONSOR(S)**

**COMMITTEE REPORT**

**AMENDMENTS ADOPTED**

NORTON

ONTP

**SUMMARY**

This bill would have required that dogs be leashed by redefining the term "at large" to include a dog that is not leashed.

4818NRG