

# MAINE STATE LEGISLATURE

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**STATE OF MAINE  
118TH LEGISLATURE**

**FIRST REGULAR SESSION  
AND  
FIRST SPECIAL SESSION**

**BILL SUMMARIES  
JOINT STANDING COMMITTEE  
ON  
AGRICULTURE, CONSERVATION AND FORESTRY**

**JULY 1997**

***MEMBERS:***

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*Sen. Judy Paradis*

*Sen. R. Leo Kieffer*

*Rep. George H. Bunker, Chair*

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**ONE HUNDRED EIGHTEENTH LEGISLATURE**  
**FIRST REGULAR AND FIRST SPECIAL SESSIONS**

**Summary Of Legislation Before The Joint Standing Committees**  
**August 1997**

We are pleased to provide this summary of bills that were considered by the 15 Joint Standing Committees of the Maine Legislature staffed by this office. The document is a compilation of bill summaries which describe each bill, committee amendments and other relevant amendments, as well as the final action taken on the bill. Also included are statistical summaries of bill activity this Session for the Legislature and each of its joint standing committees.

The document is organized for convenient reference to information on bills handled by the joint standing committees. It is organized alphabetically by committees and within committees by bill (LD) number. The committee report(s), prime sponsor for each bill and the lead co-sponsor(s), if designated, are listed below each bill title. All adopted amendments are listed by paper number. Two indices, a subject index and a numerical index by LD number are provided for easy reference to bills. They are located at the back of the document. A separate publication, History and Final Disposition of Legislative Documents, may also be helpful in providing information on the disposition of bills. These bill summaries also are available at the Law and Legislative Reference Library and on the Internet ([www.state.me.us/legis/opla](http://www.state.me.us/legis/opla)).

Final action on each bill is noted to the right of the bill title. The abbreviations used for various categories of final action are as follows:

|   |  |
|---|--|
| <i>CARRIED OVER</i> .....                             | <i>Bill carried over to Second Regular Session</i>                             |
| <i>CON RES XXX</i> .....                              | <i>Chapter # of Constitutional Resolution passed by both Houses</i>            |
| <i>CONF CMTE UNABLE TO AGREE</i> .....                | <i>Committee of Conference unable to agree; bill died</i>                      |
| <i>DIED BETWEEN BODIES</i> .....                      | <i>House &amp; Senate disagree; bill died</i>                                  |
| <i>DIED IN CONCURRENCE</i> .....                      | <i>One body accepts ONTP report; the other indefinitely postpones the bill</i> |
| <i>DIED ON ADJOURNMENT</i> .....                      | <i>Action incomplete when session ended; bill died</i>                         |
| <i>EMERGENCY</i> .....                                | <i>Enacted law takes effect sooner than 90 days</i>                            |
| <i>FAILED EMERGENCY ENACTMENT/FINAL PASSAGE</i> ..... | <i>Emergency bill failed to get 2/3 vote</i>                                   |
| <i>FAILED ENACTMENT/FINAL PASSAGE</i> .....           | <i>Bill failed to get majority vote</i>  |
| <i>FAILED MANDATE ENACTMENT</i> .....                 | <i>Bill imposing local mandate failed to get 2/3 vote</i>                      |
| <i>INDEF PP</i> .....                                 | <i>Bill Indefinitely Postponed</i>   |
| <i>ONTP</i> .....                                     | <i>Ought Not To Pass report accepted</i>                                       |
| <i>OTP ND</i> .....                                   | <i>Committee report Ought To Pass In New Draft</i>                             |
| <i>OTP ND/NT</i> .....                                | <i>Committee report Ought To Pass In New Draft/New Title</i>                   |
| <i>P&amp;S XXX</i> .....                              | <i>Chapter # of enacted Private &amp; Special Law</i>                          |
| <i>PUBLIC XXX</i> .....                               | <i>Chapter # of enacted Public Law</i>   |
| <i>RESOLVE XXX</i> .....                              | <i>Chapter # of finally passed Resolve</i>                                     |
| <i>UNSIGNED</i> .....                                 | <i>Bill held by Governor</i>   |
| <i>VETO SUSTAINED</i> .....                           | <i>Legislature failed to override Governor's Veto</i>                          |

Please note the effective date for all non-emergency legislation enacted in the First Regular Session (unless otherwise specified in a particular law) is June 26, 1997 and September 19, 1997 for the First Special Session.

*David E. Boulter, Director*  
 Offices Located in the State House, Rooms 101/107/135

**LD 1311**

**An Act to Prohibit Clear-cutting**

**CARRIED OVER**

Sponsor(s)  
VOLENIK

Committee Report

Amendments Adopted

LD 1311 proposes amending the laws governing forest practices by prohibiting clear-cutting except when allowed by variance. It also proposes enacting a new definition of clearcutting.

**LD 1362**

**An Act to Improve the Administration of Animal Welfare Law**

**PUBLIC 456**

Sponsor(s)  
SPEAR  
NUTTING

Committee Report  
OTP-AM

Amendments Adopted  
H-492  
H-717 BUNKER

LD 1362 proposed amendments to the animal welfare laws to remove inconsistencies, clarify language, and streamline enforcement and to make substantive changes recommended by the Animal Welfare Advisory Committee.

**Committee Amendment "A" (H-492)** proposed striking several sections from the original bill and authorizing the

Joint Standing Committee on Agriculture, Conservation and Forestry to report out a bill making revisions to the animal welfare laws during the Second Regular Session of the 118th Legislature based on the sections removed from L.D. 1362.

**House Amendment "A" (H-717)** proposed removing the provision that allowed the court to order a person convicted of cruelty to animals to pay the costs of prosecution and costs incurred in investigation of the complaint.

***Enacted law summary***

Public Law 1997, chapter 456 authorizes the Joint Standing Committee on Agriculture, Conservation and Forestry to report out a bill making revisions to the animal welfare laws during the Second Regular Session of the 118th Legislature and to consider the sections removed from L.D. 1362 when developing the bill. The bill as amended provides for the following changes in the animal welfare laws:

1. It changes the definition of "livestock" to include domesticated deer, fowl and rabbits.
2. It removes the qualification that other animals kept and used by a commercial farmer are livestock.
3. It adds a definition for livestock to the animal welfare laws in the Maine Revised Statutes, Title 17 that is identical to the amended definition for animal welfare laws in Title 7.
4. It amends the definition of "mutilation."
5. It allows a state veterinarian or state humane agents to represent the State in proceedings for civil violations.

6. It makes hunting or selling for the purpose of hunting any animal that is not covered by provisions of the Maine Revised Statutes, Title 12, Part 10 a violation of cruelty to animals laws.
7. It amends the requirements for providing shelter to an animal. Livestock must be provided with shelter suitable for the health of that livestock. The shelter requirements for equines remain as in current law.
8. It requires that the names and other identifying information be kept confidential on people providing information to the department of criminal and civil cruelty to animals.
9. It allows the court to order a person convicted of criminal cruelty to animals to pay costs incurred for care and medical treatment of the animal.
10. It also authorizes the court to prohibit a violator from keeping an animal and to require the defendant as a condition of probation to get psychological counseling at the defendant's expense.

**LD 1366**

**An Act Regarding Qualifications of Land Use Regulation  
Commissioners**

**ONTP**

| <u>Sponsor(s)</u> | <u>Committee Report</u> | <u>Amendments Adopted</u> |
|-------------------|-------------------------|---------------------------|
| SHIAH             | ONTP                    |                           |

LD 1366 proposed requiring the joint standing committee of the Legislature having jurisdiction over conservation and forestry issues to determine that a person appointed to the Maine Land Use Regulation Commission supports the purpose and scope of the commission prior to confirmation. It also proposed changing one of the areas of knowledge required of a LURC commissioner. Currently, four members must be knowledgeable in one of four areas: commerce and industry; fisheries and wildlife; forestry; and conservation. This bill proposed changing “conservation” to “conservation biology and forest ecology”.

**LD 1395**

**Resolve, to Establish the Maine Council on Sustainable Silviculture CARRIED OVER**

| <u>Sponsor(s)</u> | <u>Committee Report</u> | <u>Amendments Adopted</u> |
|-------------------|-------------------------|---------------------------|
| VOLENIK           |                         |                           |

LD 1395 proposes a resolve to establish the Maine Council on Sustainable Silviculture. The resolve would charge the council with developing benchmarks and advising the Governor and Legislature concerning measurable benchmarks for sustainable silvicultural practices. The council would be directed to submit a draft report to the Legislature by October 15, 1998 and a final report by October 1, 1999. The Council terminates on October 1, 1999.