

# MAINE STATE LEGISLATURE

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*State Of Maine  
121st Legislature*

*First Regular Session*

*Bill Summaries*

*Joint Standing Committee  
on  
Agriculture, Conservation and Forestry*

*July 2003*

**Members:**

*Sen. Bruce S. Bryant, Chair  
Sen. Richard Kneeland  
Sen. Edward M. Youngblood*

*Rep. Linda Rogers McKee, Chair  
Rep. Jacqueline A. Lundeen  
Rep. Raymond G. Pineau  
Rep. John F. Piotti  
Rep. Nancy E. Smith  
Rep. Roderick W. Carr  
Rep. Ken Honey  
Rep. Kenneth C. Fletcher  
Rep. Eugene L. Churchill  
Rep. John Eder*

**Staff:**

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# Maine State Legislature



## Office Of Policy And Legal Analysis Office Of Fiscal And Program Review

### 121st Maine Legislature First Regular Session

#### Summary Of Legislation Before The Joint Standing Committees

Enclosed please find a summary of all bills, resolves, joint study orders, joint resolutions and Constitutional resolutions that were considered by the joint standing and joint select committees of the Maine Legislature this past session. The document is a compilation of bill summaries which describe each bill and relevant amendments, as well as the final action taken. 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 considered by the committees. It is arranged alphabetically by committee name 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 PURSUANT TO HP 1212</i> .....	<i>Bills carried over to the 2<sup>nd</sup> 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>NOT PROPERLY BEFORE THE BODY</i> .....	<i>Ruled out of order by the presiding officers; bill died</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>P&amp;S XXX</i> .....	<i>Chapter # of enacted Private &amp; Special Law</i>
<i>PASSED</i> .....	<i>Joint Order passed in both bodies</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 that the effective date for all non-emergency legislation enacted in the First Regular Session (unless otherwise specified in a particular law) is September 13, 2003.

**David C. Elliott, Director**  
Offices located in Room 215 of the Cross Office Building

*Joint Standing Committee on Agriculture, Conservation and Forestry*

LD 53

**An Act To Allow Experimentation in the Cultivation of Industrial Hemp**

**PUBLIC 61**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
BULL BRYANT	OTP-AM	H-61

LD 53 proposed authorizing, but not requiring, the Director of the Maine Agricultural Experiment Station to develop and conduct a study to explore the feasibility of growing industrial hemp upon obtaining required federal permits. It proposed a definition of "industrial hemp."

**Committee Amendment "A" (H-61)** proposed revising the bill to make an affirmative defense to prosecution the fact that the substance possessed, furnished, trafficked in, cultivated or grown was industrial hemp, not marijuana. For an affirmative defense to be effective, the defendant would be required to prove by a preponderance of the evidence that the substance the prosecution alleges to be marijuana is actually industrial hemp. Without this amendment, the prosecution would have to prove that the substance was not industrial hemp in order to secure a conviction for a criminal marijuana violation. This amendment also proposed language to clarify that federal permits must be obtained prior to importing nonsterilized hemp seeds.

***Enacted Law Summary***

Public Law 2003, chapter 61 authorizes, but does not require, the Director of the Maine Agricultural Experiment Station to develop a study to explore the feasibility of growing industrial hemp in Maine. It requires appropriate federal permits to be obtained prior to undertaking such a study. It enacts a definition of "industrial hemp." It establishes an affirmative defense to prosecution under Maine's drug laws. A person charged with possessing, furnishing, trafficking in, cultivating or growing marijuana and alleging that the substance was industrial hemp would be required to prove by a preponderance of the evidence that the substance alleged to be marijuana was, in fact, industrial hemp and grown under and in compliance with a federal permit.

**LD 85**

**An Act to Further Define a Strain of Maine Standardbred Horses**

**PUBLIC 31  
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MCKENNEY MAYO	OTP-AM	H-17

LD 85 proposed amending the provision in statute, which authorizes the State Harness Racing Commission to define "Maine Standardbred horse" in rule.

**Committee Amendment "A" (H-17)** proposed replacing the bill. It proposed allowing the State Harness Racing Commission to register as a Maine Standardbred horse offspring produced in 2003, 2004 or 2005 if the offspring's sire was registered and stabled in Maine for breeding purposes during the year in which the insemination took place. It proposed requiring the State Harness Racing Commission to report to the joint standing committee of the Legislature having jurisdiction over agricultural matters on the breeding of Maine Standardbred horses and to make recommendations regarding the definition of "Maine Standardbred horse."

***Enacted Law Summary***

Public Law 2003, chapter 31 allows the State Harness Racing Commission to register as a Maine Standardbred horse offspring produced during a year in which the offspring's sire was registered and stabled in Maine for breeding purposes. This change allows the offspring of a mare inseminated during 2003, 2004 or 2005 with semen transported out of state to be registered and race as a Maine Standardbred. The State Harness Racing Commission is required to report no later than February 1, 2005 to the joint standing committee of the Legislature having jurisdiction over agricultural matters on the breeding of Maine Standardbred horses and to make recommendations regarding the definition of "Maine Standardbred horse."

Public Law 2003, chapter 31 was enacted as an emergency measure effective April 8, 2003.

**LD 92                      An Act to Require Joint Standing Committee Approval for Certain Purchases Proposed by the Land for Maine's Future Board                      ONTP**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
SHERMAN	ONTP      MAJ	
STANLEY	OTP-AM      MIN	

LD 92 proposed requiring approval by the joint standing committee of the Legislature having jurisdiction over conservation matters for an acquisition by the Land for Maine's Future Board of land with an appraised value greater than \$250,000.

**LD 94                      An Act To Limit the Use of State Funds To Purchase Land or Conservation Easements                      ONTP**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
JOY	ONTP      MAJ	
	OTP-AM      MIN	

LD 94 proposed requiring a state agency to be responsible for management and monitoring of land and interest in land acquired under the Land for Maine's Future program.

**LD 176                      An Act To Require the State To Hold Title to All Land and Easements Purchased with the Land for Maine's Future Fund                      ONTP**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
CARR	ONTP	
WOODCOCK		

LD 176 proposed requiring cooperating entities that received funds for land acquisition under the Land for Maine's Future Board to transfer title to the land to the State.