

MAINE STATE LEGISLATURE

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STATE OF MAINE
123RD LEGISLATURE
FIRST REGULAR SESSION



Summaries of bills and adopted amendments and laws enacted or finally passed during the First Regular Session of the 123rd Maine Legislature coming from the

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

July 2007

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STATE OF MAINE

123RD LEGISLATURE

FIRST REGULAR SESSION

LEGISLATIVE DIGEST OF BILL SUMMARIES AND ENACTED LAWS



This *Legislative Digest of Bill Summaries and Enacted Laws* summarizes all bills and adopted amendments and all laws enacted or finally passed during the First Regular Session of the 123rd Maine Legislature, which was in session from December 6, 2006 to June 21, 2007.

The *Digest* is arranged alphabetically by committee, and within each committee by LD number. The committee report(s), prime sponsor and lead co-sponsor(s), if designated, are listed below each bill title. All adopted amendments are summarized and listed by paper number. A subject index is included with each committee. The appendices include a summary of relevant session statistics, an index of all bills by LD number and an index of enacted laws by law type and chapter number.

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:

CON RES XXX.....	Chapter # of Constitutional Resolution passed by both Houses
CONF CMTE UNABLE TO AGREE.....	Committee of Conference unable to agree; bill died
DIED BETWEEN BODIES.....	House & Senate disagree; bill died
DIED IN CONCURRENCE.....	One body accepts ONTP report; the other indefinitely postpones the bill
DIED ON ADJOURNMENT.....	Action incomplete when session ended; bill died
EMERGENCY.....	Enacted law takes effect sooner than 90 days
FAILED EMERGENCY ENACTMENT/FINAL PASSAGE.....	Emergency bill failed to get 2/3 vote
FAILED ENACTMENT/FINAL PASSAGE.....	Bill failed to get majority vote
FAILED MANDATE ENACTMENT.....	Bill imposing local mandate failed to get 2/3 vote
NOT PROPERLY BEFORE THE BODY.....	Ruled out of order by the presiding officers; bill died
INDEF PP.....	Bill Indefinitely Postponed
ONTP (or Accepted ONTP report).....	Ought Not To Pass report accepted
OTP-ND.....	Committee report Ought To Pass In New Draft
P&S XXX.....	Chapter # of enacted Private & Special Law
PASSED.....	Joint Order passed in both bodies
PUBLIC XXX.....	Chapter # of enacted Public Law
RESOLVE XXX.....	Chapter # of finally passed Resolve
UNSIGNED.....	Bill held by Governor
VETO SUSTAINED.....	Legislature failed to override Governor's Veto

Please note that the effective date for non-emergency legislation enacted in the First Regular Session is **September 20, 2007**. The effective date for legislation enacted as an emergency measure is specified in the enacted law summary for those bills.

Joint Standing Committee on Agriculture, Conservation and Forestry

LD 758 An Act To Protect Household Pets and Other Animals from Poisoning

PUBLIC 336

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
CAIN	OTP-AM	H-399

LD 758 requires that engine coolant or antifreeze that contains more than 10% ethylene glycol or propylene glycol must include an aversive agent that makes it taste bitter so that it is rendered unpalatable. This measure reduces the risk of poisoning of household pets and other animals.

Committee Amendment "A" (H-399)

The committee amendment reallocates the provisions requiring engine coolants containing more than 10% ethylene glycol to contain a bittering agent to the statutes administered by the Department of Agriculture, Food and Rural Resources. It removes the requirement in the bill that engine coolant or antifreeze containing more than 10% propylene glycol must include an aversive agent. It adds a limitation on liability for damage to the environment or natural resources or economic loss that results from the inclusion of an aversive agent. It delays the effective date until one year after 3 other northeastern states have enacted similar legislation.

Enacted Law Summary

Public Law 2007, chapter requires that engine coolant or antifreeze containing more than 10% propylene glycol include a bittering or aversive agent and provides limitations on liability for damage to the environment or natural resources or economic loss that results from the inclusion of an aversive agent. These provisions do not become effective until one year after 3 other northeastern states have enacted similar legislation.

LD 767 Resolve, Directing the Bureau of Revenue Services To Make Information Available Concerning the Amount of Revenue Received from the Companion Animal Sterilization Fund Tax Return Checkoff

ONTP

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
SNOWE-MELLO	ONTP	

LD 767 directs the Department of Administrative and Financial Services, Bureau of Revenue Services to make available the amount of revenue received from the tax return checkoff for the Companion Animal Sterilization Fund and to post the amount on the bureau's publicly accessible website.

LD 852 An Act To Adjust the Levels of the State's Dairy Stabilization Program

**PUBLIC 262
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MILLS P	OTP-AM MAJ OTP-AM MIN	S-139

LD 852 prohibits a retail store from selling milk for a price that exceeds by 10% the minimum retail price established for payment by consumers by the Maine Milk Commission. The bill exempts sales of organic milk and sales to consumers by producer-dealers from the prohibition on excessive retail pricing. The bill also amends the definition of "target price" as that term is used in the dairy stabilization support statutes to include interest and depreciation on machinery and equipment.

Committee Amendment "A" (S-139)

Joint Standing Committee on Agriculture, Conservation and Forestry

Committee Amendment "A" is the majority report. It removes the sections of the bill relating to retail pricing of milk. It removes proposed changes to the definition of "target price," authorizes the Maine Milk Commission to establish and amend target prices through major substantive rulemaking and, beginning July 1, 2007, establishes interim target prices that may be changed through adoption of major substantive rules.

Committee Amendment "B" (S-140)

Committee Amendment "B" is the minority report. It changes the threshold for determining excessive retail pricing to 275% of the basic price of milk that is received by farmers, instead of the 10% above the minimum retail price. The prohibition on excessive pricing applies to retail stores meeting the definition of "supermarket." It makes the same changes to the establishment of target prices as in the majority report. The minority report was not accepted.

Enacted Law Summary

Public Law 2007, chapter 262 authorizes the Maine Milk Commission to establish and amend target prices through major substantive rulemaking and establishes interim target prices, beginning July 1, 2007, that may be changed through adoption of major substantive rules. Identical provisions regarding target prices were included in Part 000 of the biennial budget enacted as Public Law, 2007, chapter 240.

Public Law 2007, chapter 262 was enacted as an emergency measure effective June 8, 2007.

LD 861 An Act To Require a Commercial Applicator's License To Use Pesticides in Licensed Food and Eating Establishments

PUBLIC 245

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
SAVIELLO	OTP-AM MAJ ONTP MIN	H-318

LD 861 requires a person applying pesticides anywhere in a food-handling establishment to have a commercial applicator license.

Committee Amendment "A" (H-318)

This amendment is the majority report of the committee. The minority report is Ought Not To Pass.

It clarifies that only food establishments and eating establishments required to be licensed are being required to use a commercial applicator for pesticides in nonpublic areas. It uses existing statutory definitions for "food establishment" and "eating establishment." It clarifies that the State Board of Pesticides Control's rules to provide exemptions or reduced licensing requirements for certain applications are routine technical rules. It directs the departments with licensing authority and inspection responsibilities for food establishments and eating establishments to amend their rules to reflect these changes.

It provides an exception to the requirement that pesticides be applied by a commercial applicator when the licensed establishment is ancillary to an agricultural business, the owner or an employee of the establishment is certified as a private applicator and the pesticides are not being applied in an area open to the public.

Enacted Law Summary

Public Law 2007, chapter 245 requires licensed food establishments and eating establishments to use a commercial applicator for applying pesticides in nonpublic areas as well as public areas. The State Board of Pesticides Control can provide exemptions or reduced licensing requirements for certain applications through rulemaking. It provides an exception to the requirement that pesticides be applied by a commercial applicator when the licensed establishment is ancillary to an agricultural business, the owner or an employee of the establishment is certified as a private applicator and the pesticides are not being applied in an area open to the