

# MAINE STATE LEGISLATURE

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**STATE OF MAINE**  
123<sup>RD</sup> LEGISLATURE  
SECOND REGULAR AND FIRST SPECIAL SESSIONS



Summaries of bills, adopted amendments and laws enacted or finally passed  
during the Second Regular or First Special Sessions of the 123<sup>rd</sup> Maine  
Legislature coming from the

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

May 2008

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**STATE OF MAINE**  
123<sup>RD</sup> LEGISLATURE  
SECOND REGULAR & FIRST SPECIAL SESSIONS



**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 Second Regular or First Special Sessions of the 123<sup>rd</sup> Maine Legislature.

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:

<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; bill died</i>
<i>ONTP (or Accepted ONTP report)</i> .....	<i>Ought Not To Pass report accepted; bill died</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>

The effective date for non-emergency legislation enacted in the Second Regular Session (R2) is June 30, 2008. The effective date for non-emergency legislation enacted in the First Special Session (S1) is July 18, 2008.<sup>1</sup> The effective date for legislation enacted as an emergency measure is specified in the enacted law summary for those bills. Any bill summarized in this document having an LD number less than 1932 was a bill carried over from the First Regular Session of the 123<sup>rd</sup> Legislature.

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<sup>1</sup> The session in which each law was enacted or finally passed (R2 or S1) is included in Appendix C.

# Joint Standing Committee on Agriculture, Conservation and Forestry

It amends the provision by which the Department of Agriculture, Food and Rural Resources responds to notices that producers have not been sufficiently paid by processors to include insufficient payment by dealers, brokers, agents or retailers. It clarifies that a determination of insufficient payment is made at a hearing.

## LD 2001 An Act To Reduce Wild Blueberry Theft

**PUBLIC 694  
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
WESTON	OTP-AM	S-542 S-675 ROTUNDO

LD 2001 increases the penalties for violation of the laws regarding transportation and receipt of wild blueberries. It revises provisions for verifying permission to harvest and transport wild blueberries to facilitate enforcement. It provides for the owners of the blueberries to issue permits for the transportation of blueberries from the field. It makes certain violations strict liability crimes.

### Committee Amendment "A" (S-542)

This amendment adds an emergency preamble and clause to the bill. It specifies that the State Tax Assessor is required to suspend or revoke the certification of a processor or shipper of wild blueberries when the assessor receives notification that certain violations have occurred. It allows the assessor to accept a notarized statement to determine that violations by an owner, officer or employee have not occurred. It clarifies that it is illegal for a first hauler to transport berries to anyone who is not certified as a shipper or processor. Instead of basing increased penalties for illegal transportation of berries on the value of the berries as proposed in the bill, this amendment establishes illegal transportation by a person with 2 prior convictions as a Class C crime.

### Senate Amendment "A" (S-675)

This amendment changes the criminal categories proposed in the bill from Class C to Class D.

### Enacted Law Summary

Public Law 2007, chapter 694 revises statutory provisions pertaining to the harvest, transportation, and receipt of wild blueberries to facilitate enforcement and deter theft. Fines are increased. Unlawful removal or possession of wild blueberries and unlawful transportation of wild blueberries remain Class E crimes for a first or second offense but become Class D crimes if the person has 2 or more convictions. A violation of the law pertaining to receiving wild blueberries becomes a Class D crime if a person has two previous civil violations under that section of law.

Public Law 2007, chapter 694 was enacted as an emergency measure effective April 24, 2008.

## **LD 2010** Resolve, Directing the Commissioner of Agriculture, Food and Rural Resources To Review and Make Recommendations Regarding the Regulation of Dog and Cat Breeding Facilities

**RESOLVE 203**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
PRATT	OTP-AM	H-803 H-924 PRATT

LD 2010 is a concept draft, which seeks to enact measures designed to address the inhumane breeding standards of so-called "puppy mills" in the State. The intent of the bill is to outlaw the most egregious dog breeding practices and establish a Maine humane dog breeding standard.

### Committee Amendment "A" (H-803)

## *Joint Standing Committee on Agriculture, Conservation and Forestry*

This amendment replaces the concept draft for a bill with a resolve. It directs the Commissioner of Agriculture, Food and Rural Resources to convene a working group to evaluate the definition of "breeding kennel" and review statutory provisions and regulation of breeding kennels. The department is directed to provide staff to and coordinate meetings of the working group within existing resources. The commissioner is required to submit a report following this review by January 15, 2009 to the joint standing committee of the Legislature having jurisdiction over animal welfare matters. The committee is authorized to submit legislation pertaining to the regulation of breeding kennels to the First Regular Session of the 124th Legislature.

### **House Amendment "B" (H-924)**

This amendment clarifies the issues to be reviewed by the commissioner and the working group convened by the commissioner for purposes of ensuring humane treatment of animals. It requires that the Department of Agriculture, Food and Rural Resources post its report on its publicly accessible website as soon as practicable.

### **Enacted Law Summary**

Resolve 2007, chapter 203 directs the Commissioner of Agriculture, Food and Rural Resources to convene a working group to review statutory and regulatory provisions pertaining to the breeding and sale of dogs and cats. The commissioner, in consultation with the working group, is specifically directed to review criteria to determine when a kennel or breeding kennel license is required and the authority of animal control officers and state humane agents to inspect and enforce animal welfare laws and rules. The commissioner is required to submit a report following this review by January 15, 2009 to the joint standing committee of the Legislature having jurisdiction over animal welfare matters. The committee is authorized to submit legislation pertaining to the regulation of breeding kennels to the First Regular Session of the 124th Legislature.

### **LD 2023 An Act To Repeal the Cap on Rental Rates for State Submerged Lands**

**PUBLIC 540**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
FLOOD	OTP-AM	H-770

LD 2023 repeals the current cap of \$1,200 per year on rental rates for submerged lands leased from the State.

### **Committee Amendment "A" (H-770)**

This amendment replaces the bill. It delays the repeal of the cap on rental rates until June 30, 2009 and directs the Director of the Bureau of Parks and Lands within the Department of Conservation to convene a working group to assist in developing a schedule of rental rates. It requires the director to report to the Joint Standing Committee on Agriculture, Conservation and Forestry no later than October 22, 2008.

### **Enacted Law Summary**

Public Law 2007, chapter 540 repeals the cap on rental rates for submerged lands effective June 30, 2009 and directs the Director of the Bureau of Parks and Lands within the Department of Conservation to convene a working group to assist in developing a schedule of rental rates. It requires the director to report to the Joint Standing Committee on Agriculture, Conservation and Forestry no later than October 22, 2008.

### **LD 2087 Resolve, To Study the Feasibility of a Public Dock on Mooselookmeguntic Lake**

**RESOLVE 184**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
CARTER	OTP-AM	H-804