

MAINE STATE LEGISLATURE

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STATE OF MAINE
123RD 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 123rd Maine
Legislature coming from the

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

May 2008

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JILL IPPOLITI, LEGISLATIVE ANALYST
OFFICE OF POLICY AND LEGAL ANALYSIS
13 STATE HOUSE STATION
AUGUSTA, ME 04333
(207) 287-1670

STATE OF MAINE
123RD 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 123rd 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 & 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&S XXX</i>	<i>Chapter # of enacted Private & 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, 2008.¹ 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 123rd Legislature.

¹ 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

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

Joint Standing Committee on Agriculture, Conservation and Forestry

LD 2087 directs the Department of Inland Fisheries and Wildlife, in partnership with other associations and individuals, to study the feasibility of a dock for public use and summer rentals on Mooselookmeguntic Lake to restore public access to the lake since the current dock has been privately purchased.

Committee Amendment "A" (H-804)

This amendment directs the Department of Conservation, rather than the Department of Inland Fisheries and Wildlife, to study the feasibility of establishing a dock for public use or leasing of slip space on Mooselookmeguntic Lake.

Enacted Law Summary

Resolve 2007, chapter 184 directs the Department of Conservation, in partnership with associations and individuals, to study the feasibility of establishing a dock for public use or summer rentals or leasing of slip space on Mooselookmeguntic Lake. In undertaking the study, the department is directed to examine possible locations accessible over publicly owned lands.

LD 2171 An Act To Amend the Animal Welfare Laws

PUBLIC 702

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
PIEH NUTTING J	OTP-AM	H-965 H-982 PIEH S-665 ROTUNDO

LD 2171 amends the Maine Revised Statutes, Title 7 to improve the specificity of some of the definitions used in the Animal Welfare Act, to provide for a temporary animal shelter, to impose a requirement that breeding kennels display kennel license numbers when advertising, to add neglect to the crime of cruelty to animals and to strengthen the requirements for proper shelter. It amends Title 17 to refine some of the definitions and to strengthen laws pertaining to cruelty to animals and shelter requirements. The bill establishes new crimes related to unattended animals in motor vehicles and domestic violence against animals.

Committee Amendment "A" (H-965)

This amendment removes several sections of the bill, revises some sections and adds several others.

House Amendment "A" (H-982)

This amendment authorizes the State Controller to advance up to \$500,000 from the Board of Pesticides Control account to the Animal Welfare Fund if requested in writing by the Commissioner of Agriculture, Food and Rural Resources.

Senate Amendment "B" (S-665)

This amendment removes language that expands the crime of aggravated cruelty to animals to apply to a person who acts with criminal negligence.

Enacted Law Summary

Public Law 2007, chapter 702 does the following:

1. Facilitates the collection of registration fees for home-based manufacturers of pet food.
2. Authorizes the Department of Agriculture, Food and Rural Resources to establish temporary shelters to impound animals.