

# MAINE STATE LEGISLATURE

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STATE OF MAINE  
114TH LEGISLATURE  
SECOND REGULAR SESSION



BILL SUMMARIES  
JOINT STANDING COMMITTEE  
ON  
AGRICULTURE

JUNE 1990

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**One Hundred and Fourteenth Legislature  
Second Regular Session**

**Joint Standing Committee  
Bill Summaries**

**June 1990**

This document is a compilation of the bill summaries prepared by this office for the Joint Standing Committees and Joint Select Committees of the Maine Legislature. The summaries are arranged by LD number for each committee.

All Adopted Amendments are listed, by paper number (e.g., H-584 or S-222), together with the sponsor for floor amendments. Final action is listed to the right of the title. Committee Reports and Floor Action are abbreviated as follows:

OTP  
OTP-ND  
OTP-ND-NT  
OTP-A  
ONTP  
LVWD  
INDEF PP

Ought to Pass  
Ought to Pass in New Draft  
Ought to Pass in New Draft, New Title  
Ought to Pass as Amended  
Ought Not to Pass  
Leave to Withdraw  
Indefinitely Postponed

Each individual summary was prepared by the analyst or analysts assigned to the committee. But, this document was produced by the efforts of all the office staff, including secretaries: Charlene Raymond, and Valarie Parlin, and especially Laurette Knox who coordinated preparation of the overall document.

Please give us your suggestions and comments on these summaries and tell us of any inaccuracies.

## Joint Standing Committee on Agriculture

**LD 1734**     **An Act to Increase Various License and Registration Fees of  
the Department of Agriculture, Food and Rural Resources**

**PUBLIC 888**

<b>SPONSOR(S)</b>	<b>COMMITTEE REPORT</b>	<b>AMENDMENTS ADOPTED</b>
TARDY EMERSON WHITCOMB	OTP-AM	H-975

### **SUMMARY**

This bill, as amended by the committee amendment, increases various license fees administered by the Department of Agriculture, Food and Rural Resources, Division of Regulations.

Three categories of retail food establishments are created. Retail food establishments with 25 or fewer employees will continue to pay their existing license fee of \$10 or \$30. Retail food establishments with 26 or more employees will pay a fee of \$100.

The bill incorporates changes made by PL 1989, c. 664, (LD 2121) by establishing a \$30 license fee for food salvage establishments and salvage brokers. The bill appropriates \$45,000 of the estimated \$94,157 to be generated from the fee increases to the Agricultural Awareness program.

**LD 1737**     **Resolve, to Establish the Commission on Maine's Food Policy**

**LV/WD**

<b>SPONSOR(S)</b>	<b>COMMITTEE REPORT</b>	<b>AMENDMENTS ADOPTED</b>
WHITCOMB TARDY EMERSON	LV/WD	

### **SUMMARY**

This carry-over resolve would have established a Commission on Maine's Food Policy.

**LD 1830**     **An Act to Ensure the Independence of the Animal Welfare  
Board**

**PUBLIC 701**

<b>SPONSOR(S)</b>	<b>COMMITTEE REPORT</b>	<b>AMENDMENTS ADOPTED</b>
CLARK N MARTIN J	OTP-AM     MAJ ONTP     MIN	H-906     WHITCOMB S-523     MAJ REP S-564     PEARSON

### **SUMMARY**

The bill, as amended by the committee amendment, removes the Animal Welfare Board from the Department of Agriculture, Food and Rural Resources and gives the board independent status. The board can name its executive director subject to confirmation by the Legislature. The current executive director will continue in that role under the transition provisions of the amendment. The current director and other board staff will remain within the civil service. Future directors would be unclassified employees.

The Commissioner of Agriculture, Food and Rural Resources is given the option to investigate, prior to action by the board, any complaints involving commercial farms, harness racing horses or animals used in pulling events with respect to acceptable animal husbandry practices. An investigation by the commissioner will not preclude the board from conducting its own investigation.

The House and Senate amendments made technical changes in the bill and committee amendment and included a change in the fiscal note asserting that the board will absorb any additional costs that result from this legislation.

**LD 1847     An Act to Amend the Potato Branding Laws**

**PUBLIC 605  
EMERGENCY**

<b>SPONSOR(S)</b>	<b>COMMITTEE REPORT</b>	<b>AMENDMENTS ADOPTED</b>
PINES	OTP	
TARDY		
PARENT		
MAHANY		

**SUMMARY**

The bill ensures that inferior potatoes seized by the Department of Agriculture, Food and Rural Resources will not be resold until they are regraded and accompanied by a federal and state inspection certificate showing that the potatoes meet the minimum grade requirement specified on the container. Enforcement of this law is enhanced by establishing a minimum penalty of \$1,000 for each violation of the potato inspection laws under the Maine Revised Statutes, Title 7, section 954-A.

The language enacted in this bill was later clarified in the errors bill, PL 1989, chapter 878.

**LD 1916     An Act to Increase Penalties for Violation of the Pesticide  
Laws**

**PUBLIC 841**

<b>SPONSOR(S)</b>	<b>COMMITTEE REPORT</b>	<b>AMENDMENTS ADOPTED</b>
DORE	OTP-AM     MAJ	H-1022   MAJ REP
TITCOMB	OTP-AM     MIN	
HEESCHEN		
MARTIN J		

**SUMMARY**

This bill, as amended by the majority committee report, creates 3 levels of penalties for violations of the pesticide law. In most circumstances, the violation of a pesticide law is a civil violation and the court may adjudge a fine not to exceed \$1,500 for first violations and not to exceed \$4,000 for subsequent violations. Intentional and knowing violations may be prosecuted as a crime and the court may adjudge a fine not to exceed \$7,500, imprisonment not to exceed 30 days, or both. Private applicators who violate the returnable pesticide container law or drift management reporting requirements may receive a fine not to exceed \$500 for first violations and not to exceed \$1,000 for subsequent violations. The majority report also places violations by general use pesticide dealers under the general penalty structure.

The majority report provides the court a list of considerations to use when determining the penalty for a pesticide violation and gives the court authority to require that violators attend educational courses as a condition for retaining or regaining a license. In addition, the majority report establishes or reinterprets various requirements involving the procedures and operations of the Board of Pesticides Control. The minority report differed from the majority report by retaining the existing penalty structure.