

MAINE STATE LEGISLATURE

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**STATE OF MAINE
115TH LEGISLATURE**

**FIRST REGULAR SESSION
AND
FIRST SPECIAL SESSION**

**BILL SUMMARIES
JOINT STANDING COMMITTEE
ON
AGRICULTURE**

AUGUST 1991

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**ONE HUNDRED AND FIFTEENTH LEGISLATURE
FIRST REGULAR SESSION
AND
FIRST SPECIAL SESSION
JOINT STANDING COMMITTEE
BILL SUMMARIES
AUGUST 1991**

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 volume is organized alphabetically by committee; within each committee, the summaries are arranged by LD number. A subject index is provided at the beginning of each committee's summaries.

All adopted amendments are listed, by paper number (e.g., H - 584 or S - 222), together with the sponsor for floor amendments. Final action on each bill is listed to the right of the title. Various types of final action are abbreviated as follows:

PUBLIC XXX	<i>Chapter # of enacted Public Law</i>
P&S XXX	<i>Chapter # of enacted Private & Special Law</i>
RESOLVE XXX	<i>Chapter # of enacted Resolve</i>
CON RES XXX	<i>Chapter # of Constitutional Resolution passed by both Houses</i>
EMERGENCY	<i>Enacted law takes effect sooner than 90 days</i>
CARRIED OVER	<i>Bill carried over to 2nd Session</i>
FAILED EMERGENCY ENACTMENT	<i>Bill failed to get 2/3 vote</i>
ONTP	<i>Ought Not to Pass report accepted</i>
LVWD	<i>Leave to Withdraw report accepted</i>
INDEF PP	<i>Bill Indefinitely Postponed</i>
DIED BETWEEN BODIES	<i>House & Senate disagree; bill died</i>
VETO SUSTAINED	<i>Legislature failed to override Governor's Veto</i>
UNSIGNED	<i>Not signed by Governor within 10 days</i>
DIED ON ADJOURNMENT	<i>Action incomplete when 1st session ended</i>

These summaries were 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.

If you have any suggestions or comments on these summaries, please let us know.

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COMMITTEE REPORT
OTP-AM

AMENDMENTS ADOPTED
H-555

SUMMARY

Committee Amendment "A" (H-555) replaced the original bill. The amendment establishes a Maine Dairy Farm Stabilization Fund financed by an excise tax on the handling in the State of packaged milk for sale in the State. The rate of the Maine Dairy Farm Stabilization Tax changes in relation to the Class I price of milk established by the Maine Milk Commission and increases proportionately as the producer price of milk falls. The tax is levied when the basic price of milk, as defined in this Act, falls below \$16 per hundredweight. When the basic price is between \$15.50 and \$15.99 per hundredweight, the rate of tax is 1¢ per quart. The maximum tax allowed is 5¢ per quart levied if the basic price of milk falls below \$14.00 per hundredweight. The funds collected are redistributed so that 94% of the funds is distributed to the State's dairy farmers on the basis of their milk production. Milk producers do not receive payment from the fund on milk production in excess of 400,000 pounds per month. Four percent is set aside to supplement the Women, Infants and Children Special Supplemental Food Program of the United States Child Nutrition Act of 1966 (WIC). No more than 2% of the funds may be used for the purpose of administering the Maine Dairy Farm Stabilization Act.

A Senate Order (Supplement No. 14, June 12, 1991) was passed which asked the Justice of the Supreme Judicial Court for an advisory opinion prior to enactment of Committee amendment "A" to LD 649. The court responding to the two questions posed concluded that the proposed tax does not violate the Commerce Clause of the U.S. Constitution and that the levy and distribution of the tax passes the "public purpose" test of the Maine Constitution.

The original bill proposed that 90% of the funds be distributed to dairy farmers, 4% be used to acquire development rights on farmland, 4% used to supplement the WIC program and 2% for administration. The original bill did not allow payment from the fund on milk production in excess of 250,000 pounds per month. The amended bill also differs from the original in that the penalties section is strengthened and a nonseverability clause is added. The amendment includes an effective date of August 1, 1991 and a repeal date of November 1, 1993. It adds an appropriation and a fiscal note to the bill.

LD 855 An Act Promoting Cranberry Cultivation in Maine**LV/WD**

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COMMITTEE REPORT
LV/WD

AMENDMENTS ADOPTED

SUMMARY

This bill would have exempted filling a freshwater wetland and construction of facilities in a freshwater wetland for the purpose of cranberry cultivation or cultivation of other wetland crops from the permitting process under natural resources protection law. This bill was a duplicate bill. See the bill summary for LD 97.