

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.

1. Requires the Department of Agriculture, Food and Rural Resources to investigate all complaints involving farm operations and establishes a procedure for complaint resolution.
2. Establishes an Agricultural Complaint Response Fund. The Commissioner of Agriculture, Food and Rural Resources may accept money designated for this fund from any source and may authorize expenditures from the fund to investigate complaints and to abate pollution or nuisance conditions resulting from farm operations.
3. Requires municipalities to submit to the Commissioner of Agriculture, Food and Rural Resources a copy of any proposed ordinance that would impact farm operations. The commissioner is directed to review the proposed ordinances and advise the municipality if the proposed ordinance would restrict the use of best management practices.

This original bill proposed the establishment of a Ground Water Contamination Fund to be funded by a fee on the sale of pesticides and fertilizers. Committee Amendment A (H-270) struck the section of the bill that created this fund and established the Agricultural Complaint Response Fund. House Amendment "A" (H-503) clarified language pertaining to review of municipal ordinances and struck language relating to the awarding of costs in nuisance suits.

LD 1320 An Act to Revise the Maine Horticultural Laws

INDEF PP

SPONSOR(S)	COMMITTEE REPORT	AMENDMENTS ADOPTED
PARENT	OTP-AM	H-409
RICH		H-414 TARDY
TITCOMB		H-571 TARDY

SUMMARY

This bill proposed revision of Maine's horticultural laws, repealing 7 MRSA c. 405 and enacting 7 MRSA c. 405-A. The bill would have done the following:

- replaced the annual inspection requirement for licensed nurseries with inspections at a frequency determined by the State Horticulturist;
- clarified definitions;
- established a procedure to be followed when nurseries are found to be infested with plant pests;
- authorized the Commissioner of Agriculture, Food and Rural Resources to assess fees for the inspection of material other than nursery stock and to implement the provisions of the bill; and
- increased the fee for obtaining a license to sell or deal in nursery stock from \$5 every 3 years to \$20 annually.

Committee Amendment "A" (H-409) restructured provisions of the bill. It reduced the penalty for violations of horticulture laws from not less than \$500 to not more than \$500 and added a fiscal note to the bill.

House Amendment "A" (H-414) established a 2-tier license fee schedule with a fee of \$5 annually for applicants with annual gross receipts of less than \$2,500 and a license fee of \$20 annually for all others.

House Amendment "A" (H-571) to Committee Amendment "A", required the state inspector to have "reasonable cause to believe an area is infested before inspecting the area." It also provided for due process by stating that notice and an opportunity for a hearing must be provided prior to ordering infested nursery stock destroyed or returned.

LD 1352 An Act to Increase the Late Fee for Dog Licenses PUBLIC 264

SPONSOR(S)	COMMITTEE REPORT	AMENDMENTS ADOPTED
RUHLIN TUPPER MORRISON BOST	OTP-AM	H-272

SUMMARY

The original bill proposed to increase fees for licensing dogs and allocate the increased fee among the municipal clerk, the municipal animal control officer and the Department of Agriculture, Food and Rural Resources. Committee Amendment "A" (H-272) changed the title of the bill to 'An Act to Increase the Late Fee for Dog Licenses'. This amendment replaced the original bill. Instead of raising registration fees, it increases the additional fee charged for late registrations from \$4 to \$6. The purpose of this change is to encourage registration.

LD 1378 An Act to Change the Geographic Representation of the Maine Potato Board PUBLIC 190

SPONSOR(S)	COMMITTEE REPORT	AMENDMENTS ADOPTED
PINES EMERSON BOWERS BELL	OTP-AM	H-194

SUMMARY

This bill as amended by Committee Amendment "A" (H-194) changes the geographic representation of the Maine Potato Board by adding the towns of Crystal, Dyer Brooks, Hersey, Island Falls, Merrill, Oakfield, and Smyrna to District 6. The original bill proposed to add, in addition to these towns, the towns of Patten and Sherman.

LD 1549 An Act to Make Maine Milk Laws Conform to Federal Laws PUBLIC 266

SPONSOR(S)	COMMITTEE REPORT	AMENDMENTS ADOPTED
TARDY	OTP-AM	H-271

SUMMARY

This bill makes technical corrections to the laws governing the Maine Milk Commission and the Maine Milk Pool to reflect the establishment of a new Class III price classification in the federal milk price regulations. Committee Amendment "A" (H-271) makes the appropriate correction to an additional section of law and returns language stricken in section 1 of the original bill to current statutory language.