

MAINE STATE LEGISLATURE

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STATE OF MAINE
115TH LEGISLATURE

SECOND REGULAR SESSION

BILL SUMMARIES
JOINT STANDING COMMITTEE
ON
AGRICULTURE

MAY 1992

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**ONE HUNDRED AND FIFTEENTH LEGISLATURE
SECOND REGULAR SESSION**

**JOINT STANDING COMMITTEE
BILL SUMMARIES**

MAY 1992

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 far right of the title. Various types of final action are abbreviated as follows:

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

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, especially Laurette Knox who coordinated preparation of the overall document.

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

LD 2095

**An Act to Replace Criminal Penalties with Civil Penalties
for Violations of Weights and Measures Laws**

**PUBLIC 650
EMERGENCY**

SPONSOR(S)

PINES
SPEAR
TARDY
TWITCHELL

COMMITTEE REPORT

OTP-AM

AMENDMENTS ADOPTED

H-893

SUMMARY

This bill establishes that a violation of weights and measures laws generally constitutes a civil violation requiring a forfeiture of \$50 to \$2,000, except where another statute specifically prescribes another penalty. This eliminates the criminal sanction that has existed for many years and also does away with the higher standard of proof required to prove the commission of a crime.

The bill also clarifies that a violation of the laws regulating the standards by which milk is bought and sold constitutes a civil violation and not a crime. Potential fines have been increased to create a significant deterrent.

Committee Amendment "A" (H-893) added an emergency preamble and clause to the bill.

LD 2110

An Act to Revise the Maine Horticultural Laws

PUBLIC 785

SPONSOR(S)

PARENT
STEVENS A
RICH

COMMITTEE REPORT

OTP-AM MAJ
ONTP MIN

AMENDMENTS ADOPTED

H-1092 TARDY
H-1124 TARDY
H-986 MAJ REP

SUMMARY

This bill revises Maine's horticultural laws, repealing 7 MRSA c. 405 and enacting 7 MRSA c. 405-A. The bill does the following:

- replaces the annual inspection requirement for licensed nurseries with inspections at a frequency determined by the State Horticulturist;
- clarifies definitions;
- establishes a procedure to be followed when nurseries are found to be infested with plant pests; and
- authorizes 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.

Committee Amendment "A" (H-986) restructures certain language and provides for due process prior to ordering infested nursery stock destroyed or returned. It also establishes an annual license fee of \$25 for establishments that have a greenhouse, more than 150 square feet of retail sales area or gross annual sales of nursery stock exceeding \$500. Licenses are required for all nurseries, but no fee is charged for operations that do not meet these criteria. This amendment also allows emergency rules regarding plant and animal diseases and pests to be renewed for successive 90-day periods.

House Amendment "A" (H-1092) corrects a cross-reference and sentence structure. House Amendment "B" (H-1124) adds an appropriation section and an allocation section left off the committee amendment in error.