

MAINE STATE LEGISLATURE

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**STATE OF MAINE
117TH LEGISLATURE**

SECOND REGULAR SESSION

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

JUNE 1996

MEMBERS:

Sen. Vinton E. Cassidy, Chair

Sen. Willis A. Lord

Sen. Judy A. Paradis

Rep. Robert W. Spear, Chair

Rep. Marge L. Kilkelly

Rep. Douglas J. Ahearne

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Rep. Richard Kneeland

Rep. Edward L. Dexter

Rep. Robert E. Pendleton, Jr.

Staff:

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**ONE HUNDRED SEVENTEENTH LEGISLATURE
SECOND REGULAR SESSION**

**Summary Of Legislation Before The Joint Standing Committees
June 1996**

We are pleased to provide this summary of bills that were considered by the 15 Joint Standing Committees of the Maine Legislature staffed by this office. The document is a compilation of bill summaries which describe each bill, committee amendments and other relevant amendments, as well as the final action taken on the bill. Also included are statistical summaries of bill activity this Session for the Legislature and each of its joint standing committees.

The document is organized for convenient reference to information on bills handled by the joint standing committees. It is organized alphabetically by committees and within committees by bill (LD) number. The committee report(s), prime sponsor for each bill and the lead co-sponsor(s), if designated, are listed below each bill title. All adopted amendments are listed by paper number. Two indices, a subject index and a numerical index by LD number are provided for easy reference to bills. They are located at the back of the document. A separate publication, History and Final Disposition of Legislative Documents, may also be helpful in providing information on the disposition of bills.

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>CARRIED OVER</i>	<i>Bill carried over to Second Session</i>
<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 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</i>	<i>Emergency bill failed to get 2/3 vote</i>
<i>FAILED ENACTMENT</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>INDEF PP</i>	<i>Bill Indefinitely Postponed</i>
<i>ONTP</i>	<i>Ought Not To Pass report accepted</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>Not signed by Governor within 10 days</i>
<i>VETO SUSTAINED</i>	<i>Legislature failed to override Governor's Veto</i>

Please note the effective date for all non-emergency legislation enacted in the Second Regular Session (unless otherwise specified in a particular law) is July 4, 1996.

Committee Amendment "A" (H-843) proposed to make the Maine Dairy Promotion Board and the Maine Dairy and Nutrition Council independent public instrumentalities of the State. It proposed to strike those sections of the bill that would have made the council and the board advisory bodies to the Department of Agriculture, Food and Rural Resources.

The amendment also proposed to make technical changes to Maine's dairy laws. It also proposed to strike sections of the bill related to Maine's animal welfare laws because those sections were enacted by the Legislature during the 1995 Special Session.

Senate Amendment "A" (S-527) proposed replacing a section of the bill to take into account a change made by Public Law 1995, chapter 502, Part C, section 3.

Enacted law summary

Public Law 1995, chapter 693 makes the Maine Dairy Promotion Board and the Maine Dairy and Nutrition Council independent public instrumentalities of the State. The amendment also makes technical changes to Maine's dairy laws.

Chapter 693 was enacted as an emergency measure effective April 11, 1996.

LD 1686 **An Act to Remove the 50-foot Buffer Requirement When Cutting Trees** ONTP

Sponsor(s)
LORD

Committee Report
ONTP

Amendments Adopted

LD 1686 would have prohibited the requirement that separation zones be left on sides of a lot when cutting trees.

LD 1691 **An Act to Amend the Law Allowing the Growth and Sale of Cultivated Ginseng in Maine** PUBLIC 556
EMERGENCY

Sponsor(s)
CASSIDY
KILKELLY

Committee Report
OTP-AM

Amendments Adopted
S-434

LD 1691 proposed to provide the Department of Agriculture, Food and Rural Resources with the authority to maintain maps and locations of ginseng plantings in the State as confidential business information.

Committee Amendment "A" (S-434) proposed to clarify language in the bill by stating that records required of cultivated ginseng licensees by the department pertaining to the location of ginseng plantings may not be made available for public inspection. The amendment also proposed to remove from public inspection ginseng license applications and the names and addresses of licensees. This confidential status would terminate when the records are used by the department as evidence for an enforcement action pursuant to this chapter or are subpoenaed in any proceeding to enforce a provision of this chapter, or are used in any prosecution for a criminal violation. A licensee could authorize in writing the disclosure of records pertaining to license applications and the names and addresses of licensees.

Enacted law summary

Public Law 1995, chapter 556 provides that records required of cultivated ginseng licensees by the department pertaining to the location of ginseng plantings are not available for public inspection. It also removes from public inspection ginseng license applications and the names and addresses of licensees. This confidential status terminates when the records are used by the department as evidence for an enforcement action pursuant to this chapter or are subpoenaed in any proceeding to enforce a provision of this chapter, or are used in any prosecution for a criminal violation. A licensee may authorize in writing the disclosure of records pertaining to license applications and the names and addresses of licensees.

Chapter 556 was enacted as an emergency measure effective March 20, 1996.

LD 1712 An Act to Increase the Municipal Share of Dog Licensing Fees

PUBLIC 557

Sponsor(s)
STROUT

Committee Report
OTP-AM

Amendments Adopted
H-729

LD 1712 proposed to change the allocation of dog license fees between municipalities and the State. It proposed to increase the money that may be retained by municipalities by allowing municipalities to retain \$3 from each license for a dog capable of producing young and \$11 from each kennel license. Municipalities had been retaining \$1 from each license for a dog capable of producing young and \$5 from each kennel license. The additional revenue to municipalities would be used to meet legal obligations with respect to animal control, care of injured and abandoned animals and support of animal shelters. The bill also proposed to repeal provisions allowing animal shelters to recover \$4 per day for a period of 6 days for housing strays on behalf of municipalities and requiring notice to municipalities of a dog's being found. This bill also corrects references to chapters pertaining to duties and responsibilities of the municipalities.

Committee Amendment "A" (H-729) proposed to remove those sections of the bill that would have repealed the provisions allowing animal shelters to recover \$4 per day for a period of 6 days for housing strays on behalf of municipalities and requiring notice to municipalities of a dog being found.

The amendment also proposed to alter a section of the bill that makes changes in those chapters of the animal welfare laws that municipal officers and other municipal agents are required to follow or be subject to fines. The amendment proposed to delete from the requirement spelled out in the bill those chapters of the animal welfare laws under which municipal officers or agents are not required to perform functions.

The amendment also proposed to change the distribution of license fees paid for dogs or wolf hybrids incapable of producing young. The amendment also proposed to increase the amount deposited in a municipality's animal welfare account from \$1 to \$2 and decrease the amount deposited in the state's Animal Welfare Fund from \$2 to \$1.

Enacted law summary

Public Law 1995, chapter 557 changes the distribution of license fees paid for dogs or wolf hybrids incapable of producing young. It increases the amount deposited in a municipality's animal welfare account from \$1 to \$2 and decreases the amount deposited in the state's Animal Welfare Fund from \$2 to \$1. The law also makes changes in those chapters of the animal welfare