

# 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*

*Rep. Clyde A. Hichborn*

*Rep. Thomas M. Tyler*

*Rep. Donald A. Strout*

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*Rep. Edward L. Dexter*

*Rep. Robert E. Pendleton, Jr.*

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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 &amp; 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&amp;S XXX</i> .....	<i>Chapter # of enacted Private &amp; 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.

***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

laws that municipal officers and other municipal agents are required to follow or be subject to fines. It deletes from the requirements those chapters of the animal welfare laws under which municipal officers or agents are not required to perform functions.

**LD 1719      An Act to Correct Omissions in the Productivity Realization      PUBLIC 532**  
**Task Force Legislation Relating to the State Soil and Water**  
**Conservation Commission and the Animal Welfare Board**

<u>Sponsor(s)</u> CASSIDY	<u>Committee Report</u> OTP-AM	<u>Amendments Adopted</u> S-426
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LD 1719 proposed to accurately reflect the legislative intent of Senate Amendment "F" to Committee Amendment "A" to LD 1589, which was enacted into law as Public Law 1995, chapter 502. The statement of fact to that amendment indicated that the intention of the amendment was to incorporate 2 other Senate amendments that were in conflict. This bill proposed to include sections that Senate Amendment "F" to Committee Amendment "A" inadvertently omitted. These sections proposed to repeal the State Soil and Water Conservation Commission, which assists soil and water conservation districts throughout the state. The sections propose to transfer the duties of the commission to the Department of Agriculture, Food and Rural Resources and create the State Conservation District Advisory Council to advise the Commissioner of Agriculture, Food and Rural Resources.

**Committee Amendment "A" (S-426)** proposed to repeal a section of law pertaining to the legal services, executive director and delegation of power of the State Soil and Water Conservation Commission. It also proposed to reorganize language in the bill concerning the State Conservation District Advisory Council and the duties of the Department of Agriculture, Food and Rural Resources relative to soil and water conservation districts.

***Enacted law summary***

Public Law 1995, chapter 532 repeals the State Soil and Water Conservation Commission, which assisted soil and water conservation districts throughout the state. The law transfers the duties of the commission to the Department of Agriculture, Food and Rural Resources and it creates the State Conservation District Advisory Council to advise the Commissioner of Agriculture, Food and Rural Resources.

**LD 1725      An Act to Clarify and Improve the Governor's Authority      PUBLIC 586**  
**to Ban Out-of-door Fires and Restrict Human Activity during**  
**Periods of High Fire Danger**

<u>Sponsor(s)</u> CASSIDY KILKELLY	<u>Committee Report</u> OTP-AM	<u>Amendments Adopted</u> S-504
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LD 1725 proposed to clarify the Governor's authority to restrict those activities that are likely to result in forest fires while allowing other lower risk activities that involve fire to continue. The statutory language in effect at the time the bill was presented specifically listed only 2 exemptions from a ban on open fires. The changes proposed in the bill would have allowed the Governor to exempt other activities from a ban provided they were not likely to pose a threat to lives or property.