

MAINE STATE LEGISLATURE

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**STATE OF MAINE
118TH LEGISLATURE**

**FIRST REGULAR SESSION
AND
FIRST SPECIAL SESSION**

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

JULY 1997

MEMBERS:

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Sen. Judy Paradis

Sen. R. Leo Kieffer

Rep. George H. Bunker, Chair

Rep. Roland B. Samson

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Staff:

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Maine State Legislature

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**ONE HUNDRED EIGHTEENTH LEGISLATURE
FIRST REGULAR AND FIRST SPECIAL SESSIONS**

**Summary Of Legislation Before The Joint Standing Committees
August 1997**

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. These bill summaries also are available at the Law and Legislative Reference Library and on the Internet (www.state.me.us/legis/opla).

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:

- CARRIED OVER*.....*Bill carried over to Second Regular Session*
- CON RES XXX*.....*Chapter # of Constitutional Resolution passed by both Houses*
- CONF CMTE UNABLE TO AGREE*.....*Committee of Conference unable to agree; bill died*
- DIED BETWEEN BODIES*.....*House & Senate disagree; bill died*
- DIED IN CONCURRENCE*.....*One body accepts ONTP report; the other indefinitely postpones the bill*
- DIED ON ADJOURNMENT*.....*Action incomplete when session ended; bill died*
- EMERGENCY*.....*Enacted law takes effect sooner than 90 days*
- FAILED EMERGENCY ENACTMENT/FINAL PASSAGE*.....*Emergency bill failed to get 2/3 vote*
- FAILED ENACTMENT/FINAL PASSAGE*.....*Bill failed to get majority vote*
- FAILED MANDATE ENACTMENT*.....*Bill imposing local mandate failed to get 2/3 vote*
- INDEF PP*.....*Bill Indefinitely Postponed*
- ONTP*.....*Ought Not To Pass report accepted*
- OTP ND*.....*Committee report Ought To Pass In New Draft*
- OTP ND/NT*.....*Committee report Ought To Pass In New Draft/New Title*
- P&S XXX*.....*Chapter # of enacted Private & Special Law*
- PUBLIC XXX*.....*Chapter # of enacted Public Law*
- RESOLVE XXX*.....*Chapter # of finally passed Resolve*
- UNSIGNED*.....*Bill held by Governor*
- VETO SUSTAINED*.....*Legislature failed to override Governor's Veto*

Please note the effective date for all non-emergency legislation enacted in the First Regular Session (unless otherwise specified in a particular law) is June 26, 1997 and September 19, 1997 for the First Special Session.

David E. Boulter, Director

Offices Located in the State House, Rooms 101/107/135

Enacted law summary

Public Law 1997, chapter 536 authorizes the Director of the Bureau of Forestry to use the proceeds from the sale or lease of any bureau property, except for state forests and natural areas, to upgrade existing structures owned by the Division of Forest Fire Control, to consolidate operations of the division through the improvement, repair, replacement, purchase or construction of structures and to purchase land upon which to build structures. It also requires that any land purchased and any structures purchased or constructed be held in the division's name. The exception is that the bureau may participate in joint efforts to consolidate a facility with other agencies provided that the Bureau of General Services has ownership of the property or structure. All purchases of land or structures must be approved by the Bureau of General Services, which has statewide oversight of state facilities.

This law also changes a reference to the committee to which the Director of the Bureau of Forestry must report before offering surplus property for sale. The reference is changed from the joint standing committee of the Legislature having jurisdiction over natural resources to the joint standing committee of the Legislature having jurisdiction over forest resources. It eliminates obsolete references to the sale of property at the state nursery and to the transfer of the low-level radioactive waste site on the state nursery property. These actions have already taken place.

LD 420 An Act to Improve the Reporting of General Use Pesticide Sales PUBLIC 139

<u>Sponsor(s)</u> KILKELLY BUNKER	<u>Committee Report</u> OTP-AM	<u>Amendments Adopted</u> S-96
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LD 420 proposed shifting the reporting requirements for sales of general use pesticides from the dealers to the distributors.

Committee Amendment "A" (S-96) proposes a definition for "distributes" to eliminate possible double reporting.

Enacted law summary

Public Law 1997, chapter 139 requires persons who distribute general use pesticides to licensed general use pesticide dealers to keep records of sales and report annually to the Board of Pesticides Control instead of requiring all licensed general use pesticide dealers to report. It defines "distribute" to eliminate possible double reporting and authorizes the Board of Pesticides Control within the Department of Agriculture, Food and Rural Resources to adopt rules to further clarify who must report.

LD 429 An Act to Protect the Potato Industry from the Spread of Serious Disease PUBLIC 538 EMERGENCY

<u>Sponsor(s)</u> PARADIS BUNKER	<u>Committee Report</u> OTP-AM	<u>Amendments Adopted</u> H-741 BUNKER S-241
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LD 429 proposed clarifying the procedures the Department of Agriculture, Food and Rural resources may implement to protect the Maine potato industry from the spread of diseases from potato cull piles and from the importation of diseased potatoes. It also proposed increasing the penalties for planting noncertified seed potatoes.

Committee Amendment "A" (S-241) proposed removing the section of the bill that proposed changing the penalty for planting noncertified seed. This amendment also proposed adding a fiscal note to the bill.

House Amendment "A" (H-741) proposed a change in punctuation to clarify when a search warrant is necessary.

Enacted law summary

Public Law 1997, chapter 538 clarifies the procedures the Department of Agriculture, Food and Rural resources is authorized to implement to protect the Maine potato industry from the spread of diseases from potato cull piles and from the importation of diseased potatoes. The effective date is June 12, 1997.

LD 447 **An Act Regarding Disclosure of Pesticide Use to a Buyer of Blueberry Land** **ONTP**

<u>Sponsor(s)</u> PERKINS		<u>Committee Report</u> ONTP		<u>Amendments Adopted</u>
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LD 427 proposed requiring a seller of blueberry land to disclose to the prospective buyer any use of pesticides on the land of which the seller has knowledge. It proposed allowing a buyer to rescind the land sale contract, or after delivery of the deed, to recover damages if the seller had failed to disclose known pesticides use.

LD 460 **An Act to Repeal the Laws That Pertain to the Licensing of Dogs** **ONTP**

<u>Sponsor(s)</u> PERKINS		<u>Committee Report</u> ONTP		<u>Amendments Adopted</u>
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LD 460 proposed repealing State laws requiring the licensing of dogs.

LD 461 **An Act to Include Domestic Water Fowl in the Animal Trespass Statutes** **PUBLIC 104**

<u>Sponsor(s)</u> PENDLETON R		<u>Committee Report</u> OTP-AM		<u>Amendments Adopted</u> H-113
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LD 461 proposed including domestic water fowl such as ducks and geese in the animal trespass laws.

Committee Amendment "A" (H-113) proposed clarifying the definition of domestic waterfowl and adding a fiscal note to the bill.