

# 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:***

*Sen. Marge L. Kilkelly, Chair*

*Sen. Judy Paradis*

*Sen. R. Leo Kieffer*

*Rep. George H. Bunker, Chair*

*Rep. Roland B. Samson*

*Rep. David C. Shiah*

*Rep. Paul Volenik*

*Rep. John L. Baker*

*Rep. Linda Rogers McKee*

*Rep. Ruel P. Cross*

*Rep. Edward L. Dexter*

*Rep. Walter R. Gooley*

*Rep. Priscilla Lane*

***Staff:***

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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](http://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:

<i>CARRIED OVER</i> .....	<i>Bill carried over to Second Regular 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 IN CONCURRENCE</i> .....	<i>One body accepts ONTP report; the other indefinitely postpones the bill</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/FINAL PASSAGE</i> .....	<i>Emergency bill failed to get 2/3 vote</i>
<i>FAILED ENACTMENT/FINAL PASSAGE</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>OTP ND</i> .....	<i>Committee report Ought To Pass In New Draft</i>
<i>OTP ND/NT</i> .....	<i>Committee report Ought To Pass In New Draft/New Title</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>Bill held by Governor</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 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

**LD 941**

**An Act to Enhance the Potato Industry**

**PUBLIC 388**

<u>Sponsor(s)</u> KIEFFER		<u>Committee Report</u> OTP-AM		<u>Amendments Adopted</u> S-240
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LD 941 proposed giving the Department of Agriculture, Food and Rural Resources authority to develop rules requiring the inspection of all potatoes, including bulk shipments. Currently, only potatoes in 50-pound packages or less are inspected. The bill also proposed raising the bonding levels for potato dealers, brokers and processors; and making information regarding patented potato varieties confidential.

**Committee Amendment "A" (S-240)** proposed providing for inspection of all consumer packs of potatoes and amending the definition of consumer pack to include all weights of packed potatoes. It proposed correcting a cross-reference, striking a provision in the original bill regarding termination of confidential status for certain records and adding a fiscal note to the bill.

***Enacted law summary***

Public Law 1997, chapter 388 authorizes the Department of Agriculture, Food and Rural Resources to develop rules requiring the inspection of all potatoes packed in any type of container. It raises the bonding levels for potato dealers, brokers and processors. It makes information kept by the department regarding patented and nonreleased potato varieties confidential.

**LD 968**

**An Act to Require Recommended Silvicultural Stocking Standards on Land Ownerships Enrolled under the Tree Growth Tax Laws** **CARRIED OVER**

<u>Sponsor(s)</u> VOLENIK		<u>Committee Report</u>		<u>Amendments Adopted</u>
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LD 968 proposes requiring land enrolled under Tree Growth Tax Law to meet certain established stocking standards for growing stock remaining on a site after a harvest. It would require the Commissioner of Conservation to adopt major substantive rules to establish the standards. The bill proposes specifying that the standards use basal area as a measure of stocking and that a standard may not be below 60 square feet of basal area per acre. It would provide for the Commissioner of Conservation to grant a variance when compliance with the standards would cause unusual hardship. It would subject a landowner who fails to comply with stocking standards to fines and penalties and that landowner's land would become ineligible for enrollment under Tree Growth.

**LD 978**

**An Act to Improve the Efficiency of the Department of Agriculture, Food and Rural Resources** **PUBLIC 454**

<u>Sponsor(s)</u> BUNKER KILKELLY		<u>Committee Report</u> OTP-AM		<u>Amendments Adopted</u> H-160
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LD 978 proposed allowing, but not requiring, the Department of Agriculture, Food and Rural Resources to grant multi-year licenses for a period of up to three years.

**Committee Amendment "A" (H-160)** proposes prohibiting the Department of Agriculture, Food and Rural Resources from requiring that licenses be issued for a period of up to three years. An applicant would have to agree to or request issuance for more than one year. It proposes language clarifying that the fee for multi-year licenses and registrations would be based on the annual fee. It also would require the Commissioner of Agriculture, Food and Rural Resources to report back to the Legislature by February 15, 2000 on the transition to multi-year licenses. It also proposed adding a fiscal note to the bill.

***Enacted law summary***

Public Law 1997, chapter 454 authorizes the Department of Agriculture, Food and Rural Resources to issue licenses and registrations for a period of one, two, or three years. A license or registration for a period exceeding one year may only be issued with the agreement or at the request of the applicant. The fee for a two year license is two times the annual fee. The fee for a three year license is three times the annual fee. The Commissioner of Agriculture, Food and Rural Resources is required to report back to the Legislature by February 15, 2000 on the transition to multi-year licenses.

**LD 1034                      An Act to Provide Information to the Maine Land Use Regulation Commission                      PUBLIC 335**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
SAXL J RUHLIN	OTP-AM    MAJ ONTP        MIN	H-445

LD 1034 proposed requiring the Maine Land Use Regulation Commission be notified of any land division within its jurisdiction. The person creating the division would have been required to file a plan of the division with the commission and with the county registry of deeds.

**Committee Amendment "A" (H-445)** was the majority report of the committee. It proposed removing the requirement in the bill that information on land division be filed with the registry of deeds.

***Enacted law summary***

Public Law 1997, chapter 335 requires a person dividing land within the jurisdiction of the Maine Land Use Regulation Commission to notify the commission by filing a plan within 60 days of the division.

**LD 1076                      An Act to Increase the Civil Penalty for Cruelty to Animals                      PUBLIC 170**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
BUMPS	OTP-AM	H-214

LD 1076 proposed increasing fines for violations of certain laws governing cruelty to and mistreatment of animals and making those violations criminal violations. Under current law, certain violations of animal welfare laws may