

# MAINE STATE LEGISLATURE

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STATE OF MAINE  
119TH LEGISLATURE

FIRST REGULAR SESSION

BILL SUMMARIES  
JOINT STANDING COMMITTEE  
ON  
AGRICULTURE, CONSERVATION AND FORESTRY

JULY 1999

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**ONE HUNDRED NINETEENTH LEGISLATURE**  
**FIRST REGULAR SESSION**

**Summary Of Legislation Before The Joint Standing and Select Committees**  
**August 1999**

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

The document is organized for convenient reference to information on bills considered by the committees. It is organized 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:

*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*  
*ENACTMENT FAILED..... Bill failed to get vote required for enactment or final passage*  
*NOT PROPERLY BEFORE THE BODY..... Ruled out of order by the presiding officers; bill died*  
*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 September 18, 1999.

structure and a historical decorative and fine arts collection. The deed and gift agreement would require that the property and historical collections be used exclusively for historic preservation and public education purposes. This bill was submitted on behalf of the Department of Conversation.

**Committee Amendment "A" (H-22)** proposed to require the contract conveying the property to contain a reversion clause. It also proposed to add a deappropriation and a fiscal note to the resolve.

*Enacted law summary*

Resolve 1999, chapter 10 authorizes the transfer of certain property associated with Montpelier, the General Henry Knox Museum, from the State to the Friends of Montpelier. The deed and gift agreement provide for the property and historical collections to be used exclusively for historic preservation and public education purposes. The Resolve requires the contract conveying the property to contain a reversion clause to provide for the property to revert to the Bureau of Parks and Lands if it is not used for these purposes.

**LD 575**

**An Act to Provide for Increased Penalties and Enforcement Regarding Dangerous Dogs**

**PUBLIC 350**

<u>Sponsor(s)</u> GAGNON KILKELLY	<u>Committee Report</u> OTP-AM	<u>Amendments Adopted</u> H-488
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LD 575 proposed amending the provisions regarding dangerous dogs to extend the period during which a complaint of assault may be made from 10 to 90 days after the attack. It proposed removing the restriction that the assault must be unprovoked when the person assaulted is a child 12 years of age or younger. It proposed increasing the maximum fine for a violation of the dangerous dog statutes from \$100 to \$1,000. It proposed requiring the officer filing a complaint of a dangerous dog to send a copy of the complaint to the Department of Agriculture, Food and Rural Resources. It proposed allowing the officer making the complaint to determine where the animal must be confined pending the court hearing. It proposed directing the Department of Agriculture, Food and Rural Resources to collect information regarding assaults by dogs, to summarize that information in its annual report to the Legislature and provide this information to the Director of the Bureau of Health within the Department of Human Services. It proposed directing the Department of Human Services to establish a procedure for notifying the local animal control officer when a bite occurs.

It proposed requiring the Department of Education and the Department of Agriculture, Food and Rural Resources to develop a curriculum to teach children about safe behavior around dogs and other animals. It proposed requiring the Department of Agriculture, Food and Rural Resources and the Department of Human Services to develop public service announcements to increase awareness of safe behavior around animals. It proposed requiring the Department of Agriculture, Food and Rural Resources and the Department of Human Services to develop public service announcements to increase awareness of safe behavior around animals.

**Committee Amendment "A" (H-488)** proposed a definition of "dangerous dog." It proposed to make keeping a dangerous dog a civil violation and clarify the process for ordering a dog confined and for obtaining an ex parte order. It proposed making failure to abide by a court order regarding a dangerous dog a Class D crime. It removes provisions proposed in the original bill for additional reporting on dangerous dog complaints and for education about safe behavior around dogs. It also adds a fiscal note to the bill.

*Enacted law summary*

Public Law 1999, chapter 350 enacts a definition of "dangerous dog." It makes keeping a dangerous dog a civil violation and clarifies the process for ordering a dog confined and for obtaining an ex parte order. It allows an animal control officer or law enforcement officer to order an owner to have the dog confined at a place determined by the officer

pending the court hearing. It clarifies the procedure for processing a complaint and removes the restriction that the assault must be unprovoked. It allows a person with knowledge of an assault against a minor to make a complaint. It extends from 10 to 30 days the period of time after an assault during which a complaint can be made. It makes failure to abide by a court order regarding a dangerous dog a Class D crime.

**LD 603**

**An Act to Repeal the Licensing of Farmstead Cheese**

**ONTP**

<u>Sponsor(s)</u> WATERHOUSE		<u>Committee Report</u> ONTP		<u>Amendments Adopted</u>
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LD 603 proposed repealing the inspection requirements and sales restrictions on farmstead cheese. (See bill summary for LD 799)

**LD 623**

**Resolve, Regarding Legislative Review of Chapter 565: Nutrient Management Rules, a Major Substantive Rule of the Department of Agriculture, Food and Rural Resources**

**RESOLVE 88  
EMERGENCY**

<u>Sponsor(s)</u>		<u>Committee Report</u> OTP-AM		<u>Amendments Adopted</u> H-334 S-428 MICHAUD
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LD 623 proposed authorizing final adoption of Sec. 3(6), 8 and 9 of Chapter 565: Nutrient Management Rules, a major substantive rule of the Department of Agriculture, Food and Rural Resources.

**Committee Amendment "A" (H-334)** proposed that the rule be changed to reflect January 1, 2000 as the date by which livestock operations would be required to have a permit. This amendment also adds an appropriation section and a fiscal note to the resolve. (see bill summary for LD 2246)

**Senate Amendment "A" to Committee Amendment "A" (S-428)** proposed reducing the annual General Fund appropriation for the Department of Agriculture, Food and Rural Resources to administer nutrient management rules.

***Enacted law summary***

Resolve 1999, chapter 88 authorizes final adoption of Sec. 3(6), 8 and 9 of Chapter 565: Nutrient Management Rules, a major substantive rule of the Department of Agriculture, Food and Rural Resources. These sections of the rule relate to the application and review process for issuance of livestock operations permits. The resolve specifies that January 1, 2000 is the date by which certain livestock operations are required to have a permit.

Chapter 88 was enacted as an emergency measure effective June 17, 1999.