

# 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.

**Committee Amendment "A" (H-753)** was the minority report of the committee. This amendment proposed to allow the State to continue ownership in excess of 10% in Piscataquis County, but it could not increase its acres of ownership. The amendment proposed a section headnote for the new provision and adding a fiscal note to the bill. The minority report was not accepted.

**LD 736**

**An Act to Further Discourage the Field Theft of Wild Blueberries**

**PUBLIC 194**

<u>Sponsor(s)</u> POVICH GOLDTHWAIT		<u>Committee Report</u> OTP		<u>Amendments Adopted</u>
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LD 736 proposed strengthening the laws concerning the illegal transportation of blueberries by extending responsibilities for issuing permits and record-keeping from owners to certified shippers or processors, limiting issuance of transportation permits to owners or owners' transportation agents and requiring the Wild Blueberry Commission of Maine to establish and administer the form and record-keeping requirements of transportation permits.

*Enacted law summary*

Public Law 1999, chapter 194 strengthens the laws concerning the illegal transportation of blueberries by extending liability from owners alone to any shipper or processor, limiting issuance of transportation permits to owners or owners' transportation agents and requiring the Wild Blueberry Commission of Maine to establish and administer the form and record-keeping requirements of transportation permits. The requirement for a transportation permit does not apply to shipments of wild blueberries that have been received by a shipper or processor, logged into a record-keeping system and reloaded into a vehicle for shipping under a bill of lading.

**LD 742**

**An Act to Amend the Animal Welfare Laws**

**PUBLIC 254**

<u>Sponsor(s)</u> BUMPS		<u>Committee Report</u> OTP-AM		<u>Amendments Adopted</u> H-444
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LD 742 proposed strengthening enforcement capabilities of humane agents within the Department of Agriculture, Food and Rural Resources. It proposed enacting a definition of a "dangerous dog," and amending the enforcement procedures for dangerous dogs. It proposed establishing an education requirement for humane agents. It proposed requiring that rabies tags verifying immunization be worn by dogs. It proposed expanding the provision concerning damage by animals to include all animals, and increasing the violation for failure to appear in court for a 3rd time on a civil violation. It proposed a fee for submitting calf and pig scramble applications.

It proposed a new violation of animal cruelty laws for administering a substance that is a detriment to the animal's health to enhance the animal's performance. It proposed granting the court the ability to prohibit a person who commits a civil violation of cruelty to animals from owning an animal. It proposed allowing the court to increase an animal abuse violation from a Class C crime to a Class D crime if, in the opinion of the court, the act of cruelty warranted the greater penalty. This bill was submitted on behalf of the Department of Agriculture, Food and Rural Resources.

**Committee Amendment "A" (H-444)** proposed several changes to the bill including removing sections of the bill relating to dangerous dogs, making technical changes to the bill and adding a fiscal note. (See bill summary for LD 575)

*Enacted law summary*

Public Law 1999, chapter 254 establishes an education requirement for humane agents. It requires that a dog wear a rabies tag to verify immunization. It removes the restrictions on when an animal control officer may take a dog whose owner is known to an animal shelter instead of returning the dog to its owner. It expands the provision concerning damage by dogs to include all animals. It sets a fee of \$10 to be submitted with a calf or pig scramble application.

It establishes a violation of animal cruelty laws for administering a substance that is a detriment to the animal's health to enhance the animal's performance. It grants the court the ability to prohibit a person who commits a civil violation of cruelty to animals from owning an animal. It expands the provision concerning damage by dogs to include all animals and specifies that the owner or keeper of the animal is liable for damages if the damage was due to that owner's or keeper's negligence.

It extends the animal trespass laws to apply to all animals. It clarifies that criminal violations of failure to provide sustenance, necessary medical care and shelter are Class D crimes. It imposes restrictions on the transportation of dogs in open vehicles. A violation is a traffic infraction as provided in the Maine Revised Statutes, Title 29-A.

**LD 743**                      **An Act to Make Confidential Certain Information Collected from Maine Farmers and Agricultural Business**                      **PUBLIC 140**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
KNEELAND	OTP-AM    MAJ ONTP        MIN	H-129 H-164 CAMERON

LD 743 proposed making business information reported to the Department of Agriculture, Food and Rural Resources confidential. It proposed to allow the department to publish a compilation of the information provided it does not identify an individual farmer or agricultural business and proposed to authorize federal and state agencies to still have access to the information. This bill was submitted on behalf of the Department of Agriculture, Food and Rural Resources.

**Committee Amendment "A" (H-129)** proposed to clarify the types of information designated as confidential.

**House Amendment "A" to Committee Amendment "A" (H-164)** proposed on behalf of the Committee on Bills in the Second Reading corrects a formatting error.

***Enacted law summary***

Public Law 1999, chapter 140 makes information provided to the Department of Agriculture, Food and Rural Resources confidential if the person providing the information requests that it be designated as confidential and the department determines that the information would provide competitors an advantage. It allows the department to publish a compilation of the information provided it does not identify the activities of an individual person or company.

**LD 744**                      **An Act to Change the Way Nursery License Fees Are Established**                      **PUBLIC 179**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
FULLER NUTTING J	OTP-AM	H-309 PIEH H-75

LD 744 proposed deleting the fee structure specified in law for a nursery license and requiring the Commissioner of Agriculture, Food and Rural Resources to establish these fees by rule. The bill also proposed making it a civil violation