

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

Staff:
Jill Ippoliti, Legislative Analyst

Office of Policy and Legal Analysis
Room 101/107/135, 13 State House Station
Augusta, ME 04333
(207)287-1670

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Maine State Legislature
OFFICE OF POLICY AND LEGAL ANALYSIS

13 State House Station, Augusta, Maine 04333-0013
Telephone: (207) 287-1670
Fax: (207) 287-1275

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).

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.

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

to sell nursery stock without a license with a forfeiture of not more than \$500. This bill was submitted on behalf of the Department of Agriculture, Food and Rural Resources.

Committee Amendment "A" (H-75) proposed retaining the current fee structure until major substantive rules are adopted to set fees. It proposed directing the Commissioner of Agriculture, Food and Rural Resources to provisionally adopt rules and submit them to the Legislature for review no later than January 1, 2000. It authorizes the Joint Standing Committee of Agriculture, Conservation and Forestry to report out legislation to the Second Regular Session of the 119th Legislature pertaining to fees for licensing sellers and dealers in nursery stock. The amendment also proposed to add a fiscal note to the bill.

House Amendment "A" to Committee Amendment "A" (H-309) proposed changing the date for the Department of Agriculture, Food and Rural Resources to provisionally adopt and submit rules to the Legislature for review from January 1, 2000 to December 31, 1999.

Enacted law summary

Public Law 1999, chapter 179 retains the current fee structure until major substantive rules are adopted to set fees. It directs the Commissioner of Agriculture, Food and Rural Resources to provisionally adopt rules and submit them to the Legislature for review no later than December 31, 1999. It authorizes the Joint Standing Committee of Agriculture, Conservation and Forestry to report out legislation to the Second Regular Session of the 119th Legislature pertaining to fees for licensing sellers and dealers in nursery stock.

LD 749 **An Act to Amend the Maine Land Use Regulation Commission Laws to Prohibit Fines on First-time Violators of Maine Land Use Regulation Commission Laws or Rules** **ONTP**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
KASPRZAK	ONTP MAJ OTP MIN	

LD 749 bill proposed prohibiting the Maine Land Use Regulation Commission from fining a first-time violator of the commission rules and requiring the commission to help the violator remedy the environmental damage that may have occurred.

LD 763 **Resolve, Authorizing the Director of the Bureau of Parks and Land to Convey a Well and Waterline Easement** **RESOLVE 6**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
PARADIS DESMOND	OTP	

LD 763 proposed authorizing the Director of the Bureau of Parks and Lands to convey a well and waterline easement over state-owned land for the purpose of developing a potable water supply for a residence in New Sweden. Under the Constitution of Maine and Maine Revised Statutes, Title 5, section 6209, subsection 6, state-owned land, which was acquired with funds from the Land for Maine's Future Fund, cannot be used for this purpose unless approved by a 2/3 majority of the Legislature. This bill was submitted on behalf of the Department of Conversation.

Enacted law summary