

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

MEMBERS:

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Sen. Marge L. Kilkelly

Sen. R. Leo Kieffer

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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).

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.

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

Resolve 1999, chapter 6 allows 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. The land was acquired with funds from the Land for Maine's Future Fund and, under the Maine Revised Statutes, Title 5, section 6209, subsection 6 and the Constitution of Maine, Article IX, section 23. This change of use was approved by a 2/3 majority of the Legislature.

LD 799

An Act Requiring Labeling of Unpasteurized Milk Products

PUBLIC 418

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
NUTTING J PIEH	OTP-AM	S-346

LD 799 proposed requiring that all unpasteurized milk products be labeled "This product has not been pasteurized."

Committee Amendment "B" (S-346) proposed replacing the bill. It proposed amendments to the statute governing farmstead cheese. It proposed labeling requirements for unpasteurized milk and products made from unpasteurized milk. It proposed prohibiting the sale of unpasteurized milk at restaurants and other eating establishments. This amendment also proposed to add a fiscal note to the bill.

Enacted law summary

Public Law 1999, chapter 418 establishes labeling requirements for unpasteurized milk and products made from unpasteurized milk. The label must contain the word "not pasteurized". It prohibits the sale of unpasteurized milk at restaurants and other eating establishments. It amends the statute governing farmstead cheese. It changes the term "farmstead cheese" to "farm cheese" and removes the restriction that this product only be sold at farms, farm stands and farmer's markets. It specifies that farm cheese must be made from milk that has been heat-treated in accordance with standards established in statute and rule. It requires eating establishments to identify items on the menu that contain or are made with farm cheese. It defines the term "established producer" and allows the label on and menu identification of their products to use the words "heat-treated" only. Farm cheese from other than established producers must be labeled or identified as "heat treated, not pasteurized". The labeling provision which applies to established producers only is repealed June 30, 2004.

LD 853

An Act to Prohibit the Destruction of Structures in Baxter State Park Without Prior Legislative Approval

ONTP

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
CLARK DAVIS P	ONTP	

LD 853 proposed prohibiting the Baxter State Park Authority from destroying, removing or closing a road, bridge, gate or other structure without gaining the prior approval of the Legislature.