

MAINE STATE LEGISLATURE

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**STATE OF MAINE
119TH LEGISLATURE**

SECOND REGULAR SESSION

**BILL SUMMARIES
JOINT STANDING COMMITTEE
ON
AGRICULTURE, CONSERVATION AND FORESTRY**

JULY 2000

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ONE HUNDRED NINETEENTH LEGISLATURE
SECOND REGULAR SESSION

Summary Of Legislation Before The Joint Standing Committees
July 2000

We are pleased to provide this summary of 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:

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
FAILED EMERGENCY ENACTMENT/FINAL PASSAGE..... Emergency bill failed to get 2/3 vote
FAILED ENACTMENT/FINAL PASSAGE..... Bill failed to get majority vote
FAILED MANDATE ENACTMENT..... Bill imposing local mandate failed to get 2/3 vote
NOT PROPERLY BEFORE THE BODY..... Ruled out of order by the presiding officers; bill died
INDEF PP..... Bill Indefinitely Postponed
ONT P..... 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 Second Regular Session (unless otherwise specified in a particular law) is August 11, 2000.

David E. Boulter, Director
Offices Located in the State House, Rooms 101 & 107

| <u>Sponsor(s)</u> | <u>Committee Report</u> | <u>Amendments Adopted</u> |
|-------------------|-------------------------|---------------------------|
| KILKELLY | OTP-AM MAJ | H-1134 MARTIN |
| DUNLAP | OTP-AM MIN | S-747 MICHAUD |

LD 1332 proposed repealing the current law and inserts in the Maine Criminal Code a prohibition on confined animal hunting operations, described as selling or offering to sell the opportunity to hunt an animal that is owned, controlled, confined or artificially enclosed for the purpose of facilitating the opportunity to hunt the animal. This bill proposed designating operation of confined animal hunting operations as a Class E crime.

The current cruelty-to-animals law prohibits hunting or selling for the purpose of hunting any animal that is not covered by the provisions of the Maine Revised Statutes, Title 12, Part 10, the laws administered and enforced by the Department of Inland Fisheries and Wildlife.

Committee Amendment "A" (S-655) proposed the majority committee report to replace the original bill. It proposed provisions for the Commissioner of Agriculture, Food and Rural Resources to issue a commercial large game shooting area license to existing operations that meet certain criteria and to regulate those operations. It proposed that the licenses expire no later than October 31, 2002, and at that time selling or offering to sell the opportunity to kill an animal that is owned or confined would be a Class D crime. This amendment was not adopted.

Committee Amendment "B" (S-656) proposed the minority committee report to replace the original bill. It proposed provisions for the Commissioner of Agriculture, Food and Rural Resources to issue a commercial large game shooting area license to operations that meet certain criteria. It differed from the majority report in that it allowed new operations to be licensed. It restricted the number of licenses issued per county and proposed allowing commercial large game shooting areas in only 8 counties. It allowed a license to be transferred. It differed from the majority report in that it did not propose prohibiting commercial hunting operations in 2 years. This amendment was not adopted.

House Amendment "A" (H-1134) proposed replacing the bill. The amendment proposed the provisions of the majority report of the Joint Standing Committee on Agriculture, Conservation and Forestry except that it proposed removing the 2-year sunset, added bison to the game animals that could be killed in a shooting area, and allowed a license to be transferred.

Senate Amendment "A" to House Amendment "A" (S-747) requires the first \$1,120 collected each year in license fees and transport tag fees to be deposited in the General Fund.

Enacted law summary

Public Law 1999, chapter 765 requires a person who operates a commercial large game shooting area to obtain a license. It establishes provisions for the Commissioner of Agriculture, Food and Rural Resources to issue a commercial large game shooting area license only to operations that existed between October 1, 1999 and March 15, 2000. It prohibits killing of any animal other than domesticated deer, bison and boar on a commercial large game shooting area and defines those terms. It establishes facility requirements and weapons restrictions for these operations. It clarifies that laws pertaining to animal welfare and disease control apply to animals kept at a commercial large game shooting area.

It identifies chronic wasting disease in statute as a reportable disease. The commissioner currently determines by rule which diseases are "reportable." Any person who has knowledge of the existence of or exposure to a reportable disease is required to report this to the Department of Agriculture, Food and Rural Resources. It directs the commissioner to monitor reports of chronic wasting disease and progress in developing diagnostic tests and vaccinations for the disease and to develop a program to prevent the introduction of chronic wasting disease into the State.

Chapter 765 makes it a violation of civil and criminal cruelty to animals statutes for anyone to hunt or sell for the purpose of hunting any animal except as permitted in a licensed commercial large game shooting area or in statutes administered and enforced by the Department of Inland Fisheries and Wildlife.

LD 1475

An Act to Clarify the Tree Growth Tax Law

ONTP

| | | |
|----------------------------------------|---------------------------------|---------------------------|
| <u>Sponsor(s)</u> PINGREE GAGNON | <u>Committee Report</u> ONTP | <u>Amendments Adopted</u> |
|----------------------------------------|---------------------------------|---------------------------|

LD 1475 proposed requiring landowners who own more than 100,000 acres of land in the State to harvest at or below a sustainable level on their forest land taxed under the Maine Tree Growth Tax Law. It also proposed requiring the Department of Conservation to adopt rules to establish a procedure for determining landowner compliance.

LD 1567

An Act to Help Farmers to Protect the Quality of Milk

PUBLIC 618

| | | |
|----------------------------------------|-----------------------------------|------------------------------------|
| <u>Sponsor(s)</u> WESTON DAVIS P | <u>Committee Report</u> OTP-AM | <u>Amendments Adopted</u> H-934 |
|----------------------------------------|-----------------------------------|------------------------------------|

LD 1567 proposed making the Department of Agriculture, Food and Rural Resources the arbitrator in disputes over milk test results. It proposed directing the department to establish by rule the tests appropriate for various aspects of milk quality testing.

Committee Amendment "A" (H-934) proposed replacing the original bill. It directs the Commissioner of Agriculture, Food and Rural Resources to develop a process for obtaining and testing samples of milk when a milk producer disputes the results of a test or a component analysis conducted by an employee of a milk plant.

Enacted law summary

Public Law 1999, chapter 618 directs the Commissioner of Agriculture, Food and Rural Resources to develop a process for obtaining and testing samples of milk when a milk producer disputes the results of a test or a component analysis conducted by an employee of a milk plant.