

MAINE STATE LEGISLATURE

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*State Of Maine
120th Legislature*

First Regular Session

Bill Summaries

*Joint Standing Committee
on
Agriculture, Conservation and Forestry*

August 2001

Members:

*Sen. Richard Kneeland, Chair
Sen. John Nutting
Sen. Marge L. Kilkelly*

*Rep. Linda Rogers McKee, Chair
Rep. Paul Volenik
Rep. Susan M. Hawes
Rep. Sally Landry*

*Rep. Jacqueline A. Lundeen
Rep. Raymond G. Pineau
Rep. Walter R. Gooley
Rep. Clifton E. Foster
Rep. Roderick W. Carr
Rep. Arlan R. Jodrey*

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**120th Legislature
First Regular Session**

**Summary Of Legislation Before The Joint Standing Committees
August 2001**

Enclosed please find a summary of all bills, resolves, joint study orders, joint resolutions and Constitutional resolutions that were considered by the joint standing 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 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*
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*
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 21, 2001**.

David E. Boulter, Director
Offices Located in the State House, Rooms 101/107/135

Joint Standing Committee on Agriculture, Conservation and Forestry

for a first offense of aggravated cruelty to animals and defined aggravated cruelty as causing extreme physical pain to or maliciously killing or intentionally torturing an animal. LD 1761 proposed including, under the definition of animal cruelty, the act of killing or torturing an animal to frighten or intimidate a child or forcing a child to injure or kill a domestic animal. It proposed requiring a juvenile convicted of animal cruelty to receive psychiatric or psychological counseling. It proposed eliminating the provision allowing an owner to lawfully kill that person's dog or cat. The bill also proposed amending specifications for shelter that must be available for a dog to protect it from inclement weather.

Committee Amendment "A" (H-423) proposed eliminating some provisions in the original bill and clarifying others. It proposed higher fines for civil and criminal violations of the animal cruelty laws and additional conditions under which a person convicted of criminal cruelty to animals could be sentenced for a Class C crime.

Enacted law summary

Public Law 2001, chapter 425 increases the penalties for civil and criminal violations of the animal cruelty laws. It creates a new category of aggravated cruelty to animals and makes it a Class C crime. It includes killing or torturing an animal to frighten or intimidate a person or forcing a person to injure or kill an animal in the list of behaviors that constitute cruelty to animals. It enacts additional conditions under which a person convicted of criminal cruelty to animals may be sentenced for a Class C crime.

LD 1690

An Act to Promote Outcome-based Forest Policy

PUBLIC 339

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
NUTTING J	OTP-AM MAJ OTP-AM MIN	S-222

LD 1690 proposed directing the Director of the Bureau of Forestry in cooperation with private landowners to create experimental areas on private land where the principles and applicability of outcome-based forest policy could be applied and tested. The bill proposed a definition of outcome-based forest policy.

Committee Amendment "A" (S-222) proposed the majority report, specifying that the designated experimental areas may be on public as well as private land. It also proposed clarifying that provisions relating to the experimental areas sunset on July 1, 2006 and requiring a report by the Department of Conservation, Bureau of Forestry to the Legislature with recommendations no later than December 31, 2005.

Committee Amendment "B" (S-223) proposed the minority report. In addition to changes proposed in the majority report, it proposed additional language regarding tests to evaluate the impact of forest management on each of 6 criteria.

Enacted law summary

Public Law 2001, chapter 339 directs the Director of the Bureau of Forestry, in cooperation with public and private landowners, to create experimental areas where the principles and applicability of outcome-based forest policy can be applied and tested. Chapter 339 defines "outcome-based forest policy" and requires the Governor to appoint a panel of technical experts to work with the director in implementing, monitoring and assessing tests of outcome-based forestry principles. It requires the Director of the Bureau of Forestry to

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report to the Legislature by December 31, 2005 on the feasibility of implementing outcome-based forestry as a basis for forest policy. The provisions regarding outcome-based forestry sunset July 1, 2006.

LD 1695

An Act to Clarify, Enhance and Strengthen the Animal Welfare Laws of Maine

**PUBLIC 399
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
WATSON NUTTING J	OTP-AM	H-613

LD 1695 proposed changing the composition of the Animal Welfare Advisory Committee. It would have required nonlegislative appointments to be reviewed by the joint standing committee of the Legislature having jurisdiction over animal welfare and to be confirmed by the Senate. It proposed requiring the Commissioner of Agriculture, Food and Rural Resources to provisionally adopt rules to implement the cruelty to animals laws and for the rules to be reviewed by the Legislature as major substantive rules prior to final adoption. It proposed directing the Commissioner of Agriculture, Food and Rural Resources to develop a mechanism to share information on persons convicted of animal cruelty with the Department of Human Services and the Department of Public Safety. It proposed requiring the Commissioner of Agriculture, Food and Rural Resources to study and make recommendations for increasing funding for animal welfare programs and authorizing the Joint Standing Committee on Agriculture, Conservation and Forestry to report out legislation to the Second Regular Session of the 120th Legislature.

Committee Amendment "A" (H-613) proposed replacing the original bill. It proposed several changes to the statutes relating to animal welfare and animal control including revising the membership and responsibilities of the Animal Welfare Advisory Committee

LD 1733

An Act to Prohibit the Misbranding of Genetically Engineered Food

PUBLIC 334

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
KILKELLY GOOLEY	OTP-AM MAJ ONTP MIN	S-201

LD 1733 proposed allowing a food, food product or food ingredient to be labeled indicating that the product is free of or made without recombinant deoxyribonucleic acid technology, genetic engineering or bioengineering, in accordance with rules adopted by the Department of Agriculture, Food and Rural Resources.

Committee Amendment "A" (S-201) proposed the majority report of the Joint Standing Committee on Agriculture, Conservation and Forestry. This amendment proposed designating the rules authorized as routine technical rules and changing the implementation date to January 1, 2002. It also proposed allowing a food 1% or less of which consists of genetically engineered ingredients to be labeled as free of genetically engineered ingredients.