

MAINE STATE LEGISLATURE

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*State Of Maine
121st Legislature*

First Regular Session

Bill Summaries

*Joint Standing Committee
on
Agriculture, Conservation and Forestry*

July 2003

Members:

*Sen. Bruce S. Bryant, Chair
Sen. Richard Kneeland
Sen. Edward M. Youngblood*

*Rep. Linda Rogers McKee, Chair
Rep. Jacqueline A. Lundeen
Rep. Raymond G. Pineau
Rep. John F. Piotti
Rep. Nancy E. Smith
Rep. Roderick W. Carr
Rep. Ken Honey
Rep. Kenneth C. Fletcher
Rep. Eugene L. Churchill
Rep. John Eder*

Staff:

Jill Ippoliti, Legislative Analyst

*Office of Policy and Legal Analysis
13 State House Station
Augusta, ME 04333
(207) 287-1670*

Maine State Legislature



Office Of Policy And Legal Analysis Office Of Fiscal And Program Review

121st Maine Legislature First Regular Session

Summary Of Legislation Before The Joint Standing Committees

Enclosed please find a summary of all bills, resolves, joint study orders, joint resolutions and Constitutional resolutions that were considered by the joint standing and joint 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 arranged alphabetically by committee name 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:

<i>CARRIED OVER PURSUANT TO HP 1212</i>	<i>Bills carried over to the 2nd Regular Session</i>
<i>CON RES XXX</i>	<i>Chapter # of Constitutional Resolution passed by both Houses</i>
<i>CONF CMTE UNABLE TO AGREE</i>	<i>Committee of Conference unable to agree; bill died</i>
<i>DIED BETWEEN BODIES</i>	<i>House & Senate disagree; bill died</i>
<i>DIED IN CONCURRENCE</i>	<i>One body accepts ONTP report; the other indefinitely postpones the bill</i>
<i>DIED ON ADJOURNMENT</i>	<i>Action incomplete when session ended; bill died</i>
<i>EMERGENCY</i>	<i>Enacted law takes effect sooner than 90 days</i>
<i>FAILED EMERGENCY ENACTMENT/FINAL PASSAGE</i>	<i>Emergency bill failed to get 2/3 vote</i>
<i>FAILED ENACTMENT/FINAL PASSAGE</i>	<i>Bill failed to get majority vote</i>
<i>FAILED MANDATE ENACTMENT</i>	<i>Bill imposing local mandate failed to get 2/3 vote</i>
<i>NOT PROPERLY BEFORE THE BODY</i>	<i>Ruled out of order by the presiding officers; bill died</i>
<i>INDEF PP</i>	<i>Bill Indefinitely Postponed</i>
<i>ONTP</i>	<i>Ought Not To Pass report accepted</i>
<i>OTP-ND</i>	<i>Committee report Ought To Pass In New Draft</i>
<i>P&S XXX</i>	<i>Chapter # of enacted Private & Special Law</i>
<i>PASSED</i>	<i>Joint Order passed in both bodies</i>
<i>PUBLIC XXX</i>	<i>Chapter # of enacted Public Law</i>
<i>RESOLVE XXX</i>	<i>Chapter # of finally passed Resolve</i>
<i>UNSIGNED</i>	<i>Bill held by Governor</i>
<i>VETO SUSTAINED</i>	<i>Legislature failed to override Governor's Veto</i>

Please note that the effective date for all non-emergency legislation enacted in the First Regular Session (unless otherwise specified in a particular law) is September 13, 2003.

David C. Elliott, Director
Offices located in Room 215 of the Cross Office Building

LD 1228

An Act To Address Concerns Regarding the Breeding and Sale of Certain Small Mammals

**PUBLIC 350
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MCKEE	OTP-AM	H-448

LD 1228 proposed requiring a person who breeds guinea pigs to obtain a license from the Department of Agriculture, Food and Rural Resources and requiring pet shops and guinea pig breeding facilities to keep sales records. It also proposed prohibiting the sale of guinea pigs less than 8 weeks old.

Committee Amendment "A" (H-448) proposed replacing the bill. It proposed placing in statute certain record-keeping requirements that are in rule and directing the Commissioner of Agriculture, Food and Rural Resources to report to the Joint Standing Committee on Agriculture, Conservation and Forestry on the regulation of breeders and sellers of small mammals commonly kept as pets.

Enacted Law Summary

Public Law 2003, chapter 350 places in statute certain record-keeping requirements that are in rule, except that it also requires records to be kept on lagomorphs. It directs the Commissioner of Agriculture, Food and Rural Resources to report to the Joint Standing Committee on Agriculture, Conservation and Forestry no later than December 31st on the regulation of breeders and sellers of small mammals commonly kept as pets. It authorizes the committee to report out a bill during the Second Regular Session of the 121st Legislature regarding regulation of these breeders and sellers.

Public Law 2003, chapter 350 was enacted as an emergency measure effective May 30, 2003.

LD 1282

An Act To Amend the Laws Governing Agricultural Marketing and Bargaining

PUBLIC 329

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MARTIN SMITH W	OTP-AM	S-160

LD 1282 proposed amendments to the laws governing agricultural marketing and bargaining. It proposed assessing nonmembers an association fair share fee equal to 75% of the amount charged to association members. Under current law, for matters submitted to arbitration, the arbitrator must choose between final offers of the parties. LD 1282 proposed allowing the arbitrator to choose between final offers or issue a decision within the parameters of the final offers of the parties. It proposed to specify that mediation of disputes between the handler and the qualified association may not continue for more than 3 consecutive days for annual crops. It proposed to require that the list of arbitrators submitted contain the names of only those arbitrators who are available for the specific pending arbitration and have expressed a willingness to serve.

Committee Amendment "A" (S-160) proposed distinguishing between nonmember producers who enter into contracts with a dealer or processor based on whether the contract was entered into before or after the association signed an agreement with the dealer or processor for the purposes of assessing a fair share fee. It proposed

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allowing a nonmember to choose whether the assessment would be deposited in a scholarship fund or remitted to the association. It proposed removing the provision allowing an arbitrator to issue a decision within the parameters of the final offer of the parties.

Enacted Law Summary

Public Law 2003, chapter 329 makes changes to the laws governing agricultural marketing and bargaining. It establishes a fair share fee at 50% of association member dues and distinguishes between nonmember producers who enter into contracts with a dealer or processor based on whether the contract was entered into before or after the association signed an agreement with the dealer or processor. It allows a nonmember signing a contract after the association's agreement is signed to choose between having that nonmember's fair share dues paid to the association or deposited in a scholarship fund established by the dealer or processor. It gives a nonmember signing a contract before the association's agreement is signed the option of having a fair share fee withheld and deposited in a scholarship fund established by the dealer or processor but requires a dealer or processor to withhold the fair share fee if the nonmember's contract changes after the association signs an agreement and the changes increase the value of the nonmember's contract.

It amends the provision for a 3-day limit for mediation of disputes between the handler and the qualified association for annual crops to specify that the 3 days must be consecutive business days. It requires that the list of arbitrators submitted contain the names of only those arbitrators who are available for the specific pending arbitration and have expressed a willingness to serve.

LD 1378

An Act To Provide Financial Relief for Maine Dairy Farmers

**PUBLIC 120
EMERGENCY**

Sponsor(s)
PIOTTI
BRYANT

Committee Report
OTP-AM

Amendments Adopted
H-271

LD 1378 proposed to allow money in the Agricultural Marketing Loan Fund to be used as security for, and to be applied to, payment of principal, interest and other amounts due on loans insured by the Finance Authority of Maine to eligible dairy farmers.

Committee Amendment "A" (H-271) proposed to allow the Commissioner of Agriculture, Food and Rural Resources to use the Agricultural Marketing Loan Fund to provide additional financial assistance to dairy farmers. It also proposed to transfer certain savings in other accounts within the department to the Maine Milk Commission for distribution to Maine milk producers. It also proposed to provide direct subsidy payments to the State's dairy farmers through the Maine Milk Pool in the event that the base price for milk falls below \$16.94 in any of the months from September 2003 to December 2003.