

# MAINE STATE LEGISLATURE

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*State Of Maine  
121st Legislature*

*Second Regular Session and  
Second Special Session*

*Bill Summaries*

*Joint Standing Committee  
on  
Agriculture, Conservation and Forestry*

*May 2004*

**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. Eugene L. Churchill  
Rep. Kenneth C. Fletcher  
Rep. John Eder*

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*Maine State Legislature*



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

*121st Maine Legislature  
Second Regular Session and  
Second Special 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/billsumm.htm](http://www.state.me.us/legis/opla/billsumm.htm)).

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
- ONTP..... Ought Not To Pass report accepted
- OTP-ND ..... Committee report Ought To Pass In New Draft
- P&S XXX..... Chapter # of enacted Private & Special Law
- PASSED..... Joint Order passed in both bodies
- 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 that the effective date for all non-emergency legislation enacted in the Second Regular Session (unless otherwise specified in a particular law) is April 30, 2004; and non-emergency legislation enacted in the Second Special Session is July 30, 2004. Four bills (LD's 1572, 1629, 1636 and 1637) that were considered at the First Special Session in August 2003 are also included in these summaries.

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

*Joint Standing Committee on Agriculture, Conservation and Forestry*

**Enacted Law Summary**

Resolve 2003, chapter 129 authorizes the Commissioner of Inland Fisheries and Wildlife to transfer land on Peaks Island designated as a state-owned wildlife management area to the Peaks Island Land Preserve. It requires that the deed conveying the property contain provisions ensuring appropriate conservation of the property.

**LD 1742**                      **An Act To Amend the Laws Regarding Humane Agents and Kennel Licenses**                      **PUBLIC 536**

<u>Sponsor(s)</u> SMITH N		<u>Committee Report</u> OTP-AM		<u>Amendments Adopted</u> H-680
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LD 1742 proposed amending the Animal Welfare Act to clarify training requirements for humane agents and remove the use of the term "pack or collection" for kennel licensing purposes. It also proposed amending provisions for the Internet licensing project established during the First Session of the Legislature. Public Law 2003, Chapter 405 provides for a municipality to receive \$3 for each dog license issued by the Department of Agriculture, Food and Rural Resources via the Internet. LD 1742 proposed that a municipality be entitled to only \$1 for dogs capable of producing young and licensed over the Internet, the same as the municipality receives when the municipal clerk issues a license for a dog capable of producing young.

**Committee Amendment "A" (H-680)** proposed removing the section of the bill that would reduce the fee a municipality receives for a dog capable of producing young and licensed under the Internet licensing project.

**Enacted Law Summary**

Public Law 2003, chapter 536 clarifies that all humane agents are required to complete training in the handling of small and large animals and a minimum of 40 hours of training annually. It removes the use of the term "pack or collection" in the definition of "kennel" and under the kennel licensing provisions. Instead the term "5 or more dogs" is used. Kennel licensing provisions apply to a person who keeps 5 or more dogs for breeding, hunting, show, training, field trials or exhibition purposes.

**LD 1782**                      **An Act To Ensure Fair Payment for Timber Harvesting Jobs on Land Managed by the Department of Conservation, Bureau of Parks and Lands**                      **PUBLIC 549**

<u>Sponsor(s)</u> JACKSON STANLEY		<u>Committee Report</u> OTP-AM		<u>Amendments Adopted</u> H-714
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LD 1782 proposed prohibiting the Department of Conservation, Bureau of Parks and Lands from entering into a contract with an individual who is not a United States resident for the cutting, skidding or hauling of timber on or from public reserved lands or nonreserved public lands. It also proposed requiring a contract for harvesting or

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hauling timber on reserved or nonreserved land to include a provision prohibiting a person who is not a United States resident from cutting, skidding or hauling timber on or from reserved or nonreserved land.

**Committee Amendment "A" (H-714)** proposed replacing the bill. It proposed requiring a contract to harvest timber on the public reserved and nonreserved lands to specify wage or piece rates and equipment allowances that equal or exceed rates and allowances established by the Department of Labor. It proposed authorizing the Director of the Bureau of Parks and Lands to establish wages or piece rates and allowances to apply on the reserved and nonreserved lands if a prevailing wage or piece rate or equipment allowance had not been established by the Department of Labor for a specific harvesting occupation or type of equipment.

### ***Enacted Law Summary***

Public Law 2003, chapter 549 requires a contract to harvest timber on the public reserved and nonreserved lands to include a provision requiring that timber harvesters be paid a wage or piece rate not less than the prevailing wage or rate established by the Department of Labor and equipment allowances equal to or greater than the allowances established by the Department of Labor. If a prevailing wage or piece rate is not established by the Department of Labor for a specific harvesting occupation or an equipment allowance is not established by the Department of Labor for a specific type of equipment, the Director of the Bureau of Parks and Lands is authorized to establish wages or piece rates and allowances to apply on the reserved and nonreserved lands.

**LD 1852**

**An Act To Extend the Dairy Stabilization Subsidy Through  
May 31, 2004**

**PUBLIC 522  
EMERGENCY**

Sponsor(s)  
COLWELL  
BRYANT

Committee Report  
OTP

Amendments Adopted

The budget bill enacted as Public Law 2003, chapter 513, included language extending the dairy stabilization subsidy program through June of 2004. LD 1852 proposed to remove the dairy stabilization subsidy from the recently enacted budget and enact it as separate, emergency legislation in order for the financial assistance to be available immediately upon enactment.

### ***Enacted Law Summary***

Public Law 2003, chapter 522 extends dairy stabilization payments for milk produced between January 1, 2004 and May 31, 2004 and caps the total amount to be distributed for this period at \$2,100,000. During the First Session of the 121<sup>st</sup> Legislature, Public Law 2003, chapter 120 established provisions for distributing payments to Maine's dairy farmers for any month from September through December of 2004 in which the base price of milk fell below \$16.94 per hundredweight. Chapter 120 provided for payments based on 55% of the difference between the target price of \$16.94 and the base price. Chapter 522 retains the target price of \$16.94 but provides for payments to be calculated based on 40% of the difference in target price and base price.

Public Law 2003, chapter 522 was enacted as an emergency measure effective February 20, 2004.