

MAINE STATE LEGISLATURE

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*State Of Maine
122nd Legislature*

*First Regular Session and
First Special Session*

Bill Summaries

*Joint Standing Committee
on
Agriculture, Conservation and Forestry*

August 2005

Members:

*Sen. John M. Nutting, Chair
Sen. Bruce S. Bryant
Sen. Kevin L. Raye*

*Rep. John F. Piotti, Chair
Rep. Jacqueline A. Lundeen
Rep. Raymond G. Pineau
Rep. Joanne T. Twomey
Rep. Rodney C. Jennings
Rep. Roderick W. Carr
Rep. Arlan R. Jodrey
Rep. Roger L. Sherman
Rep. Patrick S. A. Flood
Rep. Donald G. Marean*

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Maine State Legislature

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122nd Legislature
First Regular Session and First Special Session

Summary of Legislation Considered by the Joint Standing Committees
August 2005

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. A subject index for each committee is included immediately before the bill summaries for that committee, and a numerical index by LD number is included 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 June 29, 2005; and for non-emergency legislation enacted in the First Special Session is September 17, 2005.

Joint Standing Committee on Agriculture, Conservation and Forestry

LD 143

An Act To Improve Access to Public Lands

PUBLIC 205

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
NUTTING J SAVIELLO	OTP-AM	S-146

LD 143 proposed amending the law enacted as a Citizen's Initiative in 1975 that created the Bigelow Preserve. It proposed language that would specifically authorize management for cross-country skiing and use of motorized vehicles for maintaining cross-country ski trails.

Committee Amendment "A" (S-146) proposed replacing the bill. It proposed alternate language to clearly authorize the Department of Conservation, Bureau of Parks and Lands to construct and maintain a segment of trail within the preserve. It proposed a general location for the trail and authorized use of motorized equipment and vehicles for construction and maintenance of the trail.

Enacted law summary

Public Law 2005, chapter 205 provides clear authorization to the Department of Conservation, Bureau of Parks and Lands, to construct and maintain a trail in the southeast corner of the Bigelow Preserve for cross-country skiing and other nonmotorized uses. It limits the length and general location of the trail and allows motorized equipment to be used for trail construction and maintenance.

LD 178

An Act To Support Animal Welfare

PUBLIC 281

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
DAVIS G	OTP-AM	H-329 H-444 PIOTTI

LD 178 proposed requiring that the registration fees to distribute commercial feed be deposited entirely in the Animal Welfare Fund, instead of half being deposited in the Animal Welfare Fund and half in the General Fund.

Committee Amendment "A" (H-329) proposed replacing the bill with alternative approaches to increasing funding to the Animal Welfare Fund and the Companion Animal Sterilization Fund. It also proposed correcting an omission of the designation for aggravated cruelty to animals as a Class C crime. This omission occurred in Public Law 2003, chapter 452, An Act to Implement Recommendations of the MCJUSTIS Policy Board Concerning the Drafting of Crimes and Civil Violations Pursuant to Resolve 1997, Chapter 105, as Amended. The committee amendment proposed a retroactivity clause for this correction with an effective date of July 1, 2004, the date that P.L. 2003, chapter 452 became effective.

House Amendment "A" to Committee Amendment "A" (H-444) proposed removing the retroactivity clause relating to the Maine Revised Statutes, Title 17, section 1031, subsection 1-B.

Joint Standing Committee on Agriculture, Conservation and Forestry

Enacted law summary

Public Law 2005, chapter 281 imposes a surcharge of \$20 for each brand of pet food registered in the State, to be deposited in the Animal Welfare Fund. It imposes a surcharge of \$4 for each sample submitted to the Department of Agriculture, Food and Rural Resources for testing for equine infectious anemia. The testing surcharge is to be deposited in the animal welfare auxiliary fund and used for investigations and enforcement of the animal welfare laws pertaining to equines. It imposes a surcharge of \$25 on each unneutered cat or dog sold by a breeding kennel or a pet shop. This surcharge is deposited in the Companion Animal Sterilization Fund.

It corrects an omission of the designation of criminal class for aggravated cruelty to animals. This omission occurred in Public Law 2003, chapter 452, An Act to Implement Recommendations of the MCJUSTIS Policy Board Concerning the Drafting of Crimes and Civil Violations Pursuant to Resolve 1997, Chapter 105, as amended. This carries out the intent of chapter 452 with regard to the provision for aggravated cruelty to animals, which was to make technical changes only. Aggravated cruelty to animals is a Class C crime.

The correction to the aggravated cruelty statute, Maine Revised Statutes, Title 17, section 1031, subsection 1-B, was also incorporated in the Judiciary Committee Amendment to LD 1622, An Act to Correct Errors and Inconsistencies in the Laws of Maine. LD 1622 was enacted as P.L. 2005, Chapter 397, an emergency measure effective June 17, 2005.

LD 188 **An Act To Promote the Uniform Implementation of the Statewide Standards for Timber Harvesting and Related Activities in Shoreland Areas** **PUBLIC 226**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
SAVIELLO PERRY J	OTP-AM	H-371

LD 188 proposed changing the effective date of January 1, 2006 for rules regulating timber harvesting activities in shoreland areas within the jurisdiction of the Maine Land Use Regulation Commission (LURC). It proposed making implementation of the rules within LURC jurisdiction contingent on acceptance of the standards by more than half of the State's municipalities.

Committee Amendment "A" (H-371) proposed replacing the bill, making the effective date for rules regulating timber harvesting activities in shoreland areas contingent on acceptance of the statewide standards by 252 municipalities on a list of 336 municipalities.

Enacted law summary

Public Law 2005, chapter 226 makes the effective date for rules regulating timber harvesting activities in shoreland areas contingent on acceptance of the statewide standards by 252 municipalities on a list of 336 municipalities. It requires the Commissioner of Conservation to notify the Secretary of State when the 252-municipality threshold has been reached and to submit legislation to make any necessary statutory revisions prior to the effective date for the statewide standards. Beginning on the effective date the standards will apply within the jurisdiction of the Maine Land Use Regulation Commission.