

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
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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 1395

An Act Regarding National Forests

PUBLIC 258

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
RAYE MCLEOD	OTP-AM MAJ ONTP MIN	S-212

LD 1395 proposed repealing statutory language that gives the consent of the State to the acquisition by the Federal Government of land for national forests. It proposed removing language that specifically gives the consent of the State to the acquisition by the Federal Government of land in Hancock and Washington counties and in parts of Penobscot and Aroostook counties for national forests.

Committee Amendment "A" (S-212) proposed retaining provisions in the Maine Revised Statutes, Title 12, section 751 pertaining to concurrent jurisdiction.

Enacted law summary

Public Law 2005, chapter 258 removes statutory language giving the consent of the State for acquisition by the Federal Government of land that the Federal Government determines is needed for national forests. The bill also removes specific language that gives the consent of the State to the acquisition by the Federal Government of land in Hancock and Washington counties and in parts of Penobscot and Aroostook counties for national forests.

LD 1406

An Act To Preserve Public Access and Job Opportunities in the North Woods

CARRIED OVER

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
COWGER PIOTTI		

LD 1406 proposes the Maine Woods Act and establishing the Maine Woods Board as a public instrumentality of the State. As proposed, the board's central duty is to support sustainable forestry and provide public access and recreational opportunities through the acquisition and maintenance of forest lands. The board would have independent bonding authority to support the Maine Woods Fund, as established in this bill. This bill was carried over by H.P. 1203 to the next special or regular session of the 122nd Legislature.

LD 1426

An Act To Amend Certain Milk and Milk Products Laws

PUBLIC 270

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
SMITH N NUTTING J	OTP-AM	H-470

LD 1426 proposed repealing certain sections of law having to do with the licensing, inspection and testing of farm cheese. It proposed provisions for the labeling and sale of heat-treated cheeses.

Committee Amendment "A" (H-470) proposed clarifications to the provisions for labeling heat-treated cheese.

Enacted law summary

Joint Standing Committee on Agriculture, Conservation and Forestry

Public Law 2005, chapter 270 repeals certain sections of law relating to the licensing, inspection and testing of farm cheese. It allows heat-treated cheeses to be produced, labeled and sold in a manner similar to other products made from unpasteurized milk.

LD 1432

An Act To Reestablish the Milk Handling Fee

**PUBLIC 396
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
LERMAN PERRY J	OTP-AM	H-602

LD 1432 proposed establishing a milk handling fee at the rate of 5¢ per quart on milk handled for retail sale in Maine. It proposed that the fee would be paid on a monthly basis by the wholesale handler or, if there is none, by the retail handler. It proposed that the proceeds of the fee be paid to the State's General Fund for general purposes of State Government with one exception. It proposed that the State Tax Assessor pay \$1,000,000 from the proceeds of the milk handling fee to the Maine Farms for the Future Program.

Committee Amendment "A" (H-602) proposed a rate schedule for the fee that would vary inversely with the price of milk and a trigger for initiating the fee. It proposed adding definitions to the bill for "basic price" and "producer-handler" and an exception from the fee for producer-handlers who sell less than 10,000 hundredweight per year. It proposed allowing the State Tax Assessor to share information with the Maine Milk Commission. It also proposed removing the provision for funding to the Maine Farms for the Future Program.

Enacted law summary

Public Law 2005, chapter 396 establishes a milk handling fee similar to the fee in effect in 1995 and 1996. Proceeds of the fee are paid to the State's General Fund for general purposes of State Government. Chapter 396 establishes a rate schedule that varies inversely with the price of milk and a trigger for initiating the fee. The handling fee is initiated after the basic price of milk falls below \$18 per hundredweight for 2 consecutive months. Producer-handlers who sell less than 10,000 hundredweight per year are exempt from payment of the fee.

Public Law 2005, chapter 396 was enacted as an emergency measure effective June 17, 2005.

LD 1473

An Act To Strengthen the Animal Welfare Laws

PUBLIC 422

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
PIOTTI	OTP-AM	H-502

LD 1473 proposed several amendments to the animal welfare laws. It proposed a definition for "abandonment" and "abandon" and proposed specific penalties for abandoning animals. It proposed a violation and penalty for impersonating a state humane agent. It proposed late fees for failure to renew animal facility licenses. It proposed a rabies vaccination requirement for dogs independent of the dog licensing law. It proposed additional disclosure requirements for pet dealers and amending the definition of "breeding kennel."

Committee Amendment "A" (H-502) proposed replacing the bill, retaining and rewriting provisions relating to rabies vaccination, late fees for facilities licenses and animals abandoned at animal care facilities.