

# 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:**

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Sen. Bruce S. Bryant  
Sen. Kevin L. Raye*

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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*

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><br>LERMAN<br>PERRY J | <u>Committee Report</u><br>OTP-AM | <u>Amendments Adopted</u><br>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><br>PIOTTI | <u>Committee Report</u><br>OTP-AM | <u>Amendments Adopted</u><br>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.

*Joint Standing Committee on Agriculture, Conservation and Forestry*

***Enacted law summary***

Public Law 2005, chapter 422 establishes a rabies vaccination requirement for dogs independent of the dog licensing law. It establishes a late fee for failure to renew a kennel, pet shop or animal shelter license within 30 days of the license expiration. It prohibits the Department of Agriculture, Food and Rural Resources from issuing a license for a breeding kennel to a person convicted or adjudicated of animal cruelty violations. It makes abandonment a Class C crime if the animal dies as a result of abandonment. It makes it a Class D crime to abandon an animal at a veterinarian's office, boarding kennel, animal grooming facility or animal day-care facility and establishes a process for notification of an owner and disposition of the abandoned animal.

**LD 1547**                      **An Act To Ensure Appropriate Development in Lands under the Jurisdiction of the Maine Land Use Regulation Commission**                      **ONTP**

| <u>Sponsor(s)</u> | <u>Committee Report</u> | <u>Amendments Adopted</u> |
|-------------------|-------------------------|---------------------------|
| PERCY<br>DAMON    | ONTP                    |                           |

LD 1547 proposed requiring the Maine Land Use Regulation Commission to establish a statewide plan for development guidelines in areas not currently developed and further limiting actions by the commission while the plan is being developed.

**LD 1560**                      **An Act To Transfer the Pest Control Compact from the Department of Conservation to the Department of Agriculture, Food and Rural Resources**                      **PUBLIC 147**

| <u>Sponsor(s)</u> | <u>Committee Report</u> | <u>Amendments Adopted</u> |
|-------------------|-------------------------|---------------------------|
| FLOOD             | OTP                     |                           |

LD 1560 proposed transferring responsibilities for administration of the Pest Control Compact from the Department of Conservation, Bureau of Forestry to the Department of Agriculture, Food and Rural Resources.

***Enacted law summary***

Public Law 2005, chapter 147 repeals the Pest Control Compact currently contained in the Maine Revised Statutes, Title 12 under the laws governing the Department of Conservation, Bureau of Forestry and enacts the compact instead in Title 7 under the laws governing the Department of Agriculture, Food and Rural Resources.