

# MAINE STATE LEGISLATURE

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*State Of Maine  
122nd Legislature*

*Second Regular Session*

*Bill Summaries*

*Joint Standing Committee  
on  
Agriculture, Conservation and Forestry*

*July 2006*

**Members:**

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

*Rep. John F. Piotti, Chair  
Rep. Jacqueline A. Lundeen  
Rep. Joanne T. Twomey  
Rep. Rodney C. Jennings  
Rep. Roderick W. Carr  
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Rep. Roger L. Sherman  
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Rep. Donald G. Marean  
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# Maine State Legislature



## Office of Policy and Legal Analysis Office of Fiscal and Program Review

### 122nd Maine Legislature Second 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 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 (Pocket Veto).....	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 August 23, 2006.

*Joint Standing Committee on Agriculture, Conservation and Forestry*

**LD 1863**

**An Act To Permit Supplemental Environmental Projects for Forest Practices Violations**

**PUBLIC 514**

<u>Sponsor(s)</u> FLOOD		<u>Committee Report</u> OTP-AM		<u>Amendments Adopted</u> H-804
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LD 1863 proposed allowing the Department of Conservation Bureau of Forestry to incorporate a supplemental environmental project into the settlement of a civil enforcement action for any violation of the provisions of the forest practices laws administered by the bureau.

**Committee Amendment "A" (H-804)** proposed repealing an obsolete effective date for violation provisions and clarifying that the provisions for supplemental environmental projects apply only to violations of the forest practices laws in the Maine Revised Statutes, Title 12, chapter 805, subchapter 3-A.

*Enacted law summary*

Public Law 2005, chapter 514 allows the Department of Conservation, Bureau of Forestry to incorporate a supplemental environmental project into the settlement of a civil enforcement action for a violation of the forest practices laws administered by the bureau. A "supplemental environmental project" is a project that benefits the public health or the environment and that a violator is not otherwise required or likely to perform.

**LD 1872**

**An Act To Provide Forest Certification Cost-share Incentives to Forest Landowners and Licensed Foresters**

**PUBLIC 513**

<u>Sponsor(s)</u> PIOTTI		<u>Committee Report</u> OTP-AM MAJ OTP-AM MIN		<u>Amendments Adopted</u> H-798
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LD 1872 proposed amending the laws governing the certified forest resource manager grant fund in the Department of Conservation, Bureau of Forestry to establish a forest certification incentive cost-share fund.

**Committee Amendment "A" (H-798)** proposed the majority report of the Joint Standing Committee on Agriculture, Conservation and Forestry. It proposed expanding the eligibility criteria for reimbursement from the forest certification incentive cost-share fund to include a group of landowners who collectively receive certification. It also proposed allowing the fund to be used for recertification.

**Committee Amendment "B" (H-799)** proposed the minority report of the Joint Standing Committee on Agriculture, Conservation and Forestry. Like the majority report, it proposed expanding the eligibility criteria for reimbursement from the forest certification incentive cost-share fund. In addition, to qualify for reimbursement from the fund, the minority report proposed requiring a landowner or group of landowners to submit a statement verifying that management of the certified land addresses each of 7 areas. The minority report was not adopted.

*Enacted law summary*

Public Law 2005, chapter 513 amends the laws governing the certified forest resource manager grant fund in the Department of Conservation, Bureau of Forestry to establish a forest certification incentive cost-share fund. Owners of 1,000 acres or less of forest land and groups of landowners as well as certified resource managers are

## Joint Standing Committee on Agriculture, Conservation and Forestry

eligible for reimbursement from the fund. The fund may also be used as reimbursement for recertification costs. It limits the amount of reimbursement received by a group of landowners based on the number of landowners at or below the 1,000-acre ownership threshold.

**LD 1881**

**An Act Amending the Animal Welfare Laws**

**PUBLIC 510**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
PIOTTI	OTP-AM MAJ ONTP MIN	H-774

LD 1881 proposed several amendments to the animal welfare laws. It proposed definitions for "companion livestock." It proposed amending the definitions for "animal shelter," "breeding kennel," "companion animal" and "foster home". It proposed repealing the surcharge currently assessed for unneutered cats and dogs sold by a breeding kennel; enacting a civil violation and a crime of endangering the welfare of a companion animal or companion livestock; and amending the domestic relations laws to authorize judges to write protection from abuse orders to protect both companion animals and companion livestock.

**Committee Amendment "A" (H-774)** is the majority report of the Joint Standing Committee on Agriculture, Conservation and Forestry. It proposed changes to the definitions of "animal shelter" and "breeding kennel." It proposed deleting sections of the bill amending the definition of "companion animal" and enacting a definition for "companion livestock." It repeals the definition of "foster home," a term that is not used in the animal welfare statutes. It proposed removing the provisions establishing civil and criminal violations of endangerment. It proposed specifying that a violation of a protection from abuse order that directs the care or custody of an animal is contempt.

### *Enacted law summary*

Public Law 2005, chapter 510 amends the definitions of "animal shelter" and "breeding kennel" used in the animal welfare laws. It repeals the surcharge currently assessed for unneutered cats and dogs sold by a breeding kennel. It specifically authorizes judges to include directives for the care, custody and control of animals when writing protection from abuse orders and designates a violation of such a protection order as contempt.

**LD 1890**

**An Act To Make Revisions to the Laws Governing Pesticide Control**

**PUBLIC 620**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
	OTP-AM A OTP-AM B OTP-AM C	S-642

LD 1890 proposed changes to the laws governing pesticides to make the laws read more clearly and to update language. This bill also proposed substantive changes. It proposed repealing the Maine Revised Statutes, Title 7, section 607-A, which requires the Board of Pesticides Control to undertake a risk assessment for all pesticides used in the State. It proposed modifying statutory provisions for registering, canceling or suspending registrations to make the language consistent with the board's actual practices. The bill proposed designating in statute that