

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

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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).

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.

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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

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rules adopted by the Board of Pesticides Control are routine technical rules. The board's rulemaking authority predates January 1, 1996 and rules had not been categorized as either routine technical or major substantive.

Committee Amendment "A" (H-860) proposed the report of 6 members of the Joint Standing Committee on Agriculture, Conservation and Forestry. It proposed revising instead of repealing provisions for pesticides reviews. It directs the board to conduct a minimum of 2 reviews a year. It allows the board to determine the review process and clarifies that the board cannot refuse to renew a registration based solely on its inability to conduct a review. It requires the board to conduct a water residue survey at least once every 6 years.

Committee Amendment "B" (H-861) proposed the report of 5 members of the Joint Standing Committee on Agriculture, Conservation and Forestry. It proposed revising statutory provisions for pesticides review identical to those proposed in Committee Amendment "A." It proposed designating rules relating to the application of pesticides as major substantive rules.

Committee Amendment "C" (H-862) proposed the report of 2 members of the Joint Standing Committee on Agriculture, Conservation and Forestry. It proposed revising statutory provisions for pesticides review identical to those proposed in Committee Amendment "A." It proposed designating rules relating to the application of pesticides and proposed for adoption after the effective date of this legislation as major substantive rules and amendments to these rules as routine technical rules.

Committee Amendment "A" (S-642) proposed the committee of conference amendment. It proposed changes to provisions for pesticides reviews identical to those proposed in all 3 committee reports. (H-860, H-861, H-862). The conference committee amendment proposed requiring the Board of Pesticides Control to submit its regulatory agenda each year by January 15th and the legislative committee of jurisdiction to review the agenda by February 15th. It proposed authorizing the legislative committee of jurisdiction to report out legislation designating any rule on the agenda as a major substantive rule.

Enacted law summary

Public Law 2005, chapter 620, amends the laws governing pesticides. Many of the changes are technical or organizational changes to make the laws read more clearly or to update language. Chapter 620 amends statutory provisions for registering, canceling or suspending registrations to make the language consistent with the board's actual practices. It revises provisions for pesticides reviews by the Department of Agriculture, Food and Rural Resources, Board of Pesticides Control under the Maine Revised Statutes, Title 7, section 607-A. It directs the board to conduct a minimum of 2 reviews a year. It allows the board to determine the review process and clarifies that the board cannot refuse to renew a registration based solely on its inability to conduct a review. It requires the board to conduct a water residue survey at least once every 6 years.

Chapter 620 designates rules adopted by the Board of Pesticides Control as routine technical rules. The board's rulemaking authority predates January 1, 1996 and rules had not been categorized as either routine technical or major substantive. It requires the Board of Pesticides Control to submit its regulatory agenda each year by January 15th. The legislative committee of jurisdiction is required to review the agenda by February 15th and is authorized to report out legislation designating any rule on the agenda as a major substantive rule.