

MAINE STATE LEGISLATURE

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STATE OF MAINE
123RD LEGISLATURE
FIRST REGULAR SESSION



Summaries of bills and adopted amendments and laws enacted or finally passed during the First Regular Session of the 123rd Maine Legislature coming from the

**JOINT STANDING COMMITTEE ON AGRICULTURE,
CONSERVATION AND FORESTRY**

July 2007

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STATE OF MAINE

123RD LEGISLATURE

FIRST REGULAR SESSION

LEGISLATIVE DIGEST OF BILL SUMMARIES AND ENACTED LAWS



This *Legislative Digest of Bill Summaries and Enacted Laws* summarizes all bills and adopted amendments and all laws enacted or finally passed during the First Regular Session of the 123rd Maine Legislature, which was in session from December 6, 2006 to June 21, 2007.

The *Digest* is arranged alphabetically by committee, and within each committee by LD number. The committee report(s), prime sponsor and lead co-sponsor(s), if designated, are listed below each bill title. All adopted amendments are summarized and listed by paper number. A subject index is included with each committee. The appendices include a summary of relevant session statistics, an index of all bills by LD number and an index of enacted laws by law type and chapter number.

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 (or Accepted ONTP report).....	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.....	Bill held by Governor
VETO SUSTAINED.....	Legislature failed to override Governor's Veto

Please note that the effective date for non-emergency legislation enacted in the First Regular Session is **September 20, 2007**. The effective date for legislation enacted as an emergency measure is specified in the enacted law summary for those bills.

Joint Standing Committee on Agriculture, Conservation and Forestry

LD 400 An Act To Provide Funding to the Department of Agriculture, Food and Rural Resources for Veterinarians for Farm Animals ONTP

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
SCHATZ	ONTP	

LD 400 makes ongoing General Fund appropriations of \$330,828 and \$460,324 in fiscal years 2007-08 and 2008-09, respectively, for the costs of 4 additional Veterinarian positions in the Department of Agriculture, Food and Rural Resources.

LD 406 An Act To Prohibit Aerial Spraying of Pesticides near Buildings, Roads and Bodies of Water ONTP

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
SCHATZ	ONTP	

LD 406 establishes buffers where aerial spraying of pesticides is prohibited.

LD 471 An Act To Clarify the Status of Lots Greater than 40 Acres on Plans Recorded for Unorganized Territory Land before September 21, 2001 ONTP

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MILLS P	ONTP	

LD 471 further clarifies the intent of the Legislature by enactment of 2001 Public Law, Chapter 431 to exempt from the Land Use Regulation Commission's subdivision laws lots of 40 or more acres depicted on a plan that was recorded before September 21, 2001 and that was in compliance at the time of recording.

LD 472 An Act To Clarify Land Planning in the Unorganized and Deorganized Townships of the State PUBLIC 264

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MILLS P	OTP-AM	S-116 S-137 SHERMAN

LD 472 clarifies and amends the process by which the Maine Land Use Regulation Commission adopts a comprehensive land use plan for the unorganized and deorganized townships of the State.

Committee Amendment "A" (S-116)

The amendment removes language from the bill that requires the Maine Land Use Regulation Commission to collect information from residents and property owners of the jurisdiction and other interested parties to be used in establishing the land use guidance plan. The amendment also removes language that requires the commission to submit the plan to the joint standing committee of the Legislature having jurisdiction over conservation matters for its approval and that provides that if the committee approves the plan then it must be submitted for the Legislature's approval and, if the Legislature approves, to the Governor. It requires the Maine Land Use Regulation Commission to hold public hearings when developing a comprehensive land use plan. It directs the commission to submit a draft

Joint Standing Committee on Agriculture, Conservation and Forestry

of the comprehensive land use plan to the Joint Standing Committee on Agriculture, Conservation and Forestry along with specific information on the development of the plan no later than December 3, 2007 or a minimum of 30 days prior to a vote by the commission on final adoption of the plan.

Senate Amendment "B" (S-137)

Senate Amendment "B" clarifies the original intent of Committee Amendment "A." It clarifies the process and timing of the presentation of the comprehensive land use plan developed by the Maine Land Use Regulation Commission to the Joint Standing Committee on Agriculture, Conservation and Forestry. It requires the commission to present the final draft to the committee at least 30 days prior to a scheduled vote by the commission on adoption of the plan. If the final draft is not completed before December 3, 2007, the commission must present the most recent revision of the plan to the committee by that date.

Enacted Law Summary

Public Law 2007, chapter 264 requires the Maine Land Use Regulation Commission to hold public hearings when developing a comprehensive land use plan. It requires the commission to present the final draft to the committee at least 30 days prior to a scheduled vote by the commission on adoption of the plan. If the final draft is not completed before December 3, 2007, the commission must present the most recent revision of the plan to the committee by that date.

LD 473 An Act To Clarify Land Use Regulation in Unorganized and Deorganized Townships **ONTP**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MILLS P	ONTP	

LD 473 clarifies the purpose of land use regulation in the unorganized and deorganized townships of the State by confirming that such regulation is for the benefit of property owners and residents of these areas, as well as the public benefit. The bill also provides a legislative acknowledgment that these areas are important to the continued vitality of the State and to local economies by promoting forest management and agricultural activities.

LD 516 An Act To Make More Affordable the Surcharge on the Sale of Dogs and Cats That Have Not Been Neutered **ONTP**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
SNOWE-MELLO	ONTP	

LD 516 reduces the surcharge collected by pet shops on each dog or cat sold that has not been neutered from \$25 to \$5.

LD 548 An Act To Prevent Abuse of Pet Ownership Rights **ONTP**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MAKAS	ONTP	

LD 548 allows the owner of a cat or dog to shoot that cat or dog only if it is done to protect the safety of the public or to end the severely injured or ill cat or dog's suffering.