

MAINE STATE LEGISLATURE

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STATE OF MAINE
123RD LEGISLATURE
SECOND REGULAR AND FIRST SPECIAL SESSIONS



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

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

May 2008

STAFF:

JILL IPPOLITI, LEGISLATIVE ANALYST
OFFICE OF POLICY AND LEGAL ANALYSIS
13 STATE HOUSE STATION
AUGUSTA, ME 04333
(207) 287-1670

MEMBERS:

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STATE OF MAINE
123RD LEGISLATURE
SECOND REGULAR & FIRST SPECIAL SESSIONS



**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 Second Regular or First Special Sessions of the 123rd Maine Legislature.

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:

<i>CON RES XXX</i>	<i>Chapter # of Constitutional Resolution passed by both Houses</i>
<i>CONF CMTE UNABLE TO AGREE</i>	<i>Committee of Conference unable to agree; bill died</i>
<i>DIED BETWEEN BODIES</i>	<i>House & Senate disagree; bill died</i>
<i>DIED IN CONCURRENCE</i>	<i>One body accepts ONTP report; the other indefinitely postpones the bill</i>
<i>DIED ON ADJOURNMENT</i>	<i>Action incomplete when session ended; bill died</i>
<i>EMERGENCY</i>	<i>Enacted law takes effect sooner than 90 days</i>
<i>FAILED EMERGENCY ENACTMENT/FINAL PASSAGE</i>	<i>Emergency bill failed to get 2/3 vote</i>
<i>FAILED ENACTMENT/FINAL PASSAGE</i>	<i>Bill failed to get majority vote</i>
<i>FAILED MANDATE ENACTMENT</i>	<i>Bill imposing local mandate failed to get 2/3 vote</i>
<i>NOT PROPERLY BEFORE THE BODY</i>	<i>Ruled out of order by the presiding officers; bill died</i>
<i>INDEF PP</i>	<i>Bill Indefinitely Postponed; bill died</i>
<i>ONTP (or Accepted ONTP report)</i>	<i>Ought Not To Pass report accepted; bill died</i>
<i>P&S XXX</i>	<i>Chapter # of enacted Private & Special Law</i>
<i>PUBLIC XXX</i>	<i>Chapter # of enacted Public Law</i>
<i>RESOLVE XXX</i>	<i>Chapter # of finally passed Resolve</i>
<i>UNSIGNED</i>	<i>Bill held by Governor</i>
<i>VETO SUSTAINED</i>	<i>Legislature failed to override Governor's Veto</i>

The effective date for non-emergency legislation enacted in the Second Regular Session (R2) is June 30, 2008. The effective date for non-emergency legislation enacted in the First Special Session (S1) is July 18, 2008.¹ The effective date for legislation enacted as an emergency measure is specified in the enacted law summary for those bills. Any bill summarized in this document having an LD number less than 1932 was a bill carried over from the First Regular Session of the 123rd Legislature.

¹ The session in which each law was enacted or finally passed (R2 or S1) is included in Appendix C.

Joint Standing Committee on Agriculture, Conservation and Forestry

LD 648 An Act To Maintain the Amount of State Land That Is Open for Hunting

PUBLIC 564

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
JACKSON	OTP-AM MAJ OTP-AM MIN	H-756 H-781 PIEH

LD 648 was jointly referred to the Committee on Agriculture, Conservation and Forestry and the Committee on Inland Fisheries and Wildlife and provides that the number of acres open to hunting on reserved and nonreserved state lands may not be reduced from the total number of acres available for hunting on those lands as of January 1, 2008.

Committee Amendment "A" (H-756)

This amendment is the majority report of the Joint Standing Committee on Agriculture, Conservation and Forestry and the Joint Standing Committee on Inland Fisheries and Wildlife. It replaces the bill. It requires the Department of Conservation, Bureau of Parks and Lands and the Department of Inland Fisheries and Wildlife to coordinate their respective management of the public reserved lands and land owned by the Department of Inland Fisheries and Wildlife to ensure that there is no net loss of acreage open to hunting on these lands. It requires the Bureau of Parks and Lands to present information on changes in acres open to hunting in its annual report on the public reserved lands and to present this information to the joint standing committee of the Legislature having jurisdiction over wildlife management matters as well as the joint standing committee of the Legislature having jurisdiction over public lands.

Committee Amendment "B" (H-757)

This amendment is the minority report of the Joint Standing Committee on Agriculture, Conservation and Forestry and the Joint Standing Committee on Inland Fisheries and Wildlife. It replaces the bill. It requires the Department of Conservation, Bureau of Parks and Lands to include a description of changes in allowed uses of the public reserved lands in the bureau's annual report to the legislative committee of jurisdiction. The minority report was not adopted.

House Amendment "A" (H-781)

This amendment replaces the language in Committee Amendment "A" pertaining to required reporting. It requires the Department of Conservation, Bureau of Parks and Lands to include in its annual report a description of any changes in allowed uses of public reserved lands, including the acreage affected and the reason for the change.

Enacted Law Summary

Public Law 2007, chapter 564 requires the Department of Conservation, Bureau of Parks and Lands and the Department of Inland Fisheries and Wildlife to coordinate their respective management of the public reserved lands and land owned by the Department of Inland Fisheries and Wildlife to ensure that there is no net loss of acreage open to hunting on these lands. It requires the bureau to include in its annual report a description of any changes in allowed uses of public reserved lands, including the acreage affected and the reason for the change.

LD 680 An Act To Increase Funding for the Spaying and Neutering of Companion Animals

ONTP

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

Joint Standing Committee on Agriculture, Conservation and Forestry

LD 680 changes the way the fees collected from the registration of pet food and commercial feed is distributed. Currently, 1/2 of the fees collected go to the General Fund and the other 1/2 goes to the Animal Welfare Fund. This bill directs the Commissioner of Agriculture, Food and Rural Resources to deposit 1/4 of the fees collected in the General Fund, 1/4 of the fees collected in the Companion Animal Sterilization Fund and 1/2 of the fees collected in the Animal Welfare Fund. The fiscal impact statement for this bill projects an annual loss of \$100,000 to the General Fund and an equivalent increase to the Companion Animal Sterilization Fund.

LD 1650 An Act To Amend the Laws Concerning Genetically Engineered Plants and Seeds

PUBLIC 602

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
SCHATZ	OTP-AM A OTP-AM B ONTP C	H-851

LD 1650 amends the statutory definitions of "genetically engineered" and "seed dealer" and defines "technology use agreement." The bill requires the manufacturer of a genetically engineered plant part, seed or plant sold in the State to report annually to the Commissioner of Agriculture, Food and Rural Resources the total potential acreage of genetically modified crops that could be grown based on sales. It provides for a process by which a manufacturer of a genetically engineered plant part, seed or plant may investigate a violation of a technology use agreement and the rights of a farmer during an investigation.

It creates a right of action as and damages for a private nuisance against a manufacturer of a genetically engineered plant part, seed or plant that cross-contaminates a person's land. It limits the liability of knowing and unknowing users and possessors of a genetically engineered plant part, seed or plant.

Committee Amendment "A" (H-851)

This amendment is the majority report of the Joint Standing Committee on Agriculture, Conservation and Forestry. The amendment revises the definition of "genetically engineered" and "technology use agreement." It removes provisions regarding the process by which a manufacturer may investigate a violation of a technology use agreement and strikes language regarding liability resulting from cross-contamination. It provides protection for de minimus or unintended possession of a genetically engineered product. It requires the Commissioner of Agriculture, Food and Rural Resources to adopt major substantive rules that establish best management practices to maintain the integrity of crops.

Committee Amendment "B" (H-852)

This amendment is a minority report of the Joint Standing Committee on Agriculture, Conservation and Forestry. It makes the same changes as are made in the majority report and, in addition, includes a requirement that a manufacturer annually report to the Commissioner of Agriculture, Food and Rural Resources an estimate of the potential acres of genetically engineered crops that could be planted based on sales in Maine. The minority report was not adopted.

Enacted Law Summary

Public Law 2007, chapter 602 amends the definition of "genetically engineered" and "seed dealer" and enacts a statutory definition for "technology use agreement." It provides protection for de minimus or unintended possession of a genetically engineered product. It requires the Commissioner of Agriculture, Food and Rural Resources to adopt major substantive rules that establish best management practices to maintain the integrity of crops.