

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

Enacted Law Summary

Resolve 2007, chapter 21 requires the Commissioner of Agriculture, Food and Rural Resources to convene a stakeholder group to develop processes and criteria to assess the danger posed to naturally occurring ecosystems by invasive terrestrial plant species and to determine if restriction on trade is warranted for any of the species identified as invasive terrestrial plants. The commissioner is required to report to the Joint Standing Committee on Agriculture, Conservation and Forestry by February 8, 2008. The committee is authorized to submit legislation to the 2nd Regular Session of the 123rd Legislature.

LD 1468 An Act To Adjust the Milk Handling Fee

**PUBLIC 269
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
PIOTTI	OTP-AM	H-306

LD 1468 increases the maximum rate of the milk handling fee from 12¢ to 36¢ per gallon.

Committee Amendment "A" (H-306)

This amendment makes revisions to the rate schedule proposed in the bill. The bill proposed a minimum handling fee of 6 cents per gallon. The amendment proposes that a handling fee of 2¢ be initiated when the basic price of milk drops below \$24 per hundredweight. The bill proposed a handling fee of 36¢ when the basic price of milk dropped below \$16 per hundredweight. The amendment proposes a handling fee of 36¢ a gallon when the basic price of milk is between \$15 and \$15.49 per hundredweight. The handling fee would increase by 6¢ per gallon for every 50¢ decrease in the basic price of milk below \$15 per hundredweight. This amendment also makes the bill an emergency measure.

Enacted Law Summary

Public Law 2007, chapter 269 revises the rate schedule for the milk handling fee. A handling fee of 2¢ is initiated when the basic price of milk drops below \$24 per hundredweight. A handling fee of 36¢ a gallon is imposed when the basic price of milk is between \$15 and \$15.49 per hundredweight. The handling fee increases by 6¢ per gallon for every 50¢ decrease in the basic price of milk below \$15 per hundredweight. Identical revisions to the milk handling fee were included in Part PPP of the biennial budget enacted as Public Law 2007, chapter 240.

Public Law 2007, chapter 269 was enacted as an emergency measure effective June 4, 2007.

LD 1615 An Act To Amend the Animal Welfare Laws

PUBLIC 439

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
PIEH	OTP-AM	H-567 S-373 ROTUNDO

LD 1615 amends many statutes relating to the administration and enforcement of laws pertaining to animal welfare and animal control. The bill also includes provisions to establishes 56 days as the minimum age that a dog or cat may be sold, adopted or given away and to require that animal shelters and rescue groups spay or neuter any dog or cat prior to adoption or make formal arrangements for the altering of the animal within 30 days of adoption.

Committee Amendment "A" (H-567)

Joint Standing Committee on Agriculture, Conservation and Forestry

This amendment:

1. Requires rabies vaccinations for wolf hybrids and clarifies that vaccination does not alter treatment of a wolf hybrid when it is suspected of having rabies;
2. Increases the dog license fee by \$1 only for dogs capable of producing young. The bill proposes a \$1 increase for all dog licenses;
3. Strengthens the sheltering requirements for a dog left outdoors in adverse weather;
4. Requires a vendor's license to sell or offer for sale more than one dog or cat in a 12-month period and requires advertising to provide the vendor's license number; and
5. Adds to the aggravated cruelty to animals statutes, making the shooting of a dog or cat by the owner or the owner's agent a Class C crime when the shooting does not conform to statutory conditions for an exception.

This amendment makes technical changes to, corrections to and clarifies certain provisions in the bill. It also removes several sections from the bill, including proposed changes to the definition of "dog" to exclude wolf hybrids from the definition and proposed changes to the provisions for employees of the Department of Agriculture, Food and Rural Resources serving civil process.

Senate Amendment "A" (S-373)

This amendment removes the provisions amending the aggravated cruelty to animals statute that established new Class C and D crimes.

Enacted Law Summary

Public Law 2007, chapter 439 establishes advanced training requirements for animal control officers and prohibits the appointment of persons who have been convicted of certain crimes from serving as humane agents or animal control officers. It also prohibits the Department of Agriculture, Food and Rural Resources from issuing a boarding kennel, breeding kennel or pet shop license to a person convicted of certain crimes.

It extends to 48 hours the holding period at animal shelters for stray and feral cats and increases payment to shelters holding animals pending a court hearing.

It increases the dog license fee by \$1.00 for dogs capable of producing young and provides for a tag to be issued annually with a dog license. It requires rabies vaccinations for wolf hybrids and clarifies that vaccination does not alter treatment of a wolf hybrid when it is suspected of having rabies.

It requires boarding kennels and pet stores to insert their state license number in any advertising they use. It prohibits a pet dealer from contractually exempting the pet dealer from the remedies provided for deaths or health problems caused by disease.

It establishes 56 days as the minimum age that a dog or cat may be sold, adopted or given away. It requires that animal shelters and rescue groups spay or neuter a dog or cat prior to adoption or make formal arrangements for the altering of the animal within 30 days of adoption.

Unless selling under a facility license, a vendor's license is required to sell or offer for sale more than one dog or cat in a 12-month period. The vendor's license number must be included in advertisements.

It strengthens the shelter requirements for a dog left outdoors in adverse weather and amends the animal trespass laws to require immediate removal of an animal if public safety is threatened.