

# MAINE STATE LEGISLATURE

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STATE OF MAINE  
123<sup>RD</sup> 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 123<sup>rd</sup> Maine  
Legislature coming from the

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

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**STATE OF MAINE**  
123<sup>RD</sup> 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 123<sup>rd</sup> 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 &amp; 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&amp;S XXX</i> .....	<i>Chapter # of enacted Private &amp; 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.<sup>1</sup> 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 123<sup>rd</sup> Legislature.

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<sup>1</sup> 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 1954 An Act To Amend the Potato Cull Pile Law

PUBLIC 570  
EMERGENCY

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
LUNDEEN	OTP-AM	H-813

LD 1954 strengthens the laws pertaining to potato cull piles and establishes requirements for the management of potato cull piles. The bill expands responsibility for disposal and management of cull potatoes and potato cull piles beyond landowners to lessees and other persons responsible for the potatoes. The bill authorizes the Commissioner of Agriculture, Food and Rural Resources to establish best management practices for managing potato culls and potato cull piles.

## Committee Amendment "A" (H-813)

This amendment adds a definition of "responsible party." It clarifies the Commissioner of Agriculture, Food and Rural Resources' authority to alter the statutory dates for the disposal of cull potatoes and management of cull potato piles and to prescribe site-specific best management practices.

## Enacted Law Summary

Public Law 2007, chapter 570 strengthens the laws pertaining to potato cull piles and establishes requirements for the management of potato cull piles. It expands responsibility for disposal and management of cull potatoes and potato cull piles to include lessees and other persons responsible for the potatoes. This law requires the Commissioner of Agriculture, Food and Rural Resources to establish best management practices for managing potato culls and potato cull piles.

Public Law 2007, chapter 570 was enacted as an emergency measure effective April 7, 2008.

**LD 1992** An Act To Amend the Laws Governing Agricultural Marketing and Bargaining

PUBLIC 499

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MARTIN	OTP-AM	S-442

LD 1992 amends the laws governing agricultural marketing and bargaining by amending the definition of "handler" to define that term as it pertains to potatoes. The bill also amends the definitions of "agent" and "broker" to exclude from those definitions associations that are cooperative associations of agricultural producers.

## Committee Amendment "A" (S-442)

This amendment removes the sections of the bill that proposed amending definitions for "agent" and "broker" under the licensing laws for the marketing of potatoes. It amends the definition of "handler" as it applies to potatoes to include a processor or a person or company acting as an agent, broker or dealer that provides more than 100,000 hundredweight of potatoes annually to a processor. It amends the provision by which the Department of Agriculture, Food and Rural Resources responds to notices that producers have been insufficiently paid.

## Enacted Law Summary

Public Law 2007, chapter 499 amends the definition of "handler" under the Maine Agricultural Marketing and Bargaining Act of 1973 as it applies to potatoes to include a processor or a person or company acting as an agent, broker or dealer for a processor that provides more than 100,000 hundredweight of potatoes annually to a processor.

# *Joint Standing Committee on Agriculture, Conservation and Forestry*

It amends the provision by which the Department of Agriculture, Food and Rural Resources responds to notices that producers have not been sufficiently paid by processors to include insufficient payment by dealers, brokers, agents or retailers. It clarifies that a determination of insufficient payment is made at a hearing.

**LD 2001    An Act To Reduce Wild Blueberry Theft**

**PUBLIC 694  
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
WESTON	OTP-AM	S-542 S-675    ROTUNDO

LD 2001 increases the penalties for violation of the laws regarding transportation and receipt of wild blueberries. It revises provisions for verifying permission to harvest and transport wild blueberries to facilitate enforcement. It provides for the owners of the blueberries to issue permits for the transportation of blueberries from the field. It makes certain violations strict liability crimes.

**Committee Amendment "A" (S-542)**

This amendment adds an emergency preamble and clause to the bill. It specifies that the State Tax Assessor is required to suspend or revoke the certification of a processor or shipper of wild blueberries when the assessor receives notification that certain violations have occurred. It allows the assessor to accept a notarized statement to determine that violations by an owner, officer or employee have not occurred. It clarifies that it is illegal for a first hauler to transport berries to anyone who is not certified as a shipper or processor. Instead of basing increased penalties for illegal transportation of berries on the value of the berries as proposed in the bill, this amendment establishes illegal transportation by a person with 2 prior convictions as a Class C crime.

**Senate Amendment "A" (S-675)**

This amendment changes the criminal categories proposed in the bill from Class C to Class D.

**Enacted Law Summary**

Public Law 2007, chapter 694 revises statutory provisions pertaining to the harvest, transportation, and receipt of wild blueberries to facilitate enforcement and deter theft. Fines are increased. Unlawful removal or possession of wild blueberries and unlawful transportation of wild blueberries remain Class E crimes for a first or second offense but become Class D crimes if the person has 2 or more convictions. A violation of the law pertaining to receiving wild blueberries becomes a Class D crime if a person has two previous civil violations under that section of law.

Public Law 2007, chapter 694 was enacted as an emergency measure effective April 24, 2008.

**LD 2010    Resolve, Directing the Commissioner of Agriculture, Food and Rural Resources To Review and Make Recommendations Regarding the Regulation of Dog and Cat Breeding Facilities**

**RESOLVE 203**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
PRATT	OTP-AM	H-803 H-924    PRATT

LD 2010 is a concept draft, which seeks to enact measures designed to address the inhumane breeding standards of so-called "puppy mills" in the State. The intent of the bill is to outlaw the most egregious dog breeding practices and establish a Maine humane dog breeding standard.

**Committee Amendment "A" (H-803)**