

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

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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

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)