

# 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**

May 2008

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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*

3. Requires breeding kennels to post their license numbers.
4. Provides an affirmative defense for various violations of the animal welfare laws for agricultural animals kept in compliance with best management practices as determined by the department.
5. Requires a veterinarian to report suspected violations of aggravated cruelty.
6. Authorizes a law enforcement officer, humane agent or animal control officer to remove an animal confined unattended in a motor vehicle when the animal is in immediate danger due to extreme temperature. It requires notification to the owner of the animal's removal and provides immunity for an officer removing an animal under the described circumstances.
7. Replaces the definition of "pet dealer" with a definition of "seller" for use in the statutory chapter on the sale of cats and dogs.
8. Amends the provisions for a vendor's license to apply to dogs and cats under 6 months of age and removes the fee for one vendor's license in a 12-month period, but requires the \$25 fee for additional licenses in a 12-month period, and extends the period for which a vendor's license is valid from 60 days to 90 days.
9. Amends shelter provisions in Title 17 to conform to changes made to Title 7 in the First Regular Session of the 123rd Legislature.
10. Authorizes the State Controller to advance up to \$500,000 from the Board of Pesticides Control account to the Animal Welfare Fund if requested in writing by the Commissioner of Agriculture, Food and Rural Resources.

**LD 2184**    **An Act To Implement the Recommendations of the Commission To Study  
the Promotion, Expansion and Regulation of the Harness Racing Industry**

**PUBLIC 611**

Sponsor(s)

Committee Report

Amendments Adopted

OTP-AM

H-953

LD 2184 is a committee bill authorized under Resolve 2007, chapter 128 and submitted by the Joint Standing Committee on Agriculture, Conservation and Forestry after receiving the report and recommendations of the Commission To Study the Promotion, Expansion and Regulation of the Harness Racing Industry.

### **Committee Amendment "A" (H-953)**

This amendment clarifies that the executive director of the State Harness Racing Commission is authorized to present evidence in adjudicatory hearings before the commission as part of the executive director's duties for the commission. It amends the Maine Revised Statutes, Title 8, section 273 to clarify that a penalty for conducting a race without a license only applies when a license is required because pari-mutuel betting is permitted. It also clarifies that only horses qualified to race are subject to out-of-competition testing. It removes the section of the bill that proposes transferring money from 5 dedicated funds to an account to support laboratory testing. Public Law 2007, chapter 539 includes provisions in Part G to fund the operations of the State Harness Racing Commission including laboratory testing.

### **Enacted Law Summary**

Public Law 2007, chapter 611 specifies that the duties of the executive director of the State Harness Racing Commission include presenting evidence in adjudicatory hearings before the commission on alleged violations. It requires a trainer upon request of the commission to submit a horse for testing to detect prohibited substances. It

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

removes the statutory caps on fines for violations of the harness racing statutes and rules. It clarifies that conducting a harness horse racing meet without a license is a Class D crime. It authorizes the State Police upon the request of the State Harness Racing Commission to assist in investigations following a positive test for use of substances in violation of the harness racing rules. It restricts licenses to operate slot machines to property within 200 feet of a commercial track, except that the 2,000-foot maximum distance continues for a commercial track that received an initial license for slot machines while owned by a municipality.

**LD 2190 An Act To Designate Certain Rules Proposed by the Board of Pesticides Control as Major Substantive Rules**

**PUBLIC 484  
EMERGENCY**

Sponsor(s)

Committee Report

Amendments Adopted

LD 2190 is the report of the Joint Standing Committee on Agriculture, Conservation and Forestry pursuant to the Maine Revised Statutes, Title 7, section 610, subsection 5. It designates proposed rules that pertain to the use of organophosphate pesticides adjacent to occupied areas or distribution and use of plant-incorporated protectants as major substantive rules. It provides for rules pertaining to plant-incorporated protectants in effect on March 1, 2008 to remain in effect but designates amendments to those rules as major substantive rules.

### **Enacted Law Summary**

Public Law 2007, chapter 484 designates proposed rules that pertain to the use of organophosphate pesticides adjacent to occupied areas or distribution and use of plant-incorporated protectants as major substantive rules. It provides for rules pertaining to plant-incorporated protectants in effect on March 1, 2008 to remain in effect but designates amendments to those rules as major substantive rules.

Public Law 2007, chapter 484 was enacted as an emergency measure effective February 28, 2008.

**LD 2191 An Act To Designate Certain Application and Licensing Information Provided to the State Harness Racing Commission as Confidential**

**PUBLIC 483  
EMERGENCY**

Sponsor(s)

Committee Report

Amendments Adopted

LD 2191 is the report of the Joint Standing Committee on Agriculture, Conservation and Forestry authorized by Resolve 2007, chapter 128 and submitted to implement a recommendation of the Commission to Study the Promotion, Expansion and Regulation of the Harness Racing Industry. It designates as confidential certain information provided to or developed by the State Harness Racing Commission as part of the application review process for issuing a commercial race track license. The bill cross-references the confidentiality provisions in the statutes governing the Gambling Control Board to specify the types of information and records that are confidential.

### **Enacted Law Summary**

Public Law 2007, chapter 483 designates as confidential certain information provided to or developed by the State Harness Racing Commission as part of the application review process for issuing a commercial race track license.

Public Law 2007, chapter 483 was enacted as an emergency measure effective February 28, 2008.