

# MAINE STATE LEGISLATURE

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**STATE OF MAINE**  
124<sup>TH</sup> LEGISLATURE  
FIRST REGULAR SESSION



Summaries of bills, adopted amendments and laws enacted or finally passed during the First Regular Session of the 124<sup>th</sup> Maine Legislature coming from the

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

July 2009

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# STATE OF MAINE

124<sup>TH</sup> 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 124<sup>th</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:

CARRIED OVER.....	Carried over to a subsequent session of the Legislature
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; bill died
ONTP (or Accepted ONTP report).....	Ought Not To Pass report accepted; bill died
P&S XXX.....	Chapter # of enacted Private & Special Law
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

The effective date for non-emergency legislation enacted in the First Regular Session of the 124<sup>th</sup> Legislature is September 12, 2009. 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

with a shelter for an animal control officer's services.

## Committee Amendment "A" (H-192)

This amendment replaces the bill. It clarifies that a municipality may appoint a person employed by an animal shelter as an animal control officer. It authorizes a municipality to contract with a licensed animal shelter for animal control services, but it restricts the performance of certain duties to an employee of that shelter who is the appointed animal control officer for the municipality.

## Enacted Law Summary

Public Law 2009, chapter 177 clarifies a municipality's authority to appoint a person employed by an animal shelter as an animal control officer. It authorizes a municipality to contract with a licensed animal shelter for animal control services, but restricts the performance of certain duties to an employee of that shelter who is the appointed animal control officer for the municipality.

## LD 557      **Resolve, Directing the Study of a Potato Variety Demonstrating Resistance to the Colorado Potato Beetle**

**RESOLVE 80**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
DAVIS P	OTP-AM	H-275

This resolve directs the Department of Agriculture, Food and Rural Resources to examine the potential uses of a locally developed potato plant that is toxic to the Colorado potato beetle. Before conducting the study, the department must obtain the appropriate approval, names or other legal permission from the developer. The department is directed to report its findings and recommendations to the Joint Standing Committee on Agriculture, Conservation and Forestry by December 15, 2009.

## Committee Amendment "A" (H-275)

This amendment directs the study of the potato variety known as the "Shaw Potato" to be conducted by the University of Maine as part of the Maine Potato Breeding Program. It identifies sources of funding and requires the Maine Potato Board to report to the Maine State Grange in addition to the Joint Standing Committee on Agriculture, Conservation and Forestry by December 15, 2009.

## Enacted Law Summary

Public Law 2009, chapter 80 directs the study of the potato variety known as the "Shaw Potato" to be conducted by the University of Maine as part of the Maine Potato Breeding Program. It identifies sources of funding and requires the Maine Potato Board to report to the Maine State Grange in addition to the Joint Standing Committee on Agriculture, Conservation and Forestry by December 15, 2009.

## **LD 558**      **An Act To Amend Notification Procedures of the Maine Land Use Regulation Commission**

**ONTP**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
SAVIELLO GOOLEY	ONTP	

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

This bill requires that, prior to initiating the process of updating or revising the comprehensive land use plan, the Maine Land Use Regulation Commission notify each individual property owner within the commission's jurisdiction that the commission is initiating the process of updating the plan and how to access information regarding the plan, proposed revisions to the plan and the process for public input and comment.

### **LD 559 An Act To Update the Board of Pesticides Control**

**ONTP**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
CONNOR HOBBINS	ONTP	

This bill makes the language describing the qualifications for members of the Board of Pesticides Control consistent. It requires the member who is a commercial applicator to have expertise in structural pest management. The bill also prohibits the board from advocating for or against nominees to the board.

### **LD 560 An Act To Ban the Hunting of Animals in Enclosed Areas**

**ONTP**

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

This bill repeals the law that permits the establishment, operation and use of commercial large game shooting areas. This bill also removes the exemption in the animal cruelty laws for persons operating or hunting in such areas, thus making it a Class D crime to operate or hunt in those areas.

### **LD 561 Resolve, To Direct State Agencies To Develop Policies To Guide Employees When Accessing Private Woodland, Farmland or Coastal Lands**

**RESOLVE 30**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
WATSON	OTP-AM	H-103

This resolve directs the Department of Inland Fisheries and Wildlife, the Department of Environmental Protection, the Department of Marine Resources, the Department of Agriculture, Food and Rural Resources and the Department of Conservation to develop written policies regarding entering private woodland for nonemergency purposes to collect information. The departments are required to solicit feedback from woodland owners in developing the policies. The policies developed by the departments are not rules and the departments are not required to adopt rules to implement the policies. The policies must be adopted by January 1, 2010.

#### **Committee Amendment "A" (H-103)**

This amendment requires the affected departments to develop policies to guide employees when accessing private farmland and coastal lands as well as private woodland. The amendment also requires the departments to report to