

# 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

## LD 936 An Act To Remove Prior-operation Requirements for Commercial Large Game Shooting Area Licensing

ONTP

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

This bill removes the provisions that prevent any person who did not operate a commercial large game shooting area between October 1, 1999 and March 15, 2000 from obtaining a license to operate a commercial large game shooting area.

## LD 964 An Act Pertaining to the Breeding and Selling of Dogs and Cats and Equitable Funding of Animal Welfare

PUBLIC 403

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
	OTP-AM	H-553

This bill implements recommendations of the working group convened by the Commissioner of Agriculture, Food and Rural Resources to evaluate the regulation of cat and dog breeding facilities. It was submitted by the Joint Standing Committee on Agriculture, Conservation and Forestry pursuant to Resolve 2007, chapter 203, section 3.

### Committee Amendment "A" (H-553)

This amendment reduces the license fee for Category 2 and Category 3 breeding kennels. It removes the proposed revision to the definition of "seller" as it is used in the chapter governing the sale of dogs and cats by pet shops and breeding kennels. It removes the requirement that a dog or cat be examined by a veterinarian prior to sale and instead requires that records of any examinations by a veterinarian be provided to the buyer. It also removes that section of the bill that proposes revisions to the definition of "kennel" and the section authorizing the Department of Agriculture, Food and Rural Resources to revoke or suspend a license for a pet shop or breeding kennel. It also adds an appropriations and allocations section.

### Enacted Law Summary

Public Law 2009, chapter 403 amends the definition of "breeding kennel" to specify that 5 or more female dogs capable of breeding is the threshold for needing a breeding kennel license. It establishes 3 categories of kennel licenses and corresponding license fees based on the number of female dogs or cats capable of breeding. It allows the Department of Agriculture, Food and Rural Resources to issue a conditional license as the initial license for a new breeding kennel. The license remains conditional until the breeding kennel passes inspection. It directs the department to issue a written notice when a licensed facility fails inspection. The notice must describe the violation and corrective action needed. It directs the department to charge a fee when more than 2 inspections are required to ensure that the corrective actions have been taken.

It authorizes the department to revoke, suspend or refuse to renew a license in accordance with the Administrative Procedures Act. It adds additional disclosure requirements for sellers. It establishes a process to procure documents needed to register a dog or cat with a pedigree organization and to receive a refund when promised papers are not delivered.

It directs the Commissioner of Agriculture, Food and Rural Resources and the Attorney General to discuss with

*Joint Standing Committee on Agriculture, Conservation and Forestry*

representatives of the judicial branch and the district attorneys processes for seizing abused animals and the requirements for care of the seized animals prior to final disposition. The commissioner and other participants are to report to the Joint Standing Committee on Agriculture, Conservation and Forestry with recommendations to expedite court actions in cases involving cruelty to animals. The Joint Standing Committee on Agriculture, Conservation and Forestry is authorized to submit legislation pertaining to animal welfare and funding of the animal welfare program to the Second Regular Session of the 124th Legislature.

**LD 965      An Act To Establish Annual Reporting for Genetically Engineered Crops**

**PUBLIC 323**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
PRATT DAMON	OTP-AM	H-385

This bill requires a manufacturer to annually report to the Commissioner of Agriculture, Food and Rural Resources an estimate of the potential acreage of genetically modified crops that could be planted based on sales.

**Committee Amendment "A" (H-385)**

This amendment directs the Commissioner of Agriculture, Food and Rural Resources to provide the Department of Conservation, Bureau of Forestry with aggregate information on sales of trees, tree seedlings, tree seeds, tree scions and other propagative materials that are genetically engineered. LD 965, as amended, was reviewed and evaluated by the Joint Standing Committee on Judiciary pursuant to Maine Revised Statutes, Title 1, section 434, which requires review and evaluation of new exceptions to laws governing public records.

**Enacted Law Summary**

Public Law 2009, chapter 323 requires a manufacturer to annually report to the Commissioner of Agriculture, Food and Rural Resources an estimate of the potential acreage of genetically modified crops that could be planted based on sales. It requires the Commissioner of Agriculture, Food and Rural Resources to provide the Department of Conservation, Bureau of Forestry with aggregate information on sales of trees, tree seedlings, tree seeds, tree scions and other propagative materials that are genetically engineered.

**LD 972      Resolve, Regarding Legislative Review of Portions of Chapter 28: Notification Provisions for Outdoor Pesticide Applications, a Major Substantive Rule of the Board of Pesticides Control**

**RESOLVE 115  
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
	OTP-AM	H-384

This resolve provides for legislative review of portions of Chapter 28: Notification Provisions for Outdoor Pesticide Applications, a major substantive rule of the Department of Agriculture, Food and Rural Resources, Board of Pesticides Control.

**Committee Amendment "A" (H-384)**

This amendment denies final adoption of the rule.