

# 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  
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## 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 1034     An Act To Increase Access to Farm Fresh Poultry**

**PUBLIC 354**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MCCABE DAMON	OTP-AM   MAJ ONTP   MIN	H-427  H-466   MCCABE

This bill allows a poultry producer to sell uninspected poultry at the producer's farm, at farmers' markets and to restaurants. It establishes labeling requirements and requires identification of uninspected products on restaurant menus.

**Committee Amendment "A" (H-427)**

This amendment is the majority report of the Joint Standing Committee on Agriculture, Conservation and Forestry. It directs the Commissioner of Agriculture, Food and Rural Resources to establish requirements for sanitary processes and physical facilities through rulemaking. It requires an annual inspection of facilities and an annual review of processes by the Department of Agriculture, Food and Rural Resources.

It allows consumers participating in a community supported agriculture agreement with a farmer who has a direct marketing relationship with a poultry producer to receive poultry products that have not been inspected. It also allows a poultry producer to deliver poultry products to a consumer's home. Sales to restaurants are restricted to restaurants within a 50-mile radius of the farm on which the poultry were produced.

**House Amendment "A" To Committee Amendment "A" (H-466)**

This amendment removes the provision allowing a poultry producer to sell uninspected poultry to restaurants and the related information and labeling requirements. It also removes the appropriations and allocations section.

**Enacted Law Summary**

Public Law 2009, chapter 354 allows a poultry producer who slaughters fewer than 1,000 birds in a year to sell uninspected poultry at the producer's farm and at farmers' markets and to deliver uninspected poultry products to a consumer's home. It allows consumers participating in a community supported agriculture agreement to receive uninspected poultry products. Chapter 354 directs the Commissioner of Agriculture, Food and Rural Resources to establish requirements through rulemaking for sanitary processes and physical facilities producers. The Department of Agriculture, Food and Rural Resources is required to annually inspect facilities of and review processes conducted by a producer exempt from poultry inspection.

**LD 1047     An Act To Amend the Review and Approval Process of the Comprehensive Land Use Plan**

**PUBLIC 375  
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
CLARK H NUTTING J	OTP-AM   MAJ OTP-AM   MIN	H-468

This bill requires that a comprehensive land use plan be adopted by the Maine Land Use Regulation Commission and approved by the joint standing committee of the Legislature having jurisdiction over conservation matters. Current law requires that the Maine Land Use Regulation Commission adopt and the Governor approve a

# Joint Standing Committee on Agriculture, Conservation and Forestry

comprehensive land use plan.

## Committee Amendment "A" (H-468)

This amendment is the majority report of the Joint Standing Committee on Agriculture, Conservation and Forestry. It requires the Maine Land Use Regulation Commission to submit a comprehensive land use plan or portions of a plan to the joint standing committee of the Legislature having jurisdiction over conservation matters a minimum of 30 days prior to the final vote of the commission. It requires review by the legislative committee at a public meeting prior to the commission's vote. The commission must brief the committee on anticipated rule changes resulting from the revised plan. It retains the Governor's role in the process as it is under current law.

## Enacted Law Summary

Public Law 2009, chapter 375 requires the Maine Land Use Regulation Commission to submit a comprehensive land use plan to the joint standing committee of the Legislature having jurisdiction over conservation matters a minimum of 30 days prior to the final vote of the commission. The commission must brief the committee on anticipated rule changes resulting from the revised plan. It requires review by the legislative committee at a public meeting prior to the commission's vote.

Public Law 2009, chapter 375 was enacted as an emergency measure effective June 12, 2009.

## LD 1053 An Act To Ensure Humane Dog and Cat Breeding in the State

LEAVE TO  
WITHDRAW

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
STEVENS	LTW	

This bill amends the definition of "breeding kennel" to include any location where dogs or cats capable of breeding are kept and one or more dogs or cats are sold. It increases the fee for licensing a dog that has not been spayed or neutered. It restricts the number of adult female dogs or cats capable of breeding that can be kept at a breeding kennel to 10. It establishes a license fee for breeding kennels that is based on the number of adult female dogs or cats capable of breeding kept at the kennel. For pet shops that sell dogs, the license fee is increased incrementally based on the number of dogs sold or offered for sale in the previous year.

## LD 1103 An Act To Amend the Animal Welfare Laws

PUBLIC 343

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
PIEH NUTTING J	OTP-AM	H-523

This bill makes several revisions to the animal welfare laws in Maine Revised Statutes, Title 7 and Title 17.

## Committee Amendment "A" (H-523)

This amendment removes the section of the bill that expanded membership on the Animal Welfare Advisory Council. It also removes language that included day care facilities for companion animals in the definition of "boarding kennel" and the requirement that a person operating a wolf hybrid kennel maintain records for 10 years.