

MAINE STATE LEGISLATURE

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STATE OF MAINE
124TH LEGISLATURE
FIRST REGULAR SESSION



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

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

July 2009

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STATE OF MAINE

124TH 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 124th 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 124th 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

It removes the requirement that the Department of Agriculture, Food and Rural Resources must approve an animal shelter's adoption policy for the shelter to be eligible for reimbursement.

It clarifies that only humane agents and state veterinarians who have received training and certification from the Maine Criminal Justice Academy are authorized to serve civil process or represent the Department of Agriculture, Food and Rural Resources in District Court. It revises the shelter and tethering requirements for dogs used in competition to mirror the requirements for dogs kept as sled dogs. It clarifies that the process for the Commissioner of Agriculture, Food and Rural Resources to revoke or suspend licenses must be in accordance with the Maine Administrative Procedure Act.

Enacted Law Summary

Public Law 2009, chapter 343 removes the Commissioner of Agriculture, Food and Rural Resources or the commissioner's designee as an ex officio member of the Animal Welfare Advisory Council. It changes the definition of "boarding kennel" to include training facilities that board or keep animals while they are in training. It allows humane agents who have been trained and certified to issue civil summons for violations of animal welfare laws. It authorizes the commissioner to suspend or revoke their state-issued certification for an animal control officer. It requires animal shelters to have an adoption policy to be eligible to receive reimbursement for stray animals.

It reduces the holding period for feral cats to 24 hours. It requires animal shelters to send notice to the last known address of a person hospitalized or incarcerated. It authorizes the commissioner to allow animal shelters to issue dog licenses.

It prohibits the Department of Agriculture, Food and Rural Resources from issuing licenses for an animal shelters to felons with certain convictions within 10 years of the license application. It allows the department to revoke or suspend a facility license if that facility violates any quarantine or maintains animals contrary to the rules of the department, fails to keep records required or violates any provision of laws or rules of the Department of Inland Fisheries and Wildlife. It eliminates the requirement that a municipality issue a warrant and direct a law enforcement officer to issue summons for failure to comply with the dog licensing law.

It requires municipalities to notify the Commissioner of Agriculture, Food and Rural Resources within 10 days of the appointment or vacancy of an animal control officer. It increases the maximum fine that may be imposed on a municipal official who does not perform that official's duties regarding animal control and welfare.

It revises shelter requirements and clarifies shelter and tether requirements as they apply to sled dogs and dogs used in competition. It authorizes the Department of Agriculture, Food and Rural Resources to suspend or revoke the license of a breeding kennel or pet shop that fails to comply with laws and rules pertaining to the sale of dogs and cats.

LD 1133

An Act To Implement the Recommendations of the Commission To Study the Protection of Farms and Farmland

PUBLIC 356

Sponsor(s)

Committee Report

Amendments Adopted

OTP-AM

S-274

This bill is submitted by the Joint Standing Committee on Agriculture, Conservation and Forestry pursuant to Public Law 2007, chapter 649, section 11, subsection 6. It implements the recommendations of the Commission to Study the Protection of Farms and Farmland.

Part A establishes a process for the voluntary designation of farms as "Farming for Maine" farms. It requires

Joint Standing Committee on Agriculture, Conservation and Forestry

the Commissioner of Agriculture, Food and Rural Resources to report to the Joint Standing Committee on Agriculture, Conservation and Forestry on activity related to and interest in the designation of "Farming for Maine" farms.

Part A authorizes the Commissioner of Agriculture, Food and Rural Resources to develop and initiate a pilot program to examine the effectiveness of agricultural districts in maintaining a land base for farming and enhancing the profitability of farms. It also authorizes the commissioner to facilitate the formation of agriculture enhancement groups. Part A requires the Department of Agriculture, Food and Rural Resources and the State Tax Assessor to jointly monitor changes to the federal estate tax on an annual basis and make recommendations to the Legislature regarding Maine's estate tax that will facilitate the preservation of farmland.

Part B requires projects and development subject to review and approval by the Department of Environmental Protection under the Maine Revised Statutes, Title 38, chapter 3, article 5-A or article 6 to also be reviewed for impact on farmland when the project or development is funded in whole or in part with federal or state funds. Part B also directs the State Board of Education to amend the Department of Education's rule governing the siting of new schools to require consideration of farmland in siting decisions. It establishes a fund within the Department of Agriculture, Food and Rural Resources to receive any mitigation fees assessed and to be used to acquire farmland or interest in farmland.

Part C prohibits the use of eminent domain to acquire farmland for recreational purposes or for securing aesthetic or therapeutic benefits for the public. Part D directs the Executive Department, State Planning Office and the Department of Agriculture, Food and Rural Resources to review existing farmland protection ordinances in order to develop a model ordinance to be made available to municipal and regional planning committees.

Committee Amendment "A" (S-274)

This amendment modifies the provisions for a pilot project on the formation of agricultural districts. It extends the report back date to February 2011. It allows 3 or more farms to request designation as an agricultural district if the farms are located in geographic proximity to one another, produce similar types of agricultural products or share common marketing interests. It requires only the Department of Agriculture, Food and Rural Resources to make recommendations on estate taxes. It removes Part B from the bill, which provided for impact assessment and mitigation on state-funded or federally funded projects with the potential to convert or diminish farmland. It changes the provisions regarding the use of eminent domain by the Department of Conservation, Bureau of Parks and Lands, allowing eminent domain to be used only after legislative review. It changes the requirement that the Executive Department, State Planning Office and the Department of Agriculture, Food and Rural Resources develop a model ordinance for farmland protection to a directive that they provide municipal and regional planning committees with examples of provisions to protect farmland.

Enacted Law Summary

Public Law 2009, chapter 356 establishes a process for the voluntary designation of farms as "Farming for Maine" farms. It authorizes the Commissioner of Agriculture, Food and Rural Resources to develop and initiate a pilot program to examine the effectiveness of agricultural districts in maintaining a land base for farming and enhancing the profitability of farms. It allows 3 or more farms to request designation as an agricultural district if the farms are located in geographic proximity to one another, produce similar types of agricultural products or share common marketing interests.

It requires the Department of Agriculture, Food and Rural Resources and the State Tax Assessor to jointly monitor changes to the federal estate tax on an annual basis and for the Department of Agriculture, Food and Rural Resources to make recommendations to the Legislature regarding Maine's estate tax that will facilitate the preservation of farmland.

Joint Standing Committee on Agriculture, Conservation and Forestry

Chapter 356 allows the Department of Conservation, Bureau of Parks and Lands to acquire land by eminent domain only after legislative review. It directs the Executive Department, State Planning Office and the Department of Agriculture, Food and Rural Resources to provide municipal and regional planning committees with examples of provisions included in ordinances to protect farmland.

LD 1158 Resolve, Authorizing Certain Land Transactions by the Department of Conservation, Bureau of Parks and Lands

RESOLVE 64

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
PIEH NUTTING J	OTP-AM	H-194

This resolve authorizes the Department of Conservation, Bureau of Parks and Lands to sell or transfer interest in certain designated lands. Under Article IX, Section 23 of the Maine Constitution, the transfer or change in use of lands held by the State for conservation or recreational purposes, the designated lands, requires a 2/3rds vote of the Legislature.

Committee Amendment "A" (H-194)

This amendment requires that 2 of the transfers authorized in the resolve be conveyed for appraised fair market value. These are the transfers authorized in the resolve to convey access rights either by fee or by easement over land in the Town of Brownville in Piscataquis County and to convey minority interests in common undivided interests in land in T12 R17 WELS in Aroostook County. Appraisals are not required for the other transactions authorized in the resolve.

Enacted Law Summary

Resolve 2009, chapter 64 allows the Department of Conservation, Bureau of Parks and Lands to sell or swap a portion of the Shell Heaps Lots in the Town of Damariscotta, with the concurrence of the Maine Historic Preservation Commission, in order to advance a plan for recreational trail development on adjacent parcels. The resolve allows the Bureau of Parks and Lands to sell an access easement crossing the Bangor and Aroostook Trail in the Town of Van Buren. It allows the Bureau of Parks and Lands to sell an easement or sell a fee portion to an abutter of a parcel of land owned by the Bureau of Parks and Lands in the Town of Brownville near the Katahdin Iron Works Multi-use Trail. It allows the Bureau of Parks and Lands to sell its minority common undivided interests in land in T12 R17 in Aroostook County. The resolve also provides for the resolution of a boundary dispute in Chesuncook Village in Piscataquis County by allowing the Bureau of Parks and Lands to transfer a fraction of an acre each to Piscataquis County and to an abutter.

LD 1159 An Act Relating to Industrial Hemp

PUBLIC 320

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
WELSH	OTP-AM MAJ ONTP MIN	H-356

This bill allows a person to grow industrial hemp if that person holds a license issued by the Commissioner of Agriculture, Food and Rural Resources and the hemp is grown under a federal permit in compliance with the conditions of that permit. Except for employees of the Maine Agricultural Experiment Station and the University of Maine System involved in research and related activities, a criminal history record check must be completed on an