

MAINE STATE LEGISLATURE

The following document is provided by the
LAW AND LEGISLATIVE DIGITAL LIBRARY
at the Maine State Law and Legislative Reference Library
<http://legislature.maine.gov/lawlib>



Reproduced from electronic originals
(may include minor formatting differences from printed original)

STATE OF MAINE
124TH LEGISLATURE
SECOND REGULAR SESSION



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

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

April 2010

MEMBERS:

SEN. JOHN M. NUTTING, CHAIR
SEN. BRUCE S. BRYANT
SEN. ROGER L. SHERMAN

REP. WENDY PIEH, CHAIR
REP. NANCY E. SMITH
REP. BENJAMIN MARRINER PRATT
REP. LEILA J. PERCY
REP. PETER S. KENT
REP. JEFF M. MCCABE
REP. ANDREW ROESING O'BRIEN
REP. PETER E. EDGECOMB
REP. DEAN A. CRAY
REP. JEFFERY ALLEN GIFFORD

STAFF:

JILL IPPOLITI, LEGISLATIVE ANALYST
OFFICE OF POLICY AND LEGAL ANALYSIS
13 STATE HOUSE STATION
AUGUSTA, ME 04333
(207) 287-1670

STATE OF MAINE

124TH LEGISLATURE
SECOND 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 Second 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:

<i>CARRIED OVER</i>	<i>Carried over to a subsequent session of the Legislature</i>
<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 HOUSES</i>	<i>House & 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&S XXX</i>	<i>Chapter # of enacted Private & 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 of the 124th Legislature is Monday, July 12, 2010. 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 628 An Act To Allocate Prospective Federal Funding To Support Maine's Dairy Industry

ONTP

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MCCABE MILLS P	ONTP	

LD 628 was carried over from the First Regular Session. This bill is a concept draft that proposes to allocate prospective federal funding to support the State's dairy industry.

LD 687 Resolve, To Direct the Department of Conservation To Seek To Acquire Public Access to the Dead River

RESOLVE 153

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MILLS P	OTP-AM	S-363

LD 687 was carried over from the First Regular Session. This resolve requires the Department of Conservation to give priority under the Land for Maine's Future Fund to acquire, support and maintain public access to swift rivers and great ponds. Authority is granted to the department to use eminent domain, as necessary, to acquire and maintain access to key launching points on the Dead River and the Kennebec River.

Committee Amendment "A" (S-363)

This amendment replaces the resolve. It directs the Department of Conservation to seek to acquire a public right-of-way along approximately 16 miles of the Lower Enchanted Road, from Route 201 in West Forks Plantation westward to an area used for vehicle parking and launching watercraft into the Dead River. It does not authorize use of eminent domain nor does it designate acquisition of this right-of-way as a priority for the Land for Maine's Future Fund.

Enacted Law Summary

Resolve 2009, chapter 153 directs the Department of Conservation to seek to acquire a public right-of-way along approximately 16 miles of the Lower Enchanted Road, from Route 201 in West Forks Plantation westward to an area used for vehicle parking and launching watercraft into the Dead River. The department is not required to assume an obligation to improve or maintain the right-of-way at public expense. The department is directed to seek private and public funds to secure public access via easements or fee acquisitions. The resolve requires the department to report to the joint standing committee of the Legislature having jurisdiction over conservation matters no later than January 10, 2011 and authorizes the committee to submit a bill to the First Regular Session of the 125th Legislature.

LD 1182 An Act To Prevent Price Gouging in the Sale of Milk

ONTP

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

Joint Standing Committee on Agriculture, Conservation and Forestry

LD 1182 was carried over from the First Regular Session. This bill prohibits the sale of milk for an unconscionably excessive price. It authorizes the Maine Milk Commission to investigate to determine whether the price is unconscionably excessive whenever the retail price to consumers for milk exceeds twice what is paid to producers of the milk. If the commission finds probable cause to believe that the price is unconscionably excessive, it may after notice and hearing make findings and issue orders to prohibit such practices. The bill specifies certain circumstances that are evidence of an unconscionably excessive price. It authorizes the commission to assess a penalty of up to \$100 per day for each violation with the proceeds to be remitted to the Women, Infants and Children Special Supplemental Food Program to be used to purchase milk and milk products for clients of the program.

LD 1238 An Act Concerning the National Animal Identification System

PUBLIC 544

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
HAMPER SHERMAN	OTP-AM	H-641

LD 1238 was carried over from the First Regular Session. This bill requires the Commissioner of Agriculture, Food and Rural Resources to adopt rules to implement a national animal identification system if federal law makes the system mandatory. If the national identification system is voluntary, this bill prohibits the commissioner from forcing participation in the system, withholding indemnity from a person who does not participate in the system or denying or revoking permits, licenses, services, grants or other benefits or incentives to a person who does not participate in the system. The bill prohibits a municipality or political subdivision from enacting or maintaining an ordinance requiring participation in an animal identification system except to conform to a state requirement. The bill also prohibits the commissioner from disseminating any confidential information to the national animal identification system unless to prevent or control a disease or to protect the public health, safety or welfare.

Committee Amendment "A" (H-641)

This amendment clarifies that the Commissioner of Agriculture, Food and Rural Resources is authorized to adopt rules to implement a national animal identification system only if the system becomes mandatory through action at the federal level. It also revises the confidentiality provision in the bill to clarify that information provided to the commissioner under either a mandatory or voluntary system is confidential. The commissioner is authorized to disclose information to government entities if disclosure is necessary to prevent or control disease or to protect the public. The commissioner may publish and release as public information summary reports using aggregate data that does not reveal the activities of an individual person or firm. This amendment also adds an automatic repeal date of January 1, 2013.

Enacted Law Summary

Public Law 2009, chapter 544 requires the Commissioner of Agriculture, Food and Rural Resources to adopt rules to implement a national animal identification system but only if federal law makes the system mandatory. If the national identification system is voluntary, chapter 544 prohibits the commissioner from forcing participation in the system or imposing any penalty on or withholding any benefit from a person who does not participate in the system. Chapter 544 prohibits a municipality or political subdivision from enacting or maintaining an ordinance requiring participation in an animal identification system except to conform to a state requirement. It designates information provided to the commissioner under either a mandatory or voluntary system as confidential. The commissioner is authorized to disclose information to government entities if disclosure is necessary to prevent or control disease or to protect the public. The commissioner may publish and release as public information summary reports using aggregate data that does not reveal the activities of an individual person or firm. The provisions enacted in this chapter are repealed on January 1, 2013.