

MAINE STATE LEGISLATURE

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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

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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:

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 HOUSES..... 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 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 1585 Resolve, To Enhance Protection of Maine Farms and Nurseries

**RESOLVE 159
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MCCABE NUTTING J	OTP-AM	H-620

This bill requires the Department of Agriculture, Food and Rural Resources to adopt rules to regulate the sale of annual plants by large-scale retailers and the producers that supply those retailers with plants on consignment.

Committee Amendment "A" (H-620)

The amendment replaces the bill with a resolve directing the Commissioner of Agriculture, Food and Rural Resources to adopt a rule requiring a person shipping tomato seedlings into the State to notify the State Horticulturist prior to shipment. It also requires the commissioner to examine license fees in other states, consider the benefits of a dedicated account to receive license fees and make recommendations to the Joint Standing Committee of the Legislature having jurisdiction over agriculture matters regarding licenses to sell nursery stock.

Enacted Law Summary

Resolve 2009, chapter 159 directs the Commissioner of Agriculture, Food and Rural Resources to adopt a rule requiring a person shipping tomato seedlings into the State to notify the State Horticulturist prior to shipment. It also requires the commissioner to examine license fees in other states, consider the benefits of a dedicated account to receive license fees and make recommendations to the Joint Standing Committee of the Legislature having jurisdiction over agriculture matters regarding licenses to sell nursery stock.

Resolve 2009, chapter 159 was finally passed as an emergency measure on March 9, 2010.

LD 1586 An Act To Amend the Definition of "Farmers' Market"

**PUBLIC 547
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
PIEH NUTTING J	OTP-AM	H-666

Current law requires that at least 75% of products offered for sale by each seller at a farmers' market must be grown or processed by that seller. This bill changes the definition of "farmers' market" to require that only 75% of the sellers at a farmers' market must meet this requirement.

Committee Amendment "A" (H-666)

This amendment clarifies that only vendors selling farm or food products at a farmers' market must meet the requirement that 75% of those products be grown or processed by the vendor or under the vendor's direction. It requires a vendor selling farm or food products grown or processed by another person to identify the farm and location on which the product originated. The amendment specifically includes fiber and fiber products in the definition of farm and food products. It exempts people selling baked goods at farmers' markets from certain rules in the State of Maine Food Code 2001, Chapter 331 of Department of Agriculture, Food and Rural Resources rules. It adds an emergency preamble and emergency clause to the bill.

Enacted Law Summary

Joint Standing Committee on Agriculture, Conservation and Forestry

Public Law 2009, chapter 547 revises the law pertaining to farmers markets to clarify that only vendors selling farm or food products at a farmers' market must meet the requirement that 75% of those products be grown or processed by the vendor or under the vendor's direction. It requires a vendor selling farm or food products grown or processed by another person to identify the farm and location on which the product originated. Chapter 547 also amends the Maine Food Law to allow people selling at farmers' markets to display and sell unpackaged baked goods.

Public Law 2009, chapter 547 was enacted as an emergency measure effective March 25, 2010.

LD 1587 An Act To Amend the Animal Welfare Laws

**PUBLIC 548
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
PIEH NUTTING J	OTP-AM	H-684

This bill strengthens the animal trespass statute and allows the Commissioner of Agriculture, Food and Rural Resources to market and sell general merchandise to generate supplemental funds for the animal welfare program.

Committee Amendment "A" (H-684)

This amendment clarifies the means by which the Department of Agriculture, Food, and Rural Resources can recover costs incurred in responding to a violation of animal trespass laws. The amendment also clarifies that the animal trespass provision applies to animals that are unattended on a public road. The amendment changes the late fee for dog licenses from \$15 to \$25, the fee formerly applicable to dog owners who were placed on a warrant for failure to license a dog..

Enacted Law Summary

Public Law 2009, chapter 548 allows the court to order a person to pay restitution to the Department of Agriculture, Food, and Rural Resources for costs incurred while assisting a municipality or law enforcement officer in responding to a violation of animal trespass laws. The amendment also clarifies that the animal trespass provision applies to animals that are unattended on a public road. Chapter 548 authorizes the commissioner to sell merchandise to supplement the animal welfare auxiliary fund. The amendment changes the late fee for dog licenses from \$15 to \$25. Provisions requiring a municipal warrant and a \$25 late fee for dogs not licensed by January 30th were repealed by Public Law 2009, chapter 343, section 13 without the intended corresponding increase in the late fee without a warrant.

Public Law 2009, chapter 548 was enacted as an emergency measure effective March 25, 2010.

LD 1598 An Act To Strengthen the Laws against Cruelty to Animals

PUBLIC 573

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
SIMPSON	OTP-AM	S-419

This bill changes the penalty for animal cruelty by increasing the class of certain crimes from Class D crimes to Class C crimes when 25 or more animals are involved. It authorizes the court to order a person convicted of animal cruelty to recover the cost of relocating animals. It adds probation as a sentencing option for Class D