

# MAINE STATE LEGISLATURE

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**STATE OF MAINE**  
124<sup>TH</sup> LEGISLATURE  
SECOND REGULAR SESSION



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

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

April 2010

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# STATE OF MAINE

124<sup>TH</sup> 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 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:

<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 &amp; 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&amp;S XXX</i> .....	<i>Chapter # of enacted Private &amp; 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 124<sup>th</sup> 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

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

# Joint Standing Committee on Agriculture, Conservation and Forestry

animal cruelty violations.

## Committee Amendment "A" (S-419)

This amendment removes the provision in the bill that made a Class D violation of animal cruelty involving 25 or more animals a Class C crime. It provides an expedited schedule for hearings when animals have been seized without a court order and specifies evidence that is admissible at a possession hearing.

## Enacted Law Summary

Public Law 2009, chapter 573 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 animal cruelty violations. It provides an expedited schedule for hearings when animals have been seized without a court order and specifies evidence that is admissible at a possession hearing.

## LD 1607 An Act To Regulate the Transportation of Firewood

**PUBLIC 585  
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MCCABE GOODALL	OTP-AM	H-667 S-442 NUTTING J

This bill prohibits the transportation of firewood into the State. The Director of the Bureau of Forestry within the Department of Conservation is authorized to use rulemaking to implement the prohibition. Firewood that is packaged and clearly labeled as "kiln dried" or certified by the United States Department of Agriculture, Animal and Plant Health Inspection Service is exempt from the prohibition. It directs the Bureau of Parks and Lands, also within the Department of Conservation, to work with the Bureau of Forestry to restrict the transportation of firewood into state parks and other lands managed by the Bureau of Parks and Lands. This bill also requires the director to use available resources to conduct surveillance to detect the presence of the emerald ash borer and the Asian longhorned beetle.

## Committee Amendment "A" (H-667)

This amendment directs the Director of the Bureau of Forestry within the Department of Conservation to seek funding sufficient to implement restrictions on the transportation of firewood into the State. It requires the director to use existing rule-making authority to establish restrictions on the transportation of firewood into the State as soon as adequate funding to implement the rule is secured. It removes the definition of "firewood" in the bill, allowing a definition to be established by rule.

This amendment revises the directive to the Bureau of Forestry and the Bureau of Parks and Lands within the Department of Conservation to work closely on restricting firewood transported into state parks and other lands managed by the Bureau of Parks and Lands. The amendment clarifies that this directive is not dependent on rules being adopted under the Maine Revised Statutes, Title 12, section 8306.

## Senate Amendment "A" To Committee Amendment "A" (S-442)

This amendment adds a definition of "firewood" and allows the Director of the Bureau of Forestry within the Department of Conservation to propose modifications to the definition to the joint standing committee of the Legislature having jurisdiction over forestry matters to achieve the intent of this legislation to protect the State's forests from pests.

## Enacted Law Summary