

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:

<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

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

Joint Standing Committee on Agriculture, Conservation and Forestry

Public Law 2009, chapter 585 requires the Director of the Bureau of Forestry within the Department of Conservation to use existing rule-making authority to establish restrictions on the transportation of firewood into the State to protect the forest from introduction of the emerald ash borer and the Asian longhorned beetle. It requires the director to seek funding sufficient to implement restrictions on the transportation of firewood into the State. The Act contains a definition of "firewood." It 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.

The Bureau of Forestry and the Bureau of Parks and Lands within the Department of Conservation are directed to work together on restricting firewood transported into state parks and other lands managed by the Bureau of Parks and Lands to protect the forests from the introduction of the emerald ash borer and the Asian longhorned beetle.

Public Law 2009, chapter 585 was enacted as emergency legislation effective April 1, 2010.

LD 1684 An Act To Amend the Laws That Provide an Exemption for ONTP
Agricultural Guard Dogs from Municipal Ordinances Governing
Barking Dogs

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
STRANG BURGESS DAVIS G	ONTP	

This bill restricts the exemption from barking dog ordinances for agricultural working dogs to dogs engaged in agricultural guarding or herding activities on land that is classified as farmland under the State's current use taxation program for farmland and land that is not classified as farmland but meets other criteria relating to size, use and location.

LD 1698 An Act To Prevent the Spread of Eastern Equine Encephalitis ONTP

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

This bill is a concept draft pursuant to Joint Rule 208. It proposes to establish a state-municipal partnership to improve suppression, prevention and reporting of eastern equine encephalitis.

LD 1726 Resolve, Regarding Legislative Review of Portions of Chapter 28: RESOLVE 173
Notification Provisions for Outdoor Pesticide Applications, a Major EMERGENCY
Substantive Rule of the Department of Agriculture, Food and Rural
Resources, Board of Pesticides Control

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
	OTP-AM	H-683