

MAINE STATE LEGISLATURE

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STATE OF MAINE
125TH LEGISLATURE
FIRST REGULAR SESSION



Summaries of bills, adopted amendments and laws enacted or finally passed

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

July 2011

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LEGISLATIVE DIGEST OF BILL SUMMARIES AND
ENACTED LAWS

This *Legislative Digest of Bill Summaries and Enacted Laws* summarizes all LDs and adopted amendments and all laws enacted or finally passed during the First Regular Session of the 125th Maine Legislature.

The *Digest* is arranged alphabetically by committee and within each committee by Legislative Document (LD) number. The committee report(s), prime sponsor and lead co-sponsor(s), if designated, are listed below each LD 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 LD is noted to the right of the LD title. The following describes the various final actions.

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; legislation died
DIED BETWEEN HOUSES..... House & Senate disagreed; legislation died
DIED IN CONCURRENCE..... defeated in each house, but on different motions; legislation died
DIED ON ADJOURNMENT..... action incomplete when session ended; legislation died
EMERGENCY..... enacted law takes effect sooner than 90 days after session adjournment
FAILED, EMERGENCY ENACTMENT or FINAL PASSAGE emergency failed to receive required 2/3 vote
FAILED, ENACTMENT or FINAL PASSAGE..... failed to receive final majority vote
FAILED, MANDATE ENACTMENT legislation proposing local mandate failed required 2/3 vote
HELD BY GOVERNOR..... Governor has not signed; final disposition to be determined at subsequent session
LEAVE TO WITHDRAW..... sponsor's request to withdraw legislation granted
NOT PROPERLY BEFORE THE BODY ruled out of order by the presiding officer; legislation died
INDEF PP..... indefinitely postponed; legislation died
ONTP, ACCEPTED, MAJORITY, MINORITY or REPORT X... ought-not-to-pass report accepted; legislation died
P&S XXX..... chapter # of enacted private & special law
PUBLIC XXX..... chapter # of enacted public Law
RESOLVE XXX..... chapter # of finally passed resolve
VETO SUSTAINED..... Legislature failed to override Governor's veto

The effective date for non-emergency legislation enacted in the First Regular Session of the 125th Legislature is September 28, 2011. The effective date for legislation enacted as an emergency measure may be found in the enacted law summary for that legislation.

Joint Standing Committee on Agriculture, Conservation and Forestry

LD 11 An Act To Regulate the Keeping of Wolf Hybrids

**PUBLIC 100
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
TRAHAN	OTP-AM	S-50

LD 11 changes the registration requirement for a wolf hybrid kennel to a licensing requirement. It directs the Department of Agriculture, Food and Rural Resources to consult with the Department of Inland Fisheries and Wildlife on potential threats to wildlife and public safety prior to issuing a license. It provides for the conditional licensure of kennels that were previously registered.

Committee Amendment "A" (S-50)

This amendment replaces the bill. It prohibits the keeping of a wolf hybrid without a permit for keeping wildlife in captivity issued by the Department of Inland Fisheries and Wildlife. It provides an exception to the prohibition for wolf hybrids that are kept as pets and licensed under the dog licensing statutes in 2011.

Enacted Law Summary

Public Law 2011, chapter 100 prohibits the keeping of a wolf hybrid without a permit for keeping wildlife in captivity issued by the Department of Inland Fisheries and Wildlife. It provides an exception to the prohibition for wolf hybrids that are kept as pets and licensed under the dog licensing statutes in 2011. It enacts provisions for the disposition of wolf hybrids that are found at large. A shelter that accepts a wolf hybrid that is not claimed by its owner within 6 days may transfer ownership to a person holding a permit to possess wildlife in captivity or a person who operates a licensed animal refuge outside the State or after 8 days may have the animal euthanized. It directs the Commissioner of Inland Fisheries and Wildlife to adopt rules to regulate the importation and possession of wolf hybrids and establish confinement standards to protect the public. It directs the Commissioner of Agriculture, Food and Rural Resources to update the Commissioner of Inland Fisheries and Wildlife on the status of wolf hybrids kept as pets and to submit a bill to update statutory provisions pertaining to the keeping of wolf hybrids when all animals kept as pets under these provisions are deceased.

It amends the definition of "dog" to distinguish between dogs and wolf hybrids under certain chapters of the animal welfare laws while continuing to include wolf hybrids in the definition of "dog" in others. It allows a licensed animal shelter that is functioning as a wolf hybrid refuge in this State to continue to accept wolf hybrids from within the State until July 1, 2012. The facility must obtain a permit to possess wildlife from the Department of Inland Fisheries and Wildlife by December 31, 2012.

Public Law 2009, chapter 100 was enacted as an emergency measure effective May 19, 2011.

LD 16 An Act To Revise Notification Requirements for Pesticides Applications Using Aircraft or Air-carrier Equipment

ONTP

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

LD 16 revises the criteria for required notification of pesticides application to those on the notification registry.

Joint Standing Committee on Agriculture, Conservation and Forestry

It changes the distance requiring notification when pesticides are applied using aircraft from 1,320 feet to 100 feet and when pesticides are sprayed into the crowns of fruit trees or Christmas trees using air-carrier equipment from 500 feet to 50 feet.

LD 17 An Act To Reform the Land Use and Planning Authority within the ONTP
Unorganized Territories of the State

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

LD 17 eliminates the Maine Land Use Regulation Commission, effective July 15, 2012, and directs the Maine Land Use Regulation Commission prior to its elimination to develop a plan to provide authority over land use planning in the unorganized territory to the counties in which the land is located. The Maine Land Use Regulation Commission is required to submit its proposal, together with implementing legislation necessary to effectuate the repeal of the Maine Land Use Regulation Commission and the transfer of its duties, to the joint standing committee of the Legislature having jurisdiction over agriculture, conservation and forestry matters by December 2, 2011.

See LD 1534 for a summary of related legislation that was enacted.

LD 41 An Act To Amend the Laws Governing the Maine Potato Board PUBLIC 7
EMERGENCY

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
EDGECOMB SHERMAN	OTP-AM	H-5

LD 41 makes revisions to the laws governing the Maine Potato Board. The bill changes the meeting requirements of the board and the membership of the board and increases the potato tax from \$.05 to \$.06 per hundredweight.

Committee Amendment "A" (H-5)

This amendment revises the records and reporting section of the potato tax law for consistency with the rate change in the bill and specifies that the rate change does not take effect until September 1, 2011.

Enacted Law Summary

Public Law 2009, chapter 7 reduces the minimum number of required meetings of the executive councils for assemblies of those involved in the potato industry from 2 to 1. It increases the potato tax from \$.05 to \$.06 per hundredweight. It also revises membership on the Maine Potato Board.

Public Law 2009, chapter 7 was enacted as an emergency measure effective March 25, 2011.