

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 718 An Act Regarding the Milk Handling Fee

PUBLIC 125

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
KNIGHT SHERMAN	OTP-AM	H-162

LD 718 allows only one milk handling fee to be assessed on any particular container of packaged milk and imposes a handling fee on 20-quart containers of packaged milk, which formerly were exempt from handling fees. If more than one wholesale handler handles a particular container of packaged milk in this State, for purposes of collection of the fee, the handler is the wholesale handler that first handles the milk. This bill provides credits to milk handlers or their designees for any fee paid pursuant to the law governing milk handling fees with respect to any packaged milk that is sold or shipped outside this State.

Committee Amendment "A" (H-162)

This amendment specifies that a credit or a refund may be claimed. It clarifies that the refund or credit may be claimed when the milk handling fee is paid on packaged milk that is subsequently exported for out-of-state sale. It specifies that claims for credits or refunds authorized under the Maine Revised Statutes, Title 36, section 4903 apply to sales occurring on or after October 1, 2011.

Enacted Law Summary

Public Law 2011, chapter 125 extends the handling fee to 20-quart containers of packaged milk. It clarifies that the handling fee is collected from the wholesale handler that first handles the packaged milk. It provides for the distribution of credits or refunds to milk handlers or their designees for any fee paid on packaged milk that is sold or shipped outside this State.

LD 738 An Act To Require Disclosure of the Origin of Certain Products Sold at Farm Stands

**MAJ (ONTP)
REPORT**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
SAVIELLO	ONTP MAJ OTP-AM MIN	

LD 738 defines "farm stand" and requires that any product that was not grown by the person operating the farm stand must be labeled to identify the product's origin.

LD 755 An Act To Strengthen the Laws Regarding Dangerous Dogs

PUBLIC 82

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
FOSSEL RECTOR	OTP-AM	H-101

Joint Standing Committee on Agriculture, Conservation and Forestry

LD 755 directs the court to specify the length of confinement if confinement is ordered in the case of a dangerous dog and specifies that the court may order permanent confinement in such a case. It also allows the court to order the dog to be securely muzzled, restricted by a tether not more than 3 feet in length with a minimum tensile strength of 300 pounds and under the direct control of the dog's owner or keeper whenever the dog is not in an enclosed area.

Committee Amendment "A" (H-101)

This amendment authorizes the court to order euthanasia if there has been a previous finding that the dog is a dangerous dog. It allows a court to order a dangerous dog to be securely muzzled and restricted by a tether whenever the dog is off the owner's or keeper's premises as an alternative to being kept in a secure enclosure or euthanized.

Enacted Law Summary

Public Law 2011, chapter 82 authorizes the court to order euthanasia if there has been a previous finding that a dog is a dangerous dog. It allows a court to order a dangerous dog to be securely muzzled and restricted by a tether whenever the dog is off the owner's or keeper's premises as an alternative to being kept in a secure enclosure or euthanized. It allows the court to specify the length of confinement in the case of a dangerous dog and specifies that the court may order permanent confinement.

LD 779 An Act To Implement Standards Concerning Animal Welfare and ONTP
Research Institutions

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

LD 779 enacts definitions for "pain" and "distress." It requires a research or teaching institution to adhere to standards to ensure that animals are not subject to severe and unrelieved pain or distress. It increases the fine that might be assessed for violation of the standards.

LD 819 Resolve, To Improve the Predictability of Land Use Regulation in the INDEF PP
Unorganized Territories

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MCCABE JACKSON	ONTP MAJ OTP-AM MIN	

LD 819 directs the Maine Land Use Regulation Commission to take certain actions regarding land use. It directs the commission to begin prospective zoning for a region within its jurisdiction. It requires the commission to seek input from stakeholders prior to implementing the 2010 revisions to the comprehensive land use plan. It requires the commission to develop a permit-by-rule process for routine and minor activities within the jurisdiction. The commission is required to report to the Joint Standing Committee on Agriculture, Conservation and Forestry no later than January 15, 2012 with progress made on each directive.

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