

# MAINE STATE LEGISLATURE

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**STATE OF MAINE**  
126<sup>TH</sup> LEGISLATURE  
FIRST REGULAR SESSION



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

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

July 2013

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## LEGISLATIVE DIGEST OF BILL SUMMARIES AND ENACTED LAWS

This *Legislative Digest of Bill Summaries and Enacted Laws* contains summaries of all LDs and adopted amendments and all laws enacted or finally passed during the First Regular Session of the 126<sup>th</sup> 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 126<sup>th</sup> Legislature is October 9, 2013. 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*

**Committee Amendment "A" (S-237)**

The amendment strikes and replaces the bill. The amendment removes the penalty of a Class E crime for a 3rd or subsequent violation of the animal trespass statute. The amendment maintains animal trespass as a civil violation but increases the fines for repeated violations. The amendment also clarifies the existing statutory restitution provision and maintains the new forfeiture provision proposed in the bill.

**Enacted Law Summary**

Public Law 2013, chapter 348 maintains animal trespass as a civil violation but increases the fines for repeated violations. Public Law 2013, chapter 348 also clarifies the existing statutory restitution provision and creates a new forfeiture provision.

**LD 1285      An Act To Allow Law Enforcement Agencies Access to Animal Licensing Information      ONTP**

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

This bill requires the Commissioner of Agriculture, Conservation and Forestry to create a statewide electronic database of dog licenses by January 1, 2014. The bill also requires that the database be accessible to all law enforcement agencies in the State for use in animal control. It also establishes the Animal Licensing Database Fund as a nonlapsing account within the Department of Agriculture, Conservation and Forestry. The bill authorizes the commissioner to establish by rule fees to fund and maintain the electronic database of dog licenses and requires that rules adopted to establish these fees are major substantive rules.

**LD 1286      An Act To Protect Maine Communities by Prohibiting Horse Slaughter for Human Consumption and the Transport of Horses for Slaughter      DIED BETWEEN HOUSES**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
KNIGHT KATZ	ONTP OTP-AM	

This bill prohibits the slaughter of horses for human consumption and:

1. Bans the possession, sale, purchase, transportation and import into or export out of this State of a horse if the person knows or should know that the horse is meant to be slaughtered for human consumption;
2. Bans the possession, sale, purchase, transportation, import into or export out of this State of horseflesh if the person knows or should know that the horseflesh is for human consumption;
3. Bans the construction or operation of a facility that the person knows or should know is used or will be used for the slaughter of horses for human consumption; and
4. Repeals current law that allows horsemeat to be sold in this State as long as it is plainly and conspicuously labeled as such.

**Committee Amendment "A" (H-376)**

This amendment is the minority report. It amends the title and strikes and replaces the bill. The amendment prohibits the slaughter of horses for sale or barter for human consumption. It also prohibits the sale or barter of any

*Joint Standing Committee on Agriculture, Conservation and Forestry*

product made in whole or in part from the flesh of a horse if a person knows or should reasonably have known that the flesh or the product made of the flesh was from a horse. The amendment also bans the transport of horses for the purposes of slaughter for human consumption and bans the construction or operation of horse slaughtering facilities. Violations of these prohibitions are civil violations for which a fine of not less than \$500 and not more than \$1,000 may be adjudged for each violation.

**LD 1287     An Act To Deregulate Face-to-face Transactions between the People and Small Farms and Small Food Producers** **CARRIED OVER**

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

This bill facilitates direct sales between Maine farmers and consumers. It allows persons preparing food in their own homes to sell directly to consumers or to offer homemade food at certain events without being licensed as food establishments.

**Committee Amendment "A" (H-326)**

This amendment, which is the majority report of the committee, amends the definition of "farm food product" to exclude fluid milk and food requiring temperature control for safety. It also requires all farm food products and homemade food to contain labels containing specific information, including information about the food's producer and the food's ingredients, and a declaration that the food is sold for personal use and is exempt from licensing and inspection by the State. The amendment also states that an agricultural producer or home kitchen producer does not constitute an approved source of food for retail or wholesale use.

**Committee Amendment "B" (H-327)**

This amendment, which is the minority report, excludes fluid milk from the definition of "farm food product." It also requires all farm food products and homemade food to contain labels containing specific information, including information about the food's producer and the food product's ingredients, and a declaration that the food is sold for personal use and is exempt from licensing and inspection by the State.

This bill was committed to the Joint Standing Committee on Appropriations and Financial Affairs and carried over to any special or regular session of the 126th Legislature by joint order, H.P. 1145 as amended by H-B (H-580) and H-C (H-582).

**LD 1307     An Act To Establish the Livestock Damage Compensation Fund** **ACCEPTED  
MAJORITY  
(ONTP) REPORT**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
JOHNSON C	ONTP OTP-AM	

This bill proposes to establish the Livestock Damage Compensation Fund as a nonlapsing fund within the Department of Agriculture, Conservation and Forestry. The fund would compensate eligible farmers for damage done to livestock by coyotes and other wildlife. The bill requires the Commissioner of Agriculture, Conservation and Forestry to establish rules governing the Livestock Damage Compensation Fund no later than December 1, 2013.

**Committee Amendment "A" (S-169)**