

# MAINE STATE LEGISLATURE

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**STATE OF MAINE**  
127<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**

August 2015

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# STATE OF MAINE

127<sup>TH</sup> LEGISLATURE

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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 127<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. An appendix provides a summary of relevant session statistics.

Final action on each LD is noted to the right of the LD title. The following describes the various final actions.

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

The effective date for non-emergency legislation enacted in the First Regular Session of the 127<sup>th</sup> Legislature is October 15, 2015. 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 317      An Act To Recognize and Provide for the Right of Access for Members of the Houlton Band of Maliseet Indians To Certain Public Lands in Aroostook County for Traditional Uses      ONTP**

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

This bill permits any member of the Houlton Band of Maliseet Indians who is a resident of the State to collect or harvest wood or wood fiber in Aroostook County on lands owned by the State and uninhabited lands in the unorganized and deorganized areas of the county for the purpose of using the wood or wood fiber for fuel, personal shelter construction or traditional woodcraft production. The bill directs the Commissioner of Agriculture, Conservation and Forestry to adopt rules governing the collection and harvesting of wood or wood fiber by members of the Houlton Band of Maliseet Indians.

**LD 335      An Act To Restrict the Sale of Dogs and Cats in Pet Shops      Veto Sustained**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MONAGHAN GERZOFKY	OTP-AM ONTP	H-275

This bill prohibits a pet shop from selling cats or dogs that have not been born and raised in the pet shop. The prohibition does not apply to a public or private charitable nonprofit animal shelter, humane society or animal rescue organization, a pet shop where a dog or cat owned by a public or private organization excepted by the law is being offered for adoption or a pet shop that is selling a cat or dog that was born and raised by the owner of the pet shop in a separate facility. The bill provides that the penalty for violating these provisions is \$2,500 and potential revocation of the pet shop's license.

**Committee Amendment "A" (H-275)**

This amendment, which is the majority report, replaces the bill. The amendment creates a process whereby pet shops are required to attest in writing as to the origin of a cat or dog, which may come only from a public or private charitable nonprofit animal shelter, humane society or animal rescue organization. The amendment provides an exception for existing pet shops, who may also sell or otherwise dispose of a cat or dog from a breeder if the breeder meets certain conditions and the existing pet shop attests to the origin in writing. The amendment also reduces the penalty for a violation from \$2,500 to \$500.

**LD 388      An Act Regarding Timber Harvesting on Land Managed by the Bureau of Parks and Lands      Died Between Houses**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MARTIN J	OTP-AM	H-297

This bill prohibits the Department of Agriculture, Conservation and Forestry, Bureau of Parks and Lands from contracting for timber harvesting on land under its management if the contractor uses persons employed under the federal labor certification process for employment of foreign workers in logging for that purpose.

**Committee Amendment "A" (H-297)**

***Joint Standing Committee on Agriculture, Conservation and Forestry***

This amendment strikes and replaces the bill. The amendment limits timber harvesting on public reserved lands and nonreserved public lands to an average of 141,500 cords per year over any two-year period, which is the sustainable harvesting level determined by an independent timber inventory conducted in 2012. The amendment allows the Department of Agriculture, Conservation and Forestry by rule, based on an independent timber inventory conducted after July 1, 2015, to establish a different sustainable harvest level. The rules are major substantive rules and must be reviewed by the joint standing committee of the Legislature having jurisdiction over public reserved and nonreserved lands matters.

**LD 389 An Act Relating to the Sale of Hypodermic Apparatuses**

**PUBLIC 27**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
SHAW EDGECOMB P	OTP	

This bill clarifies that an agricultural supply store may furnish or sell, without limit in number, hypodermic apparatuses to a livestock owner and that the sale by the agricultural supply store and the possession by the person who owns livestock expressly fall within the exceptions to the laws restricting possession and furnishing of hypodermic apparatuses.

**Enacted Law Summary**

Public Law 2015, chapter 27 clarifies that an agricultural supply store may furnish or sell, without limit in number, hypodermic apparatuses to a livestock owner and that the sale by the agricultural supply store and the possession by the person who owns livestock expressly fall within the exceptions to the laws restricting possession and furnishing of hypodermic apparatuses.

**LD 414 An Act To Remove Certain Exemptions to the Laws Concerning Tree Specialists**

**ONTP**

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

This bill eliminates the arborist licensing exemption for highway contractors, subcontractors and their employees who remove trees during the performance of contracts for the construction or maintenance of highways and general contractors who remove interfering shade or ornamental trees or interfering parts of shade or ornamental trees in the conduct of their regular business. This bill also increases the penalty for violating a provision of the laws regarding arborists from up to \$500 per day to up to \$1,000 per day but provides for a warning for a first offense.

**LD 456 An Act To Include Nonalcoholic Malt Beverages in the List of Exempt Products in the Law Regarding the Labeling of Genetically Engineered Products**

**PUBLIC 118**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
BLACK DILL	OTP ONTP	

This bill exempts nonalcoholic malt beverages from the disclosure requirements of the laws regulating the labeling of genetically engineered products.

**Enacted Law Summary**