

# MAINE STATE LEGISLATURE

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**STATE OF MAINE**  
128<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 2017

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# STATE OF MAINE

128<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 128<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.

*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 128<sup>th</sup> Legislature is Wednesday, November 1, 2017. 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 519      An Act To Allow the Storage of Tents, Campers, Trailers and Other  
Devices Used for Camping in Campgrounds in the Unorganized  
Townships**

**PUBLIC 236**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
STANLEY S	OTP-AM	H-375

This bill clarifies that occupancy in the definition of "transient occupancy" for the unorganized territories is determined by the length of time a person is present and allows the storage of unoccupied camping devices such as tents, tent trailers, pickup campers, recreational vehicles and trailers at campgrounds or campsites in reserved camping spaces.

**Committee Amendment "A" (H-375)**

This amendment replaces the bill and changes the title. The amendment provides that the Maine Land Use Planning Commission may not limit the number of days a person may store an unoccupied camping device at a lawfully existing camping location within a campground permitted by the commission or a campground that lawfully existed at the time of district regulation and does not currently conform to district regulations.

**Enacted Law Summary**

Public Law 2017, chapter 236 provides that the Maine Land Use Planning Commission may not limit the number of days a person may store an unoccupied camping device at a lawfully existing camping location within a campground permitted by the commission, or a campground that lawfully existed at the time of district regulation and does not currently conform to district regulations.

**LD 548      An Act To Amend Laws Relating to Agricultural Pulling Events**

**PUBLIC 207**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
BLACK R DILL J	OTP-AM	H-458

This bill adds to the law regarding pulling events the requirement that an animal entered in a pulling event must have either an ear tag or a microchip implant for identification purposes.

The bill also removes references to trainers in regards to pulling events. It requires the Commissioner of Agriculture, Conservation and Forestry to impose a two-year suspension from competition for a person found to have used a prohibited substance with respect to an animal at a pulling event. It requires the commissioner to impose a full one-year suspension from competition for the animal found to have a prohibited substance in its system at the time of the pulling event. Currently, the commissioner may impose a suspension of less than two years.

**Committee Amendment "A" (H-458)**

This amendment:

1. Adds a definition of "driver" to the laws governing agricultural fairs and pulling events and replaces the term "teamster" with "driver" in those laws;
2. Allows a pull superintendent to visually examine an animal in an event and to request a veterinarian to undertake a more thorough examination when appropriate;

*Joint Standing Committee on Agriculture, Conservation and Forestry*

3. Provides that the driver is responsible, along with the owner, for an animal's condition, including whether it has been administered a prohibited substance; and
4. Increases the penalties for a driver or owner found to be in violation of the laws governing prohibited substances in an animal competing in a pulling event from a full two-year suspension in the bill to two years for a first offense, three years for a second offense and five years for third and subsequent offenses.

**Enacted Law Summary**

Public Law 2017, chapter 207:

1. Adds to the law regarding pulling events the requirement that an animal entered in a pulling event must have either an ear tag or a microchip implant for identification purposes;
2. Removes references to trainers in regards to pulling events;
3. Adds a definition of "driver" to the laws governing agricultural fairs and pulling events and replaces the term "teamster" with "driver" in those laws;
4. Increases the penalties for a driver or owner found to be in violation of the laws governing prohibited substances in an animal competing in a pulling event to two years for a first offense, three years for a second offense and five years for third and subsequent offenses, and requires the Commissioner of Agriculture, Conservation and Forestry to impose a full one-year suspension from competition for the animal found to have a prohibited substance in its system at the time of the pulling event;
5. Allows a pull superintendent to visually examine an animal in an event and to request a veterinarian to undertake a more thorough examination when appropriate; and
6. Provides that the driver is responsible, along with the owner, for an animal's condition, including whether it has been administered a prohibited substance.

**LD 549      An Act To Recognize Preexisting Land Uses**

**PUBLIC 89**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
HANINGTON S	OTP-AM	H-167

This bill prohibits the Maine Land Use Planning Commission from requiring proof that preexisting, grandfathered nonconforming land uses were in legal existence for more than 20 years.

**Committee Amendment "A" (H-167)**

This amendment replaces the bill and provides that if a person demonstrates that a use or structure that does not conform with Maine Land Use Planning Commission district standards has existed for at least 30 years, there is a rebuttable presumption that the use or structure is a nonconforming use or nonconforming structure, which is a use or structure that lawfully existed when district regulations were adopted but that does not currently conform.

**Enacted Law Summary**

Public Law 2017, chapter 89 provides that if a person demonstrates that a use or structure that does not conform with Maine Land Use Planning Commission district standards has existed for at least 30 years, there is a rebuttable presumption that the use or structure is a nonconforming use or nonconforming structure, which is a use or structure that lawfully existed when district regulations were adopted but that does not currently conform.