

MAINE STATE LEGISLATURE

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STATE OF MAINE
128TH LEGISLATURE
FIRST SPECIAL, SECOND REGULAR AND SECOND SPECIAL SESSIONS



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

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

October 2018

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STATE OF MAINE

128TH LEGISLATURE

FIRST SPECIAL, SECOND REGULAR AND SECOND SPECIAL SESSIONS



LEGISLATIVE DIGEST OF BILL SUMMARIES AND ENACTED LAWS

This *Legislative Digest of Bill Summaries and Enacted Laws* contain summaries of all LDs and adopted amendments and all laws enacted or finally passed during the First Special, Second Regular and Second Special Sessions of the 128th 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 dates for non-emergency legislation enacted in the First Special, Second Regular or Second Special Sessions of the 128th Legislature are: Monday, February 5, 2018; Wednesday, August 1, 2018; and Thursday, December 13, 2018, respectively. 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" (H-594)

This amendment is the minority report of the committee.

This amendment clarifies that a person licensed to grow industrial hemp may grow hemp from a clone that is produced from seeds acquired from a certified seed source or hemp propagated from tissue cultures that are removed from live plants grown from seeds from a certified seed source. It also directs the Commissioner of Agriculture, Conservation and Forestry to adopt rules to provide for industrial hemp grown indoors for the purpose of certified seed production by a licensed person who is growing hemp for an academic research program conducted through a postsecondary education institution.

LD 858

An Act To Strengthen the Law Regarding Dangerous Dogs and Nuisance Dogs

PUBLIC 404

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
NADEAU C CYRWAY S	OTP-AM	H-706

This bill was carried over from the First Regular Session to the Second Regular Session of the 128th Legislature.

This bill allows a sheriff, local law enforcement officer or animal control officer to determine whether a dog is a dangerous dog and requires the court to take that determination into account when making a decision regarding a dangerous dog. It requires the sheriff, local law enforcement officer or animal control officer who determines a dog to be dangerous to apply for an ex parte order to take possession of the dog. It removes the option of the court's allowing the owner or keeper of a dangerous dog to keep the dog and requires the court either to order the dog confined at a governmental facility or at a local humane society or similar nongovernmental organization or to order the dog euthanized. It also adds to the law regarding ordering a dog's euthanasia that the dog must be euthanized if it killed, maimed or inflicted serious bodily injury upon a domesticated animal.

Committee Amendment "A" (H-706)

This amendment strikes and replaces the bill.

This amendment does the following:

1. Amends the definition of "dangerous dog" to mean a dog or wolf hybrid that causes the death of or inflicts serious bodily injury on an individual or a domesticated animal who is not trespassing on the dog or wolf hybrid owner's or keeper's premises at the time of the injury or death; a dog or wolf hybrid that causes a reasonable and prudent person who is not on the dog or wolf hybrid owner's or keeper's premises and is acting in a reasonable and nonaggressive manner to fear imminent serious bodily injury by assaulting or threatening to assault that individual or individual's domesticated animal; or a dog that inflicts bodily injury on an individual or a domesticated animal who is not trespassing on the dog owner's or keeper's premises at the time of the injury and has previously been determined by a court of competent jurisdiction to be a nuisance dog;
2. Adds a new designation and definition of "nuisance dog" to mean a dog or wolf hybrid that causes bodily injury, other than serious bodily injury, to an individual or a domesticated animal who is not trespassing on the dog or wolf hybrid owner's or keeper's premises at the time of the injury; a dog or wolf hybrid that causes a reasonable and prudent person who is not on the dog or wolf hybrid owner's or keeper's premises and is acting in a reasonable and nonaggressive manner to fear bodily injury, other than serious bodily injury, by assaulting or threatening to assault that individual or individual's domesticated animal; or a dog or wolf hybrid that causes damage to property or crops not owned by the dog or wolf hybrid owner or keeper while the dog or wolf hybrid is not on the owner's or keeper's premises;

Joint Standing Committee on Agriculture, Conservation and Forestry

3. Provides that the fee for a dangerous dog license is \$100 and the late fee is \$150, the fee for a nuisance dog license is \$30 and the late fee is \$70, and all licenses that are issued must state whether the dog has been determined by the court to be a dangerous dog or a nuisance dog;
4. Directs the Department of Agriculture, Conservation and Forestry to develop and implement a dog licensing database within one year of the effective date of this legislation;
5. Prohibits a person from training or encouraging a dog that is not directly involved with a protection dog training program recognized by the Department of Public Safety, Bureau of State Police to be aggressive toward or attack another person or domesticated animal; transferring ownership of a dog determined by a court to be a dangerous dog without the permission of the court, unless the transfer is to an animal control officer or an animal shelter that has a contract with a municipality to euthanize the dog for the municipality; and tethering a dog determined by a court of competent jurisdiction to be a dangerous dog or a nuisance dog. A violation is a civil violation for which a fine not to exceed \$100 may be adjudged in addition to court costs;
6. Requires municipalities to report to the animal welfare division of the Department of Agriculture, Conservation and Forestry all complaints related to animal control incidents for the prior calendar year on forms provided by the department;
7. Raises the maximum fine that the court may order for a dog determined to be a dangerous dog or nuisance dog to \$5,000 and amends and expands the list of penalties that the court may order if the court determines the dog to be a dangerous dog or a nuisance dog including the following:
 - A. Order a dog determined to be a dangerous to be euthanized if the court fines that the dog has killed, maimed, or inflicted serious bodily injury upon a person or has a history of a prior assault or a prior finding by the court of being a dangerous dog and the dog presents a clear threat to public safety;
 - B. Order that the owner or keeper of the dangerous dog, if that person has previously been adjudicated of having a dangerous dog, may not own, possess or have on that person's premises any dogs;
 - C. Order the owner or keeper of the dangerous dog to post dangerous dog signage;
 - D. Order the dangerous dog confined in a secure enclosure;
 - E. Order that the owner or keeper of the dangerous dog that is confined in a secure enclosure may not allow the dog outside of the secure enclosure except for specified reasons;
 - F. Order the dangerous or nuisance dog to be securely muzzled with a basket-style muzzle;
 - G. Order the dangerous or nuisance dog to be spayed or neutered;
 - H. Order the dangerous or nuisance dog to be microchipped;
 - I. Order the owner or keeper of the dangerous or nuisance dog to obtain a minimum of \$100,000 in liability insurance for the life of the dog;
 - J. Order the owner or keeper of the dangerous or nuisance dog to have the dog evaluated by a certified canine behaviorist or to attend dog training classes; and
 - K. Order the owner or keeper of the dangerous or nuisance dog to immediately notify the sheriff, local law enforcement, or animal control officer if the dog escapes;

Joint Standing Committee on Agriculture, Conservation and Forestry

8. Adds that an owner or keeper of a dog who violates a court order entered pursuant to a dangerous dog or a nuisance dog finding is in civil contempt of court and adds that a violation of a court order of the expanded list of penalties by a dog owner is a Class D crime; and
9. Adds that the owner or keeper of a dog determined by a court to be a dangerous dog or a nuisance dog is required to notify the municipality in which the dog resides in writing and within 30 days if ownership of the dog is transferred, the residence of the dog is changed or the dog is deceased.

Enacted Law Summary

Public Law 2017, chapter 404 does the following:

1. Amends the definition of "dangerous dog" to mean a dog or wolf hybrid that causes the death of or inflicts serious bodily injury on an individual or a domesticated animal who is not trespassing on the dog or wolf hybrid owner's or keeper's premises at the time of the injury or death; a dog or wolf hybrid that causes a reasonable and prudent person who is not on the dog or wolf hybrid owner's or keeper's premises and is acting in a reasonable and nonaggressive manner to fear imminent serious bodily injury by assaulting or threatening to assault that individual or individual's domesticated animal; or a dog that inflicts bodily injury on an individual or a domesticated animal who is not trespassing on the dog owner's or keeper's premises at the time of the injury and has previously been determined by a court of competent jurisdiction to be a nuisance dog;
2. Adds a new designation and definition of "nuisance dog" to mean a dog or wolf hybrid that causes bodily injury, other than serious bodily injury, to an individual or a domesticated animal who is not trespassing on the dog or wolf hybrid owner's or keeper's premises at the time of the injury; a dog or wolf hybrid that causes a reasonable and prudent person who is not on the dog or wolf hybrid owner's or keeper's premises and is acting in a reasonable and nonaggressive manner to fear bodily injury, other than serious bodily injury, by assaulting or threatening to assault that individual or individual's domesticated animal; or a dog or wolf hybrid that causes damage to property or crops not owned by the dog or wolf hybrid owner or keeper while the dog or wolf hybrid is not on the owner's or keeper's premises;
3. Provides that the fee for a dangerous dog license is \$100 and the late fee is \$150, the fee for a nuisance dog license is \$30 and the late fee is \$70, and all licenses that are issued must state whether the dog has been determined by the court to be a dangerous dog or a nuisance dog;
4. Directs the Department of Agriculture, Conservation and Forestry to develop and implement a dog licensing database within one year of the effective date of this legislation;
5. Prohibits a person from training or encouraging a dog that is not directly involved with a protection dog training program recognized by the Department of Public Safety, Bureau of State Police to be aggressive toward or attack another person or domesticated animal; transferring ownership of a dog determined by a court to be a dangerous dog without the permission of the court, unless the transfer is to an animal control officer or an animal shelter that has a contract with a municipality to euthanize the dog for the municipality; and tethering a dog determined by a court of competent jurisdiction to be a dangerous dog or a nuisance dog. A violation is a civil violation for which a fine not to exceed \$100 may be adjudged in addition to court costs;
6. Requires municipalities to report to the animal welfare division of the Department of Agriculture, Conservation and Forestry all complaints related to animal control incidents for the prior calendar year on forms provided by the department;
7. Raises the maximum fine that the court may order for a dog determined to be a dangerous dog or nuisance dog to \$5,000 and amends and expands the list of penalties that the court may order if the court determines the dog to be a dangerous dog or a nuisance dog including the following:

Joint Standing Committee on Agriculture, Conservation and Forestry

- A. Order a dog determined to be a dangerous to be euthanized if the court finds that the dog has killed, maimed, or inflicted serious bodily injury upon a person or has a history of a prior assault or a prior finding by the court of being a dangerous dog and the dog presents a clear threat to public safety;
 - B. Order that the owner or keeper of the dangerous dog, if that person has previously been adjudicated of having a dangerous dog, may not own, possess or have on that person's premises any dogs;
 - C. Order the owner or keeper of the dangerous dog to post dangerous dog signage;
 - D. Order the dangerous dog confined in a secure enclosure;
 - E. Order that the owner or keeper of the dangerous dog that is confined in a secure enclosure may not allow the dog outside of the secure enclosure except for specified reasons;
 - F. Order the dangerous or nuisance dog to be securely muzzled with a basket-style muzzle;
 - G. Order the dangerous or nuisance dog to be spayed or neutered;
 - H. Order the dangerous or nuisance dog to be microchipped;
 - I. Order the owner or keeper of the dangerous or nuisance dog to obtain a minimum of \$100,000 in liability insurance for the life of the dog;
 - J. Order the owner or keeper of the dangerous or nuisance dog to have the dog evaluated by a certified canine behaviorist or to attend dog training classes; and
 - K. Order the owner or keeper of the dangerous or nuisance dog to immediately notify the sheriff, local law enforcement, or animal control officer if the dog escapes;
8. Adds that an owner or keeper of a dog who violates a court order entered pursuant to a dangerous dog or a nuisance dog finding is in civil contempt of court and adds that a violation of a court order of the expanded list of penalties by a dog owner is a Class D crime; and
9. Adds that the owner or keeper of a dog determined by a court to be a dangerous dog or a nuisance dog is required to notify the municipality in which the dog resides in writing and within 30 days if ownership of the dog is transferred, the residence of the dog is changed or the dog is deceased.

LD 939 An Act To Protect Maine's Agriculture

ONTP

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
DUNPHY M DILL J	ONTP	

This bill was carried over from the First Regular Session to the Second Regular Session of the 128th Legislature.

This bill is a concept draft pursuant to Joint Rule 208.

This bill proposes to protect Maine's agriculture.