

MAINE STATE LEGISLATURE

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STATE OF MAINE
129TH LEGISLATURE
FIRST REGULAR SESSION



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

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

August 2019

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STATE OF MAINE

129TH 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 129th 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 129th Legislature is Thursday, September 19, 2019. The effective date for legislation enacted as an emergency measure may be found in the enacted law summary for that legislation.

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Defense, Veterans and Emergency Management, Bureau of Maine Veterans' Services and the University of Maine Cooperative Extension to develop a comprehensive strategic plan to eliminate hunger in the State by 2030. The Department of Agriculture, Conservation and Forestry is required to submit an initial design for the plan by February 10, 2020 to the Joint Standing Committee on Agriculture, Conservation and Forestry, which may submit legislation based on the report to the Second Regular Session of the 129th Legislature.

LD 1167 An Act To Increase Consumption of Maine Foods in State Institutions

CARRIED OVER

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
HICKMAN C VITELLI E		

Current law requires state and school purchasers to buy meat, fish, dairy products, excluding milk and eggs, and species of fruits and fresh vegetables directly from Maine food producers or food brokers. This bill establishes a minimum percentage of Maine foodstuffs, including milk or milk products, eggs, meat or meat products, poultry or poultry products, fish or fish products and fruits and vegetables, that must be purchased, requiring at least 20 percent by December 31, 2025, at least 30 percent by December 31, 2030, at least 40 percent by December 31, 2040 and at least 50 percent by December 31, 2050. The bill exempts from the requirements school purchasers at schools participating in the National School Lunch Program. The bill also clarifies that "Maine food producer" includes food processors, revises provisions regulating quality standards and requires competitive bidding when more than one producer or broker or wholesaler can supply a given foodstuff.

This bill was carried over to any special or regular session, or both, of the 129th Legislature by joint order, H.P. 1322.

LD 1230 An Act To Update the Civil Animal Welfare Laws

PUBLIC 437

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
NADEAU C BLACK R	OTP-AM	H-380

This bill amends the civil animal welfare laws in the following ways.

1. It removes the provision regarding registering a dog as a service dog and issuing a tag identifying the dog as a service dog.
2. It clarifies that the dog licensing fee is waived for an owner who produces documentation that the dog is a service dog.
3. It provides for euthanasia of severely sick or severely injured stray livestock authorized by a veterinarian, humane agent, animal control officer or animal shelter.
4. It provides for immunity for a municipality, veterinarian, humane agent, animal control officer and animal shelter in instances involving handling of stray livestock.
5. It adds to the animal cruelty provisions the violation of intentionally giving an animal a scheduled drug.
6. It increases the penalties for civil violations involving animal cruelty.

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7. It makes the violation of a court order involving a civil animal welfare matter a Class D crime.
8. It establishes municipal procedures for the handling of stray livestock.
9. It repeals provisions related to stray beasts.

Committee Amendment "A" (H-380)

This amendment retains the current law that provides that, if a service dog has not been previously registered or licensed by a municipal clerk, the clerk may not register the dog nor issue to its owner or keeper a license unless the applicant presents written evidence to the municipal clerk that the dog meets the definition of "service dog." The amendment removes the requirement that the municipal clerk issue to the dog's owner or keeper a tag that identifies the dog as a service dog.

The amendment clarifies that a municipality, veterinarian, humane agent, animal control officer or animal shelter is not civilly liable to any party for authorization of euthanasia of severely sick or severely injured livestock if certain conditions are met nor is any person performing euthanasia under that authorization.

The amendment adds the intent to harm or intoxicate the animal to the bill's addition to the animal cruelty provisions of the violation of giving a scheduled drug to an animal.

The amendment strikes from the bill the provision that makes the violation of a court order involving a civil animal welfare matter a Class D crime.

The amendment clarifies under the provision establishing municipal procedures for the handling of stray livestock that "livestock" does not include feral swine or domesticated cervids.

The fiscal note on the bill identifies certain requirements in the bill, which are retained in the amendment, as a potential state mandate. In order to be a mandate pursuant to the Constitution of Maine, a provision must require a local unit of government to expand or modify its activities so as to necessitate additional expenditures from local revenue. The committee finds the provisions identified as a potential state mandate do not require a local unit government to expand or modify its activities in a manner so as to necessitate additional expenditures from local revenue.

Under current law, pursuant to the Maine Revised Statutes, Title 7, section 3948, subsection 3, municipalities are required to control domesticated animals that are a cause of complaint in the community. Additionally, municipalities are required to control animals that pose a threat to public health or safety. This section of law also provides that a municipality may control undomesticated animals in matters no other department is charged by law to regulate.

The bill repeals and amends certain provisions under Title 33, chapter 21 relating to lost goods and stray beasts. The bill repeals the requirement that the finder of a stray beast, potentially a municipality, keep a stray beast for up to six months. The bill requires a municipality to follow certain procedures related to stray livestock, but a municipality is only required to retain custody for 10 days. The committee feels that this could potentially result in a savings for a municipality faced with this scenario.

Enacted Law Summary

Public Law 2019, chapter 437 removes the requirement in current law that the municipal clerk issue to the dog's owner or keeper a tag that identifies the dog as a service dog when the dog's owner or keeper presents written evidence to the municipal clerk that the dog meets the definition of "service dog" while registering or licensing the dog.

Public Law 2019, chapter 437 clarifies that a municipality, veterinarian, humane agent, animal control officer or

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animal shelter is not civilly liable to any party for authorization of euthanasia of severely sick or severely injured livestock if certain conditions are met nor is any person performing euthanasia under that authorization.

It adds the intent to harm or intoxicate an animal to the animal cruelty provisions of the violation of giving a scheduled drug to an animal.

It clarifies under the provision establishing municipal procedures for the handling of stray livestock that "livestock" does not include feral swine or domesticated cervids.

Public Law 2019, chapter 437 repeals and amends certain provisions under Title 33, chapter 21 relating to lost goods and stray beasts.

It also repeals the requirement that the finder of a stray beast, potentially a municipality, keep a stray beast for up to six months. It requires a municipality to follow certain procedures related to stray livestock, but a municipality is only required to retain custody for 10 days.

**LD 1246 An Act To Protect the Health and Safety of Maine State Park Visitors
and Staff**

PUBLIC 110

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
CAIAZZO C	OTP	

This bill requires the Director of the Bureau of Parks and Lands within the Department of Agriculture, Conservation and Forestry to determine minimum levels of staffing for all state parks, except Baxter State Park, and historic sites and national parks that are controlled and managed by the State. The bill also requires the director to consider a list of factors, including, but not limited to, visitor capacity limits, availability of emergency response services and emergency planning issues specific to a park or historic site, when making a determination of staffing levels for each park or historic site.

Enacted Law Summary

Public Law 2019, chapter 110 requires the Director of the Bureau of Parks and Lands within the Department of Agriculture, Conservation and Forestry to determine minimum levels of staffing for all state parks, except Baxter State Park, and historic sites and national parks that are controlled and managed by the State. The law also requires the director to consider a list of factors, including, but not limited to, visitor capacity limits, availability of emergency response services and emergency planning issues specific to a park or historic site, when making a determination of staffing levels for each park or historic site.

**LD 1270 An Act To Create Certain Recreational Opportunities on State-owned
Land**

CARRIED OVER

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
JACKSON T COREY P		

This bill provides that, beginning January 1, 2020, the Department of Agriculture, Conservation and Forestry, Bureau of Parks and Lands may develop new marked hiking trails within the unorganized territory on which loaded firearms are permitted and within 300 feet of which, during the months of October and November, firearms may be discharged.

This bill was carried over to any special or regular session, or both, of the 129th Legislature by joint order, H.P.