

# MAINE STATE LEGISLATURE

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STATE OF MAINE  
129<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 2019

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# STATE OF MAINE

129<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 129<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 129<sup>th</sup> 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.

*Joint Standing Committee on Agriculture, Conservation and Forestry*

**Committee Amendment "A" (S-272)**

This amendment, which is the minority report of the committee, does the following.

1. It allows pet shops that are currently lawfully offering dogs or cats for sale to continue to offer dogs and cats for sale as long as the ownership of the pet shop does not change and the number of dogs and cats offered for sale does not increase. It allows for limited transfers of ownership of a family-owned pet shop to a spouse, domestic partner or child of the oldest member of the family having an ownership interest.
2. Removes from the definition of "animal rescue entity" the exclusions that allow for certain associations with breeders.
3. Removes the word "nominal" as a descriptor of the adoption fee that may be charged for dogs and cats offered for adoption by an animal rescue entity.

**LD 1316     An Act To Make It Explicit That Maine Holds Title to Its Intertidal Lands     ONTP**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
EVANGELOS J DOW D	ONTP	

This bill states that the State owns title to intertidal land not already filled to facilitate marine commerce. The State's ownership is based on federal laws and United States Supreme Court cases that establish and substantiate each state's sovereignty over its intertidal and submerged land, as well as state law, which were not adhered to when the Supreme Judicial Court decided a pre-statehood colonial ordinance applicable to Massachusetts governs the State's ownership interest in intertidal land.

**LD 1323     An Act To Revise the Laws Regarding the Public Trust in Intertidal Lands     Accepted Minority (ONTP) Report**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
DOW D EVANGELOS J	OTP-AM ONTP	

This bill addresses public uses of intertidal land by substantially amending the existing laws on intertidal land. It revises the headnote of the chapter to reflect the recognition of expanded uses of intertidal land.

The bill replaces most of the legislative findings and purpose language to recite historic uses and note that the evolving public uses of intertidal land confer both economic and general welfare benefits to the citizens of this State. It specifies that there is no difference in whether the State is acting to discharge its public trust duties with respect to intertidal land or exercising its police power to protect the public health, safety and general welfare.

The bill defines "intertidal land," which is consistent with the definition in statute, and "submerged land."

The bill delineates permitted uses of intertidal land, identifying historic, recreational and commercial uses. All are subject to state laws and rules, and commercial uses may be subject to licensing, as well.

The bill also limits some activities on intertidal land.

*Joint Standing Committee on Agriculture, Conservation and Forestry*

The bill recognizes the power of the State and municipal police powers that may be used to improve and facilitate uses of intertidal land.

**Committee Amendment "A" (S-222)**

Current law provides that the State of Maine owns and controls the harvesting of the living resources of the seas adjoining the coastline for a distance of 200 miles or to the furthest edge of the Continental Shelf, whichever is greater, subject only to the boundary with Canada. This amendment, which is the majority report of the committee, clarifies the definitions of "coastline" and "living resources" with respect to harvesting.

The amendment leaves in place the definition of "intertidal land" that is in current law. The amendment strikes from the bill any references to submerged land.

The amendment strikes gathering shells and sea glass from the provisions relating to water-related recreational uses of intertidal lands.

The amendment strikes from the provisions relating to commercial uses of intertidal lands "aquaculture of fish, shellfish or other marine organisms" and "the extension from the mainland of utility cables and pipelines to service island communities and permitted offshore facilities and the storage, rental and sale of paddle boards and surf boards, kayaks, small boats and related marine equipment." The amendment clarifies that the harvesting of seaweed, fish, shellfish or other marine organisms is a permitted use of intertidal land.

The amendment strikes from the bill the limitation on gathering and removing in bulk from intertidal land without a valid license sand, soil, rocks, minerals, seaweed or living marine organisms.

Because the State, through its Legislature and various executive branch agencies, currently possesses the legal authority contemplated by the bill, the amendment strikes the provision relating to state powers.

Because municipalities possess some legal authority contemplated by the bill, the amendment strikes the provision that allows municipalities to seek by gift or purchase to increase points of access to intertidal land and the provision that allows municipalities, within which intertidal land is located, to provide or increase facilities, services and other amenities to facilitate public use of intertidal land.

The amendment also explicitly states that the Attorney General has a right to intervene in any lawsuit that may affect the public trust rights to the intertidal zone.

The amendment clarifies the definition of "marine organism" to include algae, including seaweed, rockweed and other stramenopiles.

This amendment was not adopted.

**LD 1482 An Act To Clarify Provisions of the Blueberry Tax**

**PUBLIC 222**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
ALLEY R MOORE M	OTP-AM	H-340

This bill amends the laws regarding the wild Maine blueberry tax in the following ways.

1. It establishes a tax of 3/4¢ per pound for wild blueberries shipped from outside the State for processing in the State.