

STATE OF MAINE
125TH LEGISLATURE
FIRST REGULAR SESSION



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

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

July 2011

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JILL IPPOLITI, LEGISLATIVE ANALYST
OFFICE OF POLICY AND LEGAL ANALYSIS
13 STATE HOUSE STATION
AUGUSTA, ME 04333
(207) 287-1670

Joint Standing Committee on Agriculture, Conservation and Forestry

LD 11 An Act To Regulate the Keeping of Wolf Hybrids

**PUBLIC 100
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
TRAHAN	OTP-AM	S-50

LD 11 changes the registration requirement for a wolf hybrid kennel to a licensing requirement. It directs the Department of Agriculture, Food and Rural Resources to consult with the Department of Inland Fisheries and Wildlife on potential threats to wildlife and public safety prior to issuing a license. It provides for the conditional licensure of kennels that were previously registered.

Committee Amendment "A" (S-50)

This amendment replaces the bill. It prohibits the keeping of a wolf hybrid without a permit for keeping wildlife in captivity issued by the Department of Inland Fisheries and Wildlife. It provides an exception to the prohibition for wolf hybrids that are kept as pets and licensed under the dog licensing statutes in 2011.

Enacted Law Summary

Public Law 2011, chapter 100 prohibits the keeping of a wolf hybrid without a permit for keeping wildlife in captivity issued by the Department of Inland Fisheries and Wildlife. It provides an exception to the prohibition for wolf hybrids that are kept as pets and licensed under the dog licensing statutes in 2011. It enacts provisions for the disposition of wolf hybrids that are found at large. A shelter that accepts a wolf hybrid that is not claimed by its owner within 6 days may transfer ownership to a person holding a permit to possess wildlife in captivity or a person who operates a licensed animal refuge outside the State or after 8 days may have the animal euthanized. It directs the Commissioner of Inland Fisheries and Wildlife to adopt rules to regulate the importation and possession of wolf hybrids and establish confinement standards to protect the public. It directs the Commissioner of Agriculture, Food and Rural Resources to update the Commissioner of Inland Fisheries and Wildlife on the status of wolf hybrids kept as pets and to submit a bill to update statutory provisions pertaining to the keeping of wolf hybrids when all animals kept as pets under these provisions are deceased.

It amends the definition of "dog" to distinguish between dogs and wolf hybrids under certain chapters of the animal welfare laws while continuing to include wolf hybrids in the definition of "dog" in others. It allows a licensed animal shelter that is functioning as a wolf hybrid refuge in this State to continue to accept wolf hybrids from within the State until July 1, 2012. The facility must obtain a permit to possess wildlife from the Department of Inland Fisheries and Wildlife by December 31, 2012.

Public Law 2009, chapter 100 was enacted as an emergency measure effective May 19, 2011.

LD 16 An Act To Revise Notification Requirements for Pesticides Applications Using Aircraft or Air-carrier Equipment

ONTP

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

LD 16 revises the criteria for required notification of pesticides application to those on the notification registry.

Joint Standing Committee on Agriculture, Conservation and Forestry

It changes the distance requiring notification when pesticides are applied using aircraft from 1,320 feet to 100 feet and when pesticides are sprayed into the crowns of fruit trees or Christmas trees using air-carrier equipment from 500 feet to 50 feet.

LD 17 An Act To Reform the Land Use and Planning Authority within the ONTP
Unorganized Territories of the State

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

LD 17 eliminates the Maine Land Use Regulation Commission, effective July 15, 2012, and directs the Maine Land Use Regulation Commission prior to its elimination to develop a plan to provide authority over land use planning in the unorganized territory to the counties in which the land is located. The Maine Land Use Regulation Commission is required to submit its proposal, together with implementing legislation necessary to effectuate the repeal of the Maine Land Use Regulation Commission and the transfer of its duties, to the joint standing committee of the Legislature having jurisdiction over agriculture, conservation and forestry matters by December 2, 2011.

See LD 1534 for a summary of related legislation that was enacted.

LD 41 An Act To Amend the Laws Governing the Maine Potato Board PUBLIC 7
EMERGENCY

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
EDGECOMB SHERMAN	OTP-AM	H-5

LD 41 makes revisions to the laws governing the Maine Potato Board. The bill changes the meeting requirements of the board and the membership of the board and increases the potato tax from \$.05 to \$.06 per hundredweight.

Committee Amendment "A" (H-5)

This amendment revises the records and reporting section of the potato tax law for consistency with the rate change in the bill and specifies that the rate change does not take effect until September 1, 2011.

Enacted Law Summary

Public Law 2009, chapter 7 reduces the minimum number of required meetings of the executive councils for assemblies of those involved in the potato industry from 2 to 1. It increases the potato tax from \$.05 to \$.06 per hundredweight. It also revises membership on the Maine Potato Board.

Public Law 2009, chapter 7 was enacted as an emergency measure effective March 25, 2011.

Joint Standing Committee on Agriculture, Conservation and Forestry

LD 55 **An Act To Restore Hunting Rights in the Katahdin Lake Region** **ONTP**

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

LD 55 directs the Baxter State Park Authority to allow hunting on the approximately 4,040-acre parcel surrounding Katahdin Lake that was transferred to the authority for inclusion in the park in December 2006. It allows the authority to place restrictions on certain types of hunting through rulemaking.

LD 67 **An Act Relating to Standardbred Horse Breeding** **PUBLIC 16
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
CRAY SHERMAN	OTP-AM	H-9

LD 67 provides that Maine Standardbred stallions registered in the State on January 1st of the breeding year may breed with mares in the State. A stallion that is not registered on January 1st may breed upon payment of the registration fee and a late payment fee.

Committee Amendment "A" (H-9)

This amendment clarifies the intent of LD 67 and limits the extended period for registering a stallion to stand at stud to the 2011 and 2012 breeding seasons .

Enacted Law Summary

Public Law 2011, chapter 16 allows a stallion to be registered at any time prior to July 15th to stand at stud in Maine for the purpose of siring foals eligible to be registered as Maine Standardbred horses. It requires a late fee to be paid in addition to the registration fee for registrations after January 1st. This provision is in effect for the 2011 and 2012 breeding seasons and is repealed on December 31, 2012.

Public Law 2011, chapter 16 was enacted as an emergency measure effective March 31, 2011.

LD 89 **An Act Regarding Repeated Animal Trespass** **PUBLIC 18
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MCCABE LANGLEY	OTP-AM	H-17

LD 89 includes within the animal trespass law repeated instances of trespass by an animal or animals as a civil violation.

Committee Amendment "A" (H-17)

Joint Standing Committee on Agriculture, Conservation and Forestry

This amendment authorizes designated employees of the Department of Agriculture, Food and Rural Resources to respond to complaints of animal trespass. It requires an animal to be removed immediately if private or public property is threatened. Under current law, immediate removal is required only if public safety is threatened. It revises the number of trespasses in a given period that constitutes a violation.

Enacted Law Summary

LD 2011, chapter 18 authorizes designated employees of the Department of Agriculture, Food and Rural Resources to respond to complaints of animal trespass. It expands violations of the animal trespass laws to include failure to remove an animal immediately if private or public property is threatened and to an animal found to be trespassing 5 or more days within a 30-day period or 3 or more days within a 7-day period.

Public Law 2011, chapter 18 was enacted as an emergency measure effective April 1, 2011.

LD 92 Resolve, To Dedicate the Haystack Mountain Summit Trail to the **RESOLVE 18
Memory of Dustin J. Libby**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
WILLETTE A SHERMAN	OTP-AM	H-18

LD 92 directs the Department of Conservation, Bureau of Parks and Lands to designate the public hiking trail on Haystack Mountain in Castle Hill the Dustin J. Libby Trail.

Committee Amendment "A" (H-18)

This amendment directs the Department of Conservation, Bureau of Parks and Lands to place a sign at the trailhead of the public hiking trail leading to the summit of Haystack Mountain and a memorial bench with a plaque at the summit dedicating the trail to the memory of Dustin J. Libby.

Enacted Law Summary

Resolve 2011, chapter 18 directs the Department of Conservation, Bureau of Parks and Lands to place a sign at the trailhead of the public hiking trail leading to the summit of Haystack Mountain and a memorial bench with a plaque at the summit dedicating the trail to the memory of Dustin J. Libby.

LD 99 An Act To Allow the Use of Public Funds for the Repair and **ONTP
Maintenance of Private Roads and Bridges and To Ensure Public
Access to the Seboomook Lake Region**

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

LD 99 authorizes the Department of Conservation, Bureau of Parks and Lands to repair and maintain, or cause to be repaired and maintained, a private road, private way or bridge to provide public access to nonreserved public lands, public reserved lands or private lands on which an easement guaranteeing public access for recreational uses is held. The bill also directs the Department of Conservation to negotiate an agreement with owners of land along an approximately 13-mile section of Northern Road in Somerset County for the purpose of providing year-round motor vehicle access to public lands in the Seboomook Lake region and to Pittston Farm.

Joint Standing Committee on Agriculture, Conservation and Forestry

LD 109 Resolve, To Study the Promotion and Expansion of the Maine Maple Sugar Industry

**RESOLVE 48
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
PETERSON RECTOR	OTP-AM	H-159

LD 109 establishes the Commission To Study the Promotion and Expansion of the Maine Maple Sugar Industry to examine enhancing the branding of Maine maple sugar products, the use of the maple resource, increasing value-added jobs and promoting export markets. The commission is required to provide an interim report no later than December 7, 2011 and a final report by November 7, 2012.

Committee Amendment "A" (H-159)

This amendment replaces the proposal for a legislative study with a task force convened by the Commissioner of Agriculture, Food and Rural Resources. It directs the Department of Agriculture, Food and Rural Resources to provide staff support to the task force.

Enacted Law Summary

Resolve 2011, chapter 48 directs the Commissioner of Agriculture, Food and Rural Resources to convene a task force to study the promotion and expansion of the Maine Maple Sugar Industry. It requires the Commissioner of Agriculture, Food and Rural Resources to submit a final report to the Joint Standing Committee on Agriculture, Conservation and Forestry no later than December 7, 2011. It authorizes the Joint Standing Committee on Agriculture, Conservation and Forestry to submit legislation to the Second Regular Session of the 125th Legislature.

Resolve 2011, chapter 48 was finally passed as an emergency measure effective May 25, 2011.

LD 155 Resolve, To Require the Department of Agriculture, Food and Rural Resources To Develop Rules for the Moisture Content of Commercial Firewood

ONTP

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

LD 155 requires the Department of Agriculture, Food and Rural Resources to adopt rules governing the moisture content of commercial firewood. These rules must include standards for determining whether firewood is seasoned or unseasoned or green based on the moisture content of the firewood.

Joint Standing Committee on Agriculture, Conservation and Forestry

LD 182 Resolve, Directing the Department of Agriculture, Food and Rural Resources To Develop Criteria for Identifying Invasive Terrestrial Plants

RESOLVE 65

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
EVES SCHNEIDER	OTP-AM	H-259

LD 182 prohibits the sale of *Elaeagnus angustifolia*, a shrub commonly called "Russian olive." It directs the Commissioner of Agriculture, Food and Rural Resources to adopt rules establishing criteria for evaluating nonnative plant species for designation as invasive terrestrial plants. A list of plants meeting the criteria for invasive terrestrial plants would be established in rule and those plants prohibited from sale.

Committee Amendment "A" (H-259)

This amendment replaces the bill with a resolve directing the Commissioner of Agriculture, Food and Rural Resources to establish criteria through rulemaking for identifying invasive terrestrial plants no later than February 1, 2012. The commissioner is directed to report to the Joint Standing Committee on Agriculture, Conservation and Forestry on the evaluation criteria adopted and a list of plants being considered for evaluation.

Enacted Law Summary

Resolve 2011, chapter 65 directs the Commissioner of Agriculture, Food and Rural Resources to establish criteria through rulemaking for identifying invasive terrestrial plants no later than February 1, 2012. The commissioner is directed to report to the Joint Standing Committee on Agriculture, Conservation and Forestry on the evaluation criteria adopted and a list of plants being considered for evaluation.

LD 190 Resolve, Regarding Legislative Review of Chapter 2-C: Voluntary Municipal Farm Support Program, a Major Substantive Rule of the Department of Agriculture, Food and Rural Resources

**RESOLVE 7
EMERGENCY**

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

LD 190 provides for legislative review of Chapter 2-C: Voluntary Municipal Farm Support Program, a major substantive rule of the Department of Agriculture, Food and Rural Resources.

Enacted Law Summary

Resolve 2011, chapter 7 authorizes final adoption of Chapter 2-C: Voluntary Municipal Farm Support Program, a major substantive rule of the Department of Agriculture, Food and Rural Resources.

Resolve 2011, chapter 7 was finally passed as an emergency measure effective March 23, 2011.

Joint Standing Committee on Agriculture, Conservation and Forestry

LD 215 An Act To Authorize the Leasing of Rail Crossings

ONTP

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

LD 215 authorizes the Department of Conservation, Bureau of Parks and Lands, with the consent of the commissioner, to lease for a term not exceeding 5 years railroad right-of-way crossings on state park lands and historic sites for railroads upon which rail service is no longer operated.

See LD 514 for summary of enacted law regarding conveyance of easements across railroad rights of way.

LD 228 An Act To Revise Notification Requirements for Pesticide Application

PUBLIC 332

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
EDGECOMB SHERMAN	OTP-AM MAJ ONTP MIN	H-244

LD 228 repeals the laws that govern the development and maintenance of a registry of the properties of residents, lessees and property owners who request that their properties be placed on a registry in order that they receive advance notification of the outdoor application of pesticides. In the absence of such a registry, the current rules of the Department of Agriculture, Food and Rural Resources, Board of Pesticides Control will govern notification requirements in connection with the application of pesticides.

Committee Amendment "A" (H-244)

This amendment adds to the bill a provision that directs the Department of Agriculture, Food and Rural Resources, Board of Pesticides Control to amend its rules governing the process for requesting notification of outdoor applications of pesticides to establish a distance from an aerial application of pesticides within which a person is entitled to receive notification of the application. The rule must further specify that an owner, lessee or other legal occupant of a sensitive area receive notification of aerial applications of pesticides made within 1,000 feet of the sensitive area.

Enacted Law Summary

Public Law 2011, chapter 332 repeals the laws that govern the development and maintenance of a citizen's registry of properties used to notify residents, lessees and property owners of registered properties in advance of the outdoor application of pesticides using aircraft or air-carrier equipment. It directs the Department of Agriculture, Food and Rural Resources, Board of Pesticides Control to amend its rules governing the process for requesting notification of outdoor applications of pesticides to establish a distance from an aerial application of pesticides within which a person is entitled to receive notification of the application. The rule must further specify that an owner, lessee or other legal occupant of a sensitive area receive notification of aerial applications of pesticides made within 1,000 feet of the sensitive area.

Joint Standing Committee on Agriculture, Conservation and Forestry

LD 242 An Act To Prevent the Spread of Milfoil in the Songo River

**DIED BETWEEN
HOUSES**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
WATERHOUSE SHERMAN		

LD 242 directs the Commissioner of Environmental Protection and the Commissioner of Conservation to close the lock on the Songo River in the Town of Naples to prevent the upstream spread of aquatic invasive plant species.

This bill was voted by the House and Senate without reference to a committee.

**LD 320 An Act To Amend Shelter Provisions To Accommodate Rotational
Grazing of Livestock**

PUBLIC 76

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
EDGECOMB	OTP-AM	H-98

LD 320 exempts livestock producers from certain shelter requirements for livestock while they are kept under a rotational grazing system.

Committee Amendment "A" (H-98)

This amendment clarifies that livestock kept under a rotational grazing system are exempt from shelter requirements only when the animals are in good body condition and physically able to access food and water.

Enacted Law Summary

Public Law 2011, chapter 76 exempts livestock kept under a rotational grazing system from shelter requirements when the animals are in good body condition and physically able to access food and water.

**LD 321 An Act To Change the Qualifications of Certain Members of the Board
of Pesticides Control**

PUBLIC 119

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
EDGECOMB	OTP-AM	H-187

LD 321 expands the specialty areas in which the scientist member of the Department of Agriculture, Food and Rural Resources, Board of Pesticides Control may specialize and also specifies that one public member must have practical experience and knowledge of pesticides use in ornamental horticulture and urban landscapes.

Committee Amendment "A" (H-187)

This amendment revises statutory provisions for members of the Board of Pesticides Control in a different way than

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the original bill. It removes the requirement from the statutes that the 2 public members of the Board of Pesticides Control have a demonstrated interest in environmental protection. The amendment also removes the requirement from the statutes that the scientist from the University of Maine System serving on the board specialize in either agronomy or entomology. The amendment also adds an application clause stating that these changes do not require the termination of current members of the board.

Enacted Law Summary

Public Law 2011, chapter 119 removes the requirement from the statutes that the 2 public members of the Board of Pesticides Control have a demonstrated interest in environmental protection. It also removes the requirement from the statutes that the scientist from the University of Maine System serving on the board specialize in either agronomy or entomology.

LD 330 An Act To Exempt Farm Food Products and Homemade Food Offered for Sale or for Consumption at Certain Events from Certain Licensing Requirements ONTP

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

LD 330 facilitates direct sales between Maine farmers and consumers. It allows people preparing food in their own homes to sell directly to consumers or to offer homemade food at certain events without being licensed as food establishments.

LD 362 Resolve, Directing the Department of Conservation To Acquire an Easement To Provide Access to the Dead River Carried Over

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

LD 362 directs the Department of Conservation, Bureau of Parks and Lands to acquire a public right-of-way approximately 16 miles in length along the Lower Enchanted Road, from Route 201 in West Forks Plantation westward to and including an area commonly used for vehicle parking, trip staging and watercraft access to the Dead River near its confluence with Spencer Stream.

This bill was carried over to any special and/or regular session of the 125th Legislature by joint order, H.P. 1190.

LD 363 An Act To Facilitate Local Food Production INDEF PP

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
TILTON SHERMAN	OTP-AM MAJ ONTP MIN	

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LD 363 exempts fruit and vegetable growers who process and bottle beverages for sale in this State from the laws requiring collection of a deposit on beverage containers. It also directs the Department of Agriculture, Food and Rural Resources to review all state laws and rules pertaining to the production and processing of food and beverages in this State for sale in this State and to develop recommendations to exempt small-scale agricultural producers and food processors from certain laws and rules and reduce the regulatory burdens on those producers and processors. The department is directed to submit legislation to implement its recommendations to the Second Regular Session of the 125th Legislature.

Committee Amendment "A" (H-346)

This amendment is the majority report of the Joint Standing Committee on Agriculture, Conservation and Forestry. It exempts apple cider and juice drinks containing 25% or more by volume of juice from wild blueberries from the provisions of the beverage container law in Title 32, chapter 28. It also narrows the scope of the directive to the Department of Agriculture, Food and Rural Resources to review laws and rules for their impact on small-scale food producers and small-scale food processors only. It extends the time period allowed for the department to complete its review. The majority report was not adopted.

**LD 366 An Act Regarding the Sale of Raw Milk MAJ (ONTP)
REPORT**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
KUMIEGA	ONTP MAJ OTP-AM MIN	

LD 366 proposes clarifying in statute that a license is not required of any person who produces and sells milk only on the premises of the producer and seller. It defines "premises" to include a motor vehicle and portable farm stand owned by a producer if sales on these premises are made by that producer or an employee of that producer.

Committee Amendment "A" (H-194)

This amendment is the minority report of the Joint Standing Committee on Agriculture, Conservation and Forestry. It establishes criteria for exempting a milk producer from licensing requirements under the Maine Revised Statutes, Title 7, chapter 601. It restricts sales to direct sales to end use consumers on the dairy farm premises and requires the milk container to state that the farm is not inspected or licensed. It also requires a warning to be displayed on the premises when an unlicensed producer is selling unpasteurized milk. It clarifies the existing exemption from licensing under Title 7, chapter 603.

The minority amendment was not adopted.

**LD 382 Resolve, Authorizing Adjustments to Payments under the Dairy ONTP
Stabilization Program**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MARTIN J SAVIELLO	ONTP	

LD 382 authorizes the administrator of the Maine Milk Pool to adjust payments under the dairy stabilization program in fiscal year 2011-12 when projections indicate that payments will exceed \$9,835,826. This figure is the

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Revenue Forecasting Committee's December 2010 recommendation for transfer from the General Fund to the Maine Milk Pool in fiscal year 2011-12. This resolve directs the administrator to reduce payments by the same percentage for each tier for the months from October 2011 to June 2012. It provides for progressively greater reductions between tiers for payments distributed in July, August and September.

LD 394 Resolve, Directing the Conveyance of Conservation Land in Rockport RESOLVE 9

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

LD 394 allows the conveyance by Coastal Mountains Land Trust by quitclaim deed of portions of the Brown tract in the Ragged Mountain Preserve in the Town of Rockport in exchange for receipt by Coastal Mountains Land Trust by quitclaim deed of a parcel of land located in the center of the Ragged Mountain Preserve.

Enacted Law Summary

Resolve 2011, chapter 9 allows the conveyance by Coastal Mountains Land Trust by quitclaim deed of portions of the Brown tract in the Ragged Mountain Preserve in the Town of Rockport in exchange for receipt by Coastal Mountains Land Trust by quitclaim deed of a parcel of land located in the center of the Ragged Mountain Preserve.

LD 408 Resolve, To Study the Sustainability of the Harness Racing Industry DIED BETWEEN HOUSES

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

LD 408 establishes the Commission To Study the Sustainability of the Harness Racing Industry with members from the Legislature and harness racing interests to study the distribution of the traditional harness racing handle and its impact on the financial viability of all aspects of the harness racing industry. This resolve was not referred to a legislative committee.

This bill was voted by the House and Senate without reference to a Committee.

LD 467 An Act To Simplify Dog Licensure By Establishing a 3-year License ONTP

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

LD 467 provides an option for an owner or keeper of a dog to obtain a 3-year license if the dog has received a 3-year rabies vaccine. The bill also establishes a 3-year license fee of \$33 for dogs capable of producing young and \$18 for dogs incapable of producing young.

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**LD 491 An Act To Require All Kennels Engaged in Breeding To Be Licensed
and Inspected by the State**

**LEAVE TO
WITHDRAW**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
TIMBERLAKE	LV/WD	

LD 491 amends the definitions of "breeding kennel" and "kennel" in the animal welfare laws. It requires a person keeping 5 or more dogs, wolf hybrids or cats that are capable of breeding to obtain a license as a breeding kennel from the Department of Agriculture, Food and Rural Resources. It clarifies that a person maintaining a licensed breeding kennel is not required to obtain a municipal kennel license and is not subject to inspection by an animal control officer. It requires a person with a municipal kennel license to obtain a vendor's license to sell more than one dog or cat per year.

**LD 514 An Act Regarding Conveyance of Easements across Railroad
Rights-of-way**

PUBLIC 278

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
SAVIELLO	OTP-AM	S-183

LD 514 allows the Department of Conservation, Bureau of Parks and Lands and the Land For Maine's Future Board to sell or convey easements across rail trails without legislative approval.

Committee Amendment "A" (S-183)

This amendment revises the proposed authority of the Director of the Bureau of Parks and Lands within the Department of Conservation to convey a right of access by easement across a rail trail.

Enacted Law Summary

Public Law 2011, chapter 278 requires the director to notify interested parties at least 30 days prior to conveying a right of access across railroad rights-of-way by easement. The definition of interested parties includes Legislators. Chapter 278 provides an opportunity for a Legislator to object to a proposed conveyance and necessitates review by the legislative committee of jurisdiction if an objection is received.

Chapter 278 requires an access easement to contain terms ensuring the safety, maintenance and continuity of the rail trail and protection of the public investment and specifies that a negotiated exchange of value may include improvements to the rail trail and that proceeds from the sale of a right of access by easement must be deposited into the Maine State Parks and Recreational Facilities Development Fund.

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LD 548 An Act To Provide Regular Funding for the Land for Maine's Future Fund ONTP

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

LD 548 is a concept draft pursuant to Joint Rule 208. It proposes to establish a mechanism for regular funding from additional sources for the Land for Maine's Future Fund.

LD 591 An Act To Prohibit the Use of Pesticides in Certain Circumstances LEAVE TO WITHDRAW

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MCFADDEN ALFOND	LV/WD	

LD 591 prohibits the application of pesticides using aircraft. It prohibits use of pesticides for aesthetic purposes, for removing vegetation in parks and for removing roadside vegetation when the vegetation can be controlled by other means. It directs the Department of Agriculture, Food and Rural Resources, Board of Pesticides Control to revise its rules as necessary to be consistent with this Act and designates such rules as routine technical. It directs the board to examine the feasibility of prohibiting synthetic chemical pesticides when less toxic, naturally occurring pesticides provide a better alternative.

LD 599 An Act To Move the Land for Maine's Future Board to the Department of Conservation ONTP

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

LD 599 is a concept draft pursuant to Joint Rule 208. It proposes to place the Land for Maine's Future Board in the Department of Conservation.

A related bill, LD 1120 "An Act to Move the Land for Maine's Future Program to the Department of Agriculture, Food and Rural Resources," has been carried over to the Second Regular Session of the 125th Legislature.

Joint Standing Committee on Agriculture, Conservation and Forestry

**LD 628 Resolve, To Stagger the Terms of Members of the Maine Arborist
Advisory Council**

RESOLVE 16

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
CRAY SHERMAN	OTP-AM	H-27

LD 628 staggers the terms of the members of the Maine Arborist Advisory Council to ensure that there will always be some experienced members continuing to serve on the council.

Committee Amendment "A" (H-27)

This amendment clarifies that the terms of members of the Maine Arborist Advisory Council due to expire in 2012 are being extended.

Enacted Law Summary

Resolve 2011, chapter 16 staggers the terms of the members of the Maine Arborist Advisory Council to ensure that there will always be some experienced members continuing to serve on the council. It extends the terms of members of the council due to expire in 2012 to provide for staggered terms.

LD 629 An Act Pertaining to the Laws Governing Pull Events

PUBLIC 73

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
CRAY SHERMAN	OTP-AM	H-100

LD 629 authorizes the Commissioner of Agriculture, Food and Rural Resources to designate an employee of the department to serve as secretary of the Pull Events Commission. Current law designates the agricultural fair coordinator from the Department of Agriculture, Food and Rural Resources to serve as secretary of the Pull Events Commission.

Committee Amendment "A" (H-100)

This amendment allows the Commissioner of Agriculture, Food and Rural Resources to designate any person to serve as secretary for the Pull Events Commission instead restricting the designation to an employee of the Department of Agriculture, Food and Rural Resources. It also allows the commissioner to establish and impose a range of penalties for the use of prohibited substances in pulling events. Fines and prohibitions on competing are to be established through rulemaking with a maximum fine set in law.

Enacted Law Summary

Public Law 2011, chapter 73 allows the Commissioner of Agriculture, Food and Rural Resources to designate any person to serve as secretary for the Pull Events Commission. It allows the commissioner to establish and impose a range of penalties for the use of prohibited substances in pulling events. Fines and prohibitions on competing are to be established through rulemaking with a maximum fine of \$1,000 in statute.

Joint Standing Committee on Agriculture, Conservation and Forestry

LD 652 An Act To Protect Animal Cruelty Investigations

PUBLIC 210

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
CRAY SHERMAN	OTP-AM	H-260

LD 652 amends the animal welfare laws to provide greater protection for victims of dangerous dogs. It also adds reports and records of the Department of Agriculture, Food and Rural Resources pertaining to animal cruelty to the list of reports and records that contain intelligence and investigative information that are confidential.

Committee Amendment "A" (H-260)

This amendment removes the sections of the bill pertaining to dangerous dogs.

Enacted Law Summary

Public Law 2011, chapter 210 adds reports and records of the Department of Agriculture, Food and Rural Resources pertaining to animal cruelty to the list of reports and records that contain intelligence and investigative information that are confidential. For changes to the dangerous dog laws, see the bill summary for LD 755.

LD 676 An Act To Enact Requirements Concerning Veterinary Prescriptions

ONTP

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

LD 676 requires that prior to selling prescription medication to animal owners, a veterinarian must first inform the owner both orally and in writing of the option to obtain prescription items from a pharmacy of the owner's choice. The bill also requires that, whether or not requested by the animal owner and without imposing a fee, the veterinarian must provide a written prescription to the owner that the owner may elect to have the veterinarian dispense or to have filled at a pharmacy. The bill makes violations subject to the provisions of the Maine Unfair Trade Practices Act.

LD 696 An Act To Amend the Agricultural Working Dog Laws

ONTP

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
STRANG BURGESS SCHNEIDER	ONTP	

LD 696 restricts the exemption from barking dog ordinances for agricultural working dogs to dogs engaged in agricultural guarding or herding activities on land that is classified as farmland under the State's current use taxation program for farmland and land that is not classified as farmland but meets other criteria relating to size, use and location.

Joint Standing Committee on Agriculture, Conservation and Forestry

LD 718 An Act Regarding the Milk Handling Fee

PUBLIC 125

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
KNIGHT SHERMAN	OTP-AM	H-162

LD 718 allows only one milk handling fee to be assessed on any particular container of packaged milk and imposes a handling fee on 20-quart containers of packaged milk, which formerly were exempt from handling fees. If more than one wholesale handler handles a particular container of packaged milk in this State, for purposes of collection of the fee, the handler is the wholesale handler that first handles the milk. This bill provides credits to milk handlers or their designees for any fee paid pursuant to the law governing milk handling fees with respect to any packaged milk that is sold or shipped outside this State.

Committee Amendment "A" (H-162)

This amendment specifies that a credit or a refund may be claimed. It clarifies that the refund or credit may be claimed when the milk handling fee is paid on packaged milk that is subsequently exported for out-of-state sale. It specifies that claims for credits or refunds authorized under the Maine Revised Statutes, Title 36, section 4903 apply to sales occurring on or after October 1, 2011.

Enacted Law Summary

Public Law 2011, chapter 125 extends the handling fee to 20-quart containers of packaged milk. It clarifies that the handling fee is collected from the wholesale handler that first handles the packaged milk. It provides for the distribution of credits or refunds to milk handlers or their designees for any fee paid on packaged milk that is sold or shipped outside this State.

LD 738 An Act To Require Disclosure of the Origin of Certain Products Sold at Farm Stands

**MAJ (ONTP)
REPORT**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
SAVIELLO	ONTP MAJ OTP-AM MIN	

LD 738 defines "farm stand" and requires that any product that was not grown by the person operating the farm stand must be labeled to identify the product's origin.

LD 755 An Act To Strengthen the Laws Regarding Dangerous Dogs

PUBLIC 82

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
FOSSEL RECTOR	OTP-AM	H-101

Joint Standing Committee on Agriculture, Conservation and Forestry

LD 755 directs the court to specify the length of confinement if confinement is ordered in the case of a dangerous dog and specifies that the court may order permanent confinement in such a case. It also allows the court to order the dog to be securely muzzled, restricted by a tether not more than 3 feet in length with a minimum tensile strength of 300 pounds and under the direct control of the dog's owner or keeper whenever the dog is not in an enclosed area.

Committee Amendment "A" (H-101)

This amendment authorizes the court to order euthanasia if there has been a previous finding that the dog is a dangerous dog. It allows a court to order a dangerous dog to be securely muzzled and restricted by a tether whenever the dog is off the owner's or keeper's premises as an alternative to being kept in a secure enclosure or euthanized.

Enacted Law Summary

Public Law 2011, chapter 82 authorizes the court to order euthanasia if there has been a previous finding that a dog is a dangerous dog. It allows a court to order a dangerous dog to be securely muzzled and restricted by a tether whenever the dog is off the owner's or keeper's premises as an alternative to being kept in a secure enclosure or euthanized. It allows the court to specify the length of confinement in the case of a dangerous dog and specifies that the court may order permanent confinement.

LD 779 An Act To Implement Standards Concerning Animal Welfare and ONTP
Research Institutions

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

LD 779 enacts definitions for "pain" and "distress." It requires a research or teaching institution to adhere to standards to ensure that animals are not subject to severe and unrelieved pain or distress. It increases the fine that might be assessed for violation of the standards.

LD 819 Resolve, To Improve the Predictability of Land Use Regulation in the INDEF PP
Unorganized Territories

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MCCABE JACKSON	ONTP MAJ OTP-AM MIN	

LD 819 directs the Maine Land Use Regulation Commission to take certain actions regarding land use. It directs the commission to begin prospective zoning for a region within its jurisdiction. It requires the commission to seek input from stakeholders prior to implementing the 2010 revisions to the comprehensive land use plan. It requires the commission to develop a permit-by-rule process for routine and minor activities within the jurisdiction. The commission is required to report to the Joint Standing Committee on Agriculture, Conservation and Forestry no later than January 15, 2012 with progress made on each directive.

See LD 1534 for a summary of related legislation that was enacted.

Joint Standing Committee on Agriculture, Conservation and Forestry

LD 837 Resolve, To Enhance the Use of Integrated Pest Management on School Grounds

RESOLVE 59

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
NELSON ALFOND	OTP-AM MAJ OTP-AM MIN	H-213

LD 837 requires that the use of pesticides on school grounds is restricted to situations that pose a health threat to a student or staff member and when the presence of animals or insects have been identified as a public health nuisance. It requires the Commissioner of Health and Human Services to adopt rules to provide similar restrictions on the use of pesticides on the grounds of child care facilities and nursery schools.

Committee Amendment "A" (H-213)

This amendment is the majority report of the Joint Standing Committee on Agriculture, Conservation and Forestry. It replaces the bill with a resolve directing the Department of Agriculture, Food and Rural Resources, Board of Pesticides Control to develop and disseminate best management practices for the establishment and maintenance of school lawns, playgrounds and athletic fields.

Committee Amendment "B" (H-214)

This amendment is the minority report of the Joint Standing Committee on Agriculture, Conservation and Forestry. It exempts a family dwelling used as a home school from the restrictions on pesticides use affecting public and other private schools.

The minority amendment was not adopted.

Enacted Law Summary

Resolve 2011, chapter 59 directs the Department of Agriculture, Food and Rural Resources, Board of Pesticides Control to develop and disseminate best management practices for the establishment and maintenance of school lawns, playgrounds and athletic fields. It directs the board to assess compliance with regulation of pesticides use in schools and on school grounds and to report to the Joint Standing Committee on Agriculture, Conservation and Forestry no later than February 1, 2012. It requires a follow-up report to the legislative committee of jurisdiction in 2014.

LD 850 An Act To Improve the Protection of Animals

PUBLIC 288

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
GERZOFSKY	OTP-AM	S-243

LD 850 transfers responsibility for issuing dog or cat vendor's licenses to municipalities. It adds enforcement of the vendor's licensing law to the duties of an animal control officer. It increases the fine for failure to obtain a vendor's license or display a vendor's license number in advertising. It specifies the dimensions for the portal to a shelter used for dogs confined outside for long periods. It allows any person to remove an animal from a vehicle if the animal's health is in immediate danger. It establishes requirements to ensure the safety of dogs transported in the back of a pickup or other open vehicle.

Joint Standing Committee on Agriculture, Conservation and Forestry

Committee Amendment "A" (S-243)

This amendment revises the authority to remove an animal from a car when necessary for the animal's health or safety. The bill proposes extending that authority to any person. The amendment extends the authority to firefighters, first responders and licensed security guards. It removes the provisions in the bill pertaining to vendor's licenses, shelter requirements for dogs and securing a dog transported in an open vehicle.

Enacted Law Summary

Public Law 2011, chapter 288 extends the authority to remove an animal from a vehicle if the animal's health is in immediate danger to firefighters, first responders and licensed security guards.

**LD 861 An Act To Extend the Time by Which Certified Plans for a Subdivision INDEF PP
Must Be Filed**

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

LD 861 extends the time by which certified plans for a subdivision within the jurisdiction of the Maine Land Use Regulation Commission must be filed from 30 days to 90 days. This bill was not referred to a policy committee.

This bill was voted by the House and Senate without reference to a committee.

LD 922 Resolve, To Review the Laws Governing Slaughterhouses RESOLVE 66

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MCCABE SCHNEIDER	OTP-AM	H-114 H-270 MCCABE

LD 922 directs the Department of Agriculture, Food and Rural Resources to examine the laws and rules governing small slaughterhouses and the process it uses to answer questions posed to it by owners and operators of small slaughterhouses. It directs the department to describe steps to ensure that the answers it provides are in writing and timely, clear, consistent and complete. The department shall report its findings to the Joint Standing Committee on Agriculture, Conservation and Forestry no later than May 1, 2011. The Joint Standing Committee on Agriculture, Conservation and Forestry may submit legislation to the First Regular Session of the 125th Legislature on the subject matter of the department's report.

Committee Amendment "A" (H-114)

This amendment removes the emergency preamble and emergency clause. It also requires a review of laws pertaining to all slaughterhouse rather than to only small slaughterhouses. It extends the time for the required report until January 15, 2012 and authorizes the Joint Standing Committee on Agriculture, Conservation and Forestry to submit legislation to the Second Regular Session of the 125th Legislature rather than the First Regular Session of the 125th Legislature.

House Amendment "A" To Committee Amendment "A" (H-270)

Joint Standing Committee on Agriculture, Conservation and Forestry

This amendment removes the requirement in Committee Amendment "A" that the Department of Agriculture, Food and Rural Resources examine the process it uses to answer questions posed to it by owners and operators of slaughterhouses and describe steps it will take to ensure that the answers it provides are in writing and timely, clear, consistent and complete.

Enacted Law Summary

Resolve 2011, chapter 66 directs the Department of Agriculture, Food and Rural Resources to examine the laws and rules governing slaughterhouses with particular emphasis on obstacles that prevent slaughterhouses from processing many different species of animals as efficiently and safely as possible. The department shall report its findings to the Joint Standing Committee on Agriculture, Conservation and Forestry no later than January 15, 2012. The Joint Standing Committee on Agriculture, Conservation and Forestry may submit legislation to the Second Regular Session of the 125th Legislature on the subject matter of the department's report.

LD 975 An Act To Require Certification of Private Applicators of General Use PUBLIC 169
Pesticides

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
DILL J SHERMAN	OTP-AM	H-163

LD 975 requires certification of private applicators using general use pesticides in the commercial production of food intended for human consumption beginning April 1, 2012. It directs the Department of Agriculture, Food and Rural Resources, Board of Pesticides Control to establish certification requirements by rule no later than January 1, 2012.

Committee Amendment "A" (H-163)

This amendment provides additional direction to the Department of Agriculture, Food and Rural Resources, Board of Pesticides Control with regard to certification requirements and license fees. It delays the certification requirement for private applicators of general use pesticides for food production until April 1, 2015. It specifies that a person certified as a commercial applicator or private applicator of restricted use pesticides is not required to obtain additional certification to apply general use pesticides for food production.

Enacted Law Summary

Public Law 2011, chapter 169 requires the certification for private applicators of general use pesticides for food production beginning in April 1, 2015. A person certified as a commercial applicator or private applicator of restricted use pesticides is not required to obtain additional certification to apply general use pesticides for food production.

LD 1041 An Act To Simplify and Enhance Pest Control Notification ONTP

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

LD 1041 amends the notification process for pesticides applications. The bill specifies that the registry established by the Department of Agriculture, Food and Rural Resources, Board of Pesticides Control is the only mandatory

Joint Standing Committee on Agriculture, Conservation and Forestry

notification system for outdoor applications. It requires all registrants to update or confirm their contact information annually. The bill amends notification requirements that currently apply to applications made using aircraft or air-carrier equipment to provide that the requirements apply to outdoor applications generally. It requires that the board determine the distances between properties and applications within which a land manager is required to notify a person whose property is on the registry of an application based on the type of equipment used to make the application.

See LD 228 for a summary of related legislation that was enacted.

LD 1075 An Act To Prohibit Horse Slaughter for Human Consumption ONTP

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

LD 1075 prohibits the slaughter of horses for human consumption. It bans the possession, sale, purchase, transportation and import into or export out of this State of a horse if the person knows or should know that the horse is meant to be slaughtered for human consumption. It bans the possession, sale, purchase, transportation, import or export of horseflesh if the person knows or should know that the horseflesh is for human consumption.

**LD 1109 Resolve, To Target Job Creation in the Agricultural Sector To Improve Carried Over
the Stability and Economic Strength of Rural Maine**

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

LD 1109 requires the Department of Agriculture, Food and Rural Resources and the Department of Labor to invite the participation of a task force to develop strategies to identify barriers to and create job growth in the agricultural sector.

This bill was carried over to any special and/or regular session of the 125th Legislature by joint order, H.P. 1190.

**LD 1120 An Act To Move the Land for Maine's Future Program to the Carried Over
Department of Agriculture, Food and Rural Resources**

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

LD 1120 transfers responsibility for and resources in support of the Land for Maine's Future Board and Land for Maine's Future Program from the Executive Department, State Planning Office to the Department of Agriculture, Food and Rural Resources.

This bill was carried over to any special and/or regular session of the 125th Legislature by joint order, H.P. 1190.

Joint Standing Committee on Agriculture, Conservation and Forestry

**LD 1132 Resolve, To Authorize the Exchange of Interest in Certain Lands
Owned by the State**

RESOLVE 72

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
FARNHAM	OTP-AM	S-152 FARNHAM S-55

LD 1132 authorizes the Director of the Bureau of Parks and Lands within the Department of Conservation, for exchange of land or interests in land of comparable market value, to convey access rights by easement to Pingree Associates, Inc., in connection with land in Township 5, Range 2, also known as Lincoln Plantation; Township 4, Range 2, also known as Adamstown Township; Township 4, Range 1, also known as Richardsontown Township; and Township C, all in Oxford County. It also authorizes the director, for exchange of land or interests in land of comparable market value, to convey a parcel of land in Nashville Plantation, in Aroostook County, to Pingree Associates, Inc.

Committee Amendment "A" (S-55)

This amendment removes that section of the resolve that authorized the Director of the Bureau of Parks and Lands within the Department of Conservation to convey a parcel of land in Nashville Plantation. It also clarifies that owners of land managed by Pingree Associates, Inc., are the recipients of the road access rights conveyed in the resolve. It identifies the approximate lengths and names of the roads upon which access rights are conveyed.

Senate Amendment "A" To Committee Amendment "A" (S-152)

This amendment more specifically identifies the easement conveyed along the Richardson Pond Road in Township 4, Range 2.

Enacted Law Summary

Resolve 2011, chapter 72 authorizes the Director of the Bureau of Parks and Lands within the Department of Conservation to convey access rights by easement to owners of land managed by Pingree Associates, Inc., in connection with land in Township 5, Range 2, also known as Lincoln Plantation; Township 4, Range 2, also known as Adamstown Township; Township 4, Range 1, also known as Richardsontown Township; and Township C, all in Oxford County.

**LD 1145 Resolve, To Require the Purchase of Maine Wood Fuel by Recipients of
Certain Public Funds**

ONTP

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

LD 1145 requires that any funds awarded under the Department of Conservation, Bureau of Forestry's public building wood-to-energy program be on the condition that the recipient purchase wood fuel from a Maine harvester or manufacturer for use in the wood-to-energy system purchased using the funds. This resolve also requires the Department of Conservation and the Department of Education to work together to promote to prior recipients of funds under the program the purchase of wood fuel from a Maine harvester or manufacturer, as long as the cost of the wood fuel does not exceed by more than 10% the lowest bid received by that recipient for wood fuel.

Joint Standing Committee on Agriculture, Conservation and Forestry

LD 1169 An Act To Require Timely Reporting of Dog Licensing

**MAJ (ONTP)
REPORT**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
KNIGHT MARTIN T	ONTP MAJ OTP MIN	

LD 1169 clarifies that the general penalty imposed for a violation of the dog licensing laws, a maximum fine of \$100, applies to a person who is in possession of a dog that has never been licensed, plus the applicable licensing fee and late fee. This bill also restores the municipal warrant process, which requires municipal officers to compile a list of owners or keepers of dogs that have been previously licensed but have not been licensed as of February 1st annually and further requires a law enforcement officer or animal control officer to serve those warrants on the owners of those dogs.

LD 1184 An Act To Limit Liability of Apiary Owners and Operators

ONTP

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

LD 1184 exempts the owner or operator of an apiary from liability for personal or property damage arising from the operation of that apiary as long as the apiary is licensed and is operated in good faith, in a reasonable manner and in conformance with best management practices, as determined by the Commissioner of Agriculture, Food and Rural Resources.

LD 1249 An Act To Require the Land for Maine's Future Fund To Expend Funds for Deer Wintering Areas

ONTP

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

LD 1249 requires 25% of the Land for Maine's Future Fund to be used for the purchase and maintenance of wintering areas for deer.

LD 1258 An Act To Improve Land Use Planning and Permitting in Unorganized Territories

ONTP

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

Joint Standing Committee on Agriculture, Conservation and Forestry

LD 1258 is a concept draft pursuant to Joint Rule 208. It proposes changes to the Maine Land Use Regulation Commission, "LURC." It provides for the appointment of an interim director of LURC to oversee reform of LURC for a term of one or 2 years.

The purpose, scope and duties of LURC would be amended to mirror land use governance in the organized areas of the State and to clearly state that the mission of LURC is to serve residents and property owners within the jurisdiction of LURC, promote local economies and service center communities near the jurisdiction and protect natural resources in the jurisdiction.

Forestry regulation would be assumed by the Maine Forest Service in the Department of Conservation. The Department of Environmental Protection would assume jurisdiction for all large commercial development projects.

Three regional planning and permitting commissions would be established based upon logical geographic and economic boundaries, preferably aligned with economic development districts. Each regional commission would be responsible for a regional comprehensive land use plan, zoning, permitting and compliance matters within its region. Residential subdivisions and small commercial development projects would be reviewed by the regional commissions.

The regional comprehensive land use plans, rules and zoning would require the approval of the joint standing committee of the Legislature having jurisdiction over land use matters or a joint select committee of the Legislature established to oversee regulation of unorganized and deorganized areas, plantations and towns in LURC's jurisdiction and adjacent service center communities.

See LD 1534 for a summary of related legislation that was enacted.

**LD 1309 **Resolve, To Encourage Reciprocity between Maine and New Hampshire
in the Reporting of Rabies Vaccinations by Veterinarians****

RESOLVE 64

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
HILL	OTP-AM	S-141

LD 1309 directs the Commissioner of Agriculture, Food and Rural Resources to enter into a reciprocity agreement with the Commissioner of Agriculture, Markets and Food of New Hampshire to require a veterinarian from one state to send a rabies vaccination certificate to the department of agriculture in the other state if the veterinarian vaccinates against rabies a dog that is owned by a person living in the other state.

Committee Amendment "A" (S-141)

This amendment changes the requirements of the reciprocity agreement as stipulated in the resolve to give more flexibility in developing a reciprocity agreement that provides Maine and New Hampshire with information on dogs residing in their respective states that have been vaccinated by veterinarians in the other state.

Enacted Law Summary

Resolve 2011, chapter 64 directs the Commissioner of Agriculture, Food and Rural Resources to pursue a reciprocity agreement with the New Hampshire Commissioner of Agriculture, Markets and Food that provides each state with information on dogs residing in their respective states that have been vaccinated by veterinarians in the other state.

Joint Standing Committee on Agriculture, Conservation and Forestry

LD 1444 Resolve, To Enhance Agriculture and Farming

RESOLVE 101

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
CROCKETT	OTP-AM	H-533 S-361 ROSEN R

LD 1444 requires the Department of Conservation to adopt rules to streamline the permitting process for clear-cutting land to be used for agricultural purposes that was previously used for agricultural purposes.

Committee Amendment "A" (H-533)

This amendment replaces the directive to the Department of Conservation with a directive to the Department of Environmental Protection to review statutes and rules that restrict the use of certain lands for agricultural purposes and to report to the Joint Standing Committee on Agriculture, Conservation and Forestry on its findings.

Senate Amendment "A" To Committee Amendment "A" (S-361)

This amendment changes the date by which the Department of Environmental Protection must present its report to the Joint Standing Committee on Agriculture, Conservation and Forestry from January 15, 2012 to January 15, 2013. The amendment also adds an effective date of July 1, 2012. The amendment changes the one-time General Fund appropriation from fiscal year 2011-12 to fiscal year 2012-13.

Enacted Law Summary

Resolve 2011, chapter 101 directs the Department of Environmental Protection to review statutes and rules that affect a person's ability to clear or till land for agriculture. The department is directed to examine setbacks in which the tilling of soil is prohibited and to consider options to allow land formerly used for forage crops and pasture to return to those uses. It requires the department to report its findings and recommendations to the Joint Standing Committee on Agriculture, Conservation and Forestry on its findings no later than January 15, 2013. Resolve 2011, chapter 101 has a delayed effective date of July 1, 2012.

LD 1534 Resolve, To Reform the Land Use and Planning Authority in the Unorganized Territory

RESOLVE 113

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
GIFFORD THOMAS	OTP-AM MAJ OTP-AM MIN	H-561

LD 1534 eliminates the Maine Land Use Regulation Commission, effective July 15, 2012, and establishes the Land Use Planning in the Unorganized Territory Transition Advisory Board to advise the Joint Standing Committee on Agriculture, Conservation and Forestry on matters relating to the transfer of authority over land use planning in the unorganized territory to the counties in which the land is located. The board is required to render its advice to the Joint Standing Committee on Agriculture, Conservation and Forestry by December 2, 2011.

Committee Amendment "A" (H-561)

This amendment is the majority report of the Joint Standing Committee on Agriculture, Conservation and Forestry. It replaces the bill. It establishes the Commission on Reform of the Governance of Land Use

Joint Standing Committee on Agriculture, Conservation and Forestry

Planning in the Unorganized Territory. The commission consists of the 13 members, including the Commissioner of Conservation or the commissioner's designee, 4 members appointed by the Governor, 4 members appointed by the President of the Senate and 4 members appointed by the Speaker of the House. It requires the commission to meet with the Joint Standing Committee on Agriculture, Conservation and Forestry no later than October 28, 2011 to provide an update on its progress and a final report no later than January 4, 2012. It authorizes the Joint Standing Committee on Agriculture, Conservation and Forestry to submit a bill to the Second Regular Session of the 125th Legislature.

Enacted Law Summary

Resolve 2011, chapter 113 establishes the Commission on Reform of the Governance of Land Use Planning in the Unorganized Territory. The commission consists of the 13 members, including the Commissioner of Conservation or the commissioner's designee, 4 members appointed by the Governor, 4 members appointed by the President of the Senate and 4 members appointed by the Speaker of the House. The commission is charged with ensuring uniform standards across the unorganized territory for forest management and timber harvesting activities, wildlife habitat protection, and regulation under the Natural Resources Protection Act. The commission is directed to make recommendations on the role of state agencies and county government and opportunities for increased self-determination in land use planning in the unorganized territory.

It requires the commission to meet with the Joint Standing Committee on Agriculture, Conservation and Forestry no later than October 28, 2011 to provide an update on its progress and a final report no later than January 4, 2012. It authorizes the Joint Standing Committee on Agriculture, Conservation and Forestry to submit a bill to the Second Regular Session of the 125th Legislature.

LD 1568 An Act To Ensure Fair Business Competition in Agriculture

ONTP

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

LD 1568 prohibits a publicly funded nonprofit organization that receives at least 20% of its budget from federal or state funding, not including an educational institution, from engaging in an agricultural business, on a regular basis, that directly competes with a business that is not a publicly funded nonprofit organization.

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SUBJECT INDEX

Agriculture

Enacted

LD 41	An Act To Amend the Laws Governing the Maine Potato Board	PUBLIC 7 EMERGENCY
LD 109	Resolve, To Study the Promotion and Expansion of the Maine Maple Sugar Industry	RESOLVE 48 EMERGENCY
LD 628	Resolve, To Stagger the Terms of Members of the Maine Arborist Advisory Council	RESOLVE 16
LD 629	An Act Pertaining to the Laws Governing Pull Events	PUBLIC 73
LD 1444	Resolve, To Enhance Agriculture and Farming	RESOLVE 101

Not Enacted

LD 1184	An Act To Limit Liability of Apiary Owners and Operators	ONTP
LD 1568	An Act To Ensure Fair Business Competition in Agriculture	ONTP

Agriculture-Policies

Enacted

LD 190	Resolve, Regarding Legislative Review of Chapter 2-C: Voluntary Municipal Farm Support Program, a Major Substantive Rule of the Department of Agriculture, Food and Rural Resources	RESOLVE 7 EMERGENCY
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Not Enacted

LD 1109	Resolve, To Target Job Creation in the Agricultural Sector To Improve the Stability and Economic Strength of Rural Maine	Carried Over
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Animal Control, Health and Welfare

Enacted

LD 11	An Act To Regulate the Keeping of Wolf Hybrids	PUBLIC 100 EMERGENCY
LD 89	An Act Regarding Repeated Animal Trespass	PUBLIC 18 EMERGENCY

LD 320	An Act To Amend Shelter Provisions To Accommodate Rotational Grazing of Livestock	PUBLIC 76
LD 652	An Act To Protect Animal Cruelty Investigations	PUBLIC 210
LD 755	An Act To Strengthen the Laws Regarding Dangerous Dogs	PUBLIC 82
LD 850	An Act To Improve the Protection of Animals	PUBLIC 288
LD 1309	Resolve, To Encourage Reciprocity between Maine and New Hampshire in the Reporting of Rabies Vaccinations by Veterinarians	RESOLVE 64
<u>Not Enacted</u>		
LD 467	An Act To Simplify Dog Licensure By Establishing a 3-year License	ONTP
LD 491	An Act To Require All Kennels Engaged in Breeding To Be Licensed and Inspected by the State	LEAVE TO WITHDRAW
LD 676	An Act To Enact Requirements Concerning Veterinary Prescriptions	ONTP
LD 696	An Act To Amend the Agricultural Working Dog Laws	ONTP
LD 779	An Act To Implement Standards Concerning Animal Welfare and Research Institutions	ONTP
LD 1169	An Act To Require Timely Reporting of Dog Licensing	MAJ (ONTP) REPORT

Dairy and Livestock

Enacted

LD 718	An Act Regarding the Milk Handling Fee	PUBLIC 125
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Not Enacted

LD 382	Resolve, Authorizing Adjustments to Payments under the Dairy Stabilization Program	ONTP
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Department of Agriculture - Regulation

Enacted

LD 182	Resolve, Directing the Department of Agriculture, Food and Rural Resources To Develop Criteria for Identifying Invasive Terrestrial Plants	RESOLVE 65
LD 922	Resolve, To Review the Laws Governing Slaughterhouses	RESOLVE 66

Not Enacted

LD 155	Resolve, To Require the Department of Agriculture, Food and Rural Resources To Develop Rules for the Moisture Content of Commercial Firewood	ONTP
LD 330	An Act To Exempt Farm Food Products and Homemade Food Offered for Sale or for Consumption at Certain Events from Certain Licensing Requirements	ONTP
LD 363	An Act To Facilitate Local Food Production	INDEF PP
LD 366	An Act Regarding the Sale of Raw Milk	MAJ (ONTP) REPORT
LD 738	An Act To Require Disclosure of the Origin of Certain Products Sold at Farm Stands	MAJ (ONTP) REPORT
LD 1075	An Act To Prohibit Horse Slaughter for Human Consumption	ONTP

Department of Conservation - Bureau of Parks and Lands

Not Enacted

LD 242	An Act To Prevent the Spread of Milfoil in the Songo River	DIED BETWEEN HOUSES
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Department of Conservation - Maine Forest Service

Not Enacted

LD 1145	Resolve, To Require the Purchase of Maine Wood Fuel by Recipients of Certain Public Funds	ONTP
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Harness Racing

Enacted

LD 67	An Act Relating to Standardbred Horse Breeding	PUBLIC 16 EMERGENCY
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Not Enacted

LD 408	Resolve, To Study the Sustainability of the Harness Racing Industry	DIED BETWEEN HOUSES
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Land Preservation and Public Access

Enacted

LD 92	Resolve, To Dedicate the Haystack Mountain Summit Trail to the Memory of Dustin J. Libby	RESOLVE 18
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Not Enacted

LD 55	An Act To Restore Hunting Rights in the Katahdin Lake Region	ONTP
LD 99	An Act To Allow the Use of Public Funds for the Repair and Maintenance of Private Roads and Bridges and To Ensure Public Access to the Seboomook Lake Region	ONTP
LD 362	Resolve, Directing the Department of Conservation To Acquire an Easement To Provide Access to the Dead River	Carried Over
LD 548	An Act To Provide Regular Funding for the Land for Maine's Future Fund	ONTP
LD 599	An Act To Move the Land for Maine's Future Board to the Department of Conservation	ONTP
LD 1120	An Act To Move the Land for Maine's Future Program to the Department of Agriculture, Food and Rural Resources	Carried Over
LD 1249	An Act To Require the Land for Maine's Future Fund To Expend Funds for Deer Wintering Areas	ONTP

Land transactions

Enacted

LD 394	Resolve, Directing the Conveyance of Conservation Land in Rockport	RESOLVE 9
LD 514	An Act Regarding Conveyance of Easements across Railroad Rights-of-way	PUBLIC 278
LD 1132	Resolve, To Authorize the Exchange of Interest in Certain Lands Owned by the State	RESOLVE 72

Not Enacted

LD 215	An Act To Authorize the Leasing of Rail Crossings	ONTP
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Maine Land Use Regulation Commission

Enacted

LD 1534	Resolve, To Reform the Land Use and Planning Authority in the Unorganized Territory	RESOLVE 113
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Not Enacted

LD 17	An Act To Reform the Land Use and Planning Authority within the Unorganized Territories of the State	ONTP
LD 819	Resolve, To Improve the Predictability of Land Use Regulation in the Unorganized Territories	INDEF PP
LD 861	An Act To Extend the Time by Which Certified Plans for a Subdivision Must Be Filed	INDEF PP

LD 1258 **An Act To Improve Land Use Planning and Permitting in
Unorganized Territories** **ONTP**

Pesticides

Enacted

LD 228 **An Act To Revise Notification Requirements for Pesticide
Application** **PUBLIC 332**

LD 321 **An Act To Change the Qualifications of Certain Members of the
Board of Pesticides Control** **PUBLIC 119**

LD 837 **Resolve, To Enhance the Use of Integrated Pest Management on
School Grounds** **RESOLVE 59**

LD 975 **An Act To Require Certification of Private Applicators of
General Use Pesticides** **PUBLIC 169**

Not Enacted

LD 16 **An Act To Revise Notification Requirements for Pesticides
Applications Using Aircraft or Air-carrier Equipment** **ONTP**

LD 591 **An Act To Prohibit the Use of Pesticides in Certain
Circumstances** **LEAVE TO
WITHDRAW**

LD 1041 **An Act To Simplify and Enhance Pest Control Notification** **ONTP**

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