

Agriculture, Conservation and Forestry

Conservation

<u>Sponsor(s)</u> PINEAU		<u>Committee Report</u> OTP-AM		<u>Amendments Adopted</u> H-200
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Public Law 2005, chapter 133 repeals obsolete language regarding the Department of Conservation, Bureau of Forestry's natural resource educator and the bureau's tree nursery. It repeals a redundant provision and amends statutory provisions regarding the Bureau of Forestry's collection of information on log imports and exports. It repeals provisions for the Bureau of Forestry's to collect information on mill-delivered prices.

PUBLIC 134 An Act To Amend Provisions of the Submerged Lands Laws LD 574

<u>Sponsor(s)</u> COWGER BRAUTIGAM		<u>Committee Report</u> OTP-AM		<u>Amendments Adopted</u> S-96
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Public Law 2005, chapter 134 defines a "large-scale project" under the submerged lands leasing program and excludes such projects from the \$1,200 cap on annual rents. It requires the Director of the Bureau of Parks and Lands within the Department of Conservation to adopt rules establishing criteria for determining when a project is a "large-scale project" and criteria for establishing rent for those projects. It allows the director to make determinations until the rules are adopted and in effect. It amends the statutory definition of "submerged lands" and provides that the State's submerged lands extend 3 nautical miles seaward to the boundary of "territorial waters."

PUBLIC 138 An Act To Exempt Agricultural Guard Dogs and Herding Dogs from the Barking Dog Ordinances LD 1309

<u>Sponsor(s)</u> TRAHAN		<u>Committee Report</u> OTP-AM		<u>Amendments Adopted</u> H-331
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Public Law 2005, chapter 138 exempts dogs engaged in guarding livestock or herding livestock from municipal ordinances prohibiting or limiting barking.

PUBLIC 146 An Act To Amend Certain Animal Health Laws LD 1106

<u>Sponsor(s)</u> TWOMEY		<u>Committee Report</u> OTP-AM		<u>Amendments Adopted</u> H-305
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Public Law 2005, chapter 146 establishes the State of Maine Animal Response Team to prepare for and respond to emergencies and disease outbreaks involving animals and the State of Maine Animal Response Team Fund.

PUBLIC 147 An Act To Transfer the Pest Control Compact from the LD 1560

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Department of Conservation to the Department of Agriculture, Food and Rural Resources

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

Public Law 2005, chapter 147 repeals the Pest Control Compact currently contained in the Maine Revised Statutes, Title 12 under the laws governing the Department of Conservation, Bureau of Forestry and enacts the compact instead in Title 7 under the laws governing the Department of Agriculture, Food and Rural Resources.

PUBLIC 150 **An Act To Establish the Agricultural Water Management Fund** **LD 961**
EMERGENCY

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
LUNDEEN	OTP-AM	H-284

Public Law 2005, chapter 150 establishes the Agricultural Water Management and Irrigation Fund in the Department of Agriculture, Food and Rural Resources. The department is authorized to accept money from any source for deposit in the fund. The fund may be used for irrigation and providing water for livestock operations. Public Law 2005, chapter 150 was enacted as an emergency measure effective May 20, 2005.

PUBLIC 172 **An Act To Provide for Independent Testing of Unpasteurized Milk** **LD 654**
Products

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
NUTTING J	OTP-AM MAJ	S-142
PIOTTI	ONTP MIN	

Public Law 2005, chapter 172 requires the Department of Agriculture, Food and Rural Resources to adopt rules establishing a process for samples of unpasteurized milk products to be tested by an independent laboratory. The owner of a milk plant may request independent testing when the milk laboratory operated by the department has tested samples from that plant and determined that state standards for unpasteurized milk products have not been met.

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PUBLIC 176 **An Act To Make Changes to the Laws Governing the Maine Potato Board**

LD 503

<u>Sponsor(s)</u> LUNDEEN		<u>Committee Report</u> OTP-AM		<u>Amendments Adopted</u> H-330
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Public Law 2005, chapter 176 makes several changes to the laws governing the Maine Potato Board. It amends the definition of "potato" to include potatoes sold for processing into starch, and potatoes sold for processing into animal feed. It changes the minimum number of executive council meetings from 4 to 2 times a year. It authorizes the Maine Potato Board to undertake development and investment in infrastructure. It prohibits using revenue from the potato tax to undertake promotional activities of the Maine Potato Board and eliminates the requirement that the State Auditor conduct an annual audit of the Maine Potato Board. It specifies that the board must pay to the State Tax Assessor a sum representing the actual cost incurred by the State in collecting the taxes, except that the sum may not exceed 5% of the total tax collected annually. Public Law 2005, chapter 176 was enacted as an emergency measure effective May 20, 2005.

PUBLIC 205 **An Act To Improve Access to Public Lands**

LD 143

<u>Sponsor(s)</u> NUTTING J SAVIELLO		<u>Committee Report</u> OTP-AM		<u>Amendments Adopted</u> S-146
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Public Law 2005, chapter 205 provides clear authorization to the Department of Conservation, Bureau of Parks and Lands, to construct and maintain a trail in the southeast corner of the Bigelow Preserve for cross-country skiing and other nonmotorized uses. It limits the length and general location of the trail and allows motorized equipment to be used for trail construction and maintenance.

PUBLIC 215 **An Act To Monitor the Distribution of Land Acquisitions**

LD 1017

<u>Sponsor(s)</u> JOY		<u>Committee Report</u> OTP-AM		<u>Amendments Adopted</u> H-252
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Public Law 2005, chapter 215 requires the Land for Maine's Future Board to include in its biennial report information on expenditures and acquisitions on a county-by-county basis for the report period and a cumulative report on acreages acquired by county.

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PUBLIC 226 **An Act To Promote the Uniform Implementation of the Statewide Standards for Timber Harvesting and Related Activities in Shoreland Areas** **LD 188**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
SAVIELLO PERRY J	OTP-AM	H-371

Public Law 2005, chapter 226 makes the effective date for rules regulating timber harvesting activities in shoreland areas contingent on acceptance of the statewide standards by 252 municipalities on a list of 336 municipalities. It requires the Commissioner of Conservation to notify the Secretary of State when the 252-municipality threshold has been reached and to submit legislation to make any necessary statutory revisions prior to the effective date for the statewide standards. Beginning on the effective date the standards will apply within the jurisdiction of the Maine Land Use Regulation Commission.

PUBLIC 230 **An Act To Amend the Law Regarding State Milk Payments** **LD 1070**

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

Public Law 2005, chapter 230 allows a milk producer to choose which month that producer begins receiving payments under the Maine milk income loss contract. Production during the months that payments are delayed does not count towards the cap of 5,000,000 pounds under the Maine milk income loss contract.

PUBLIC 258 **An Act Regarding National Forests** **LD 1395**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
RAYE MCLEOD	OTP-AM MAJ ONTP MIN	S-212

Public Law 2005, chapter 258 removes statutory language giving the consent of the State for acquisition by the Federal Government of land that the Federal Government determines is needed for national forests. The bill also removes specific language that gives the consent of the State to the acquisition by the Federal Government of land in Hancock and Washington counties and in parts of Penobscot and Aroostook counties for national forests.

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PUBLIC 268 **An Act To Provide Access to Maine's Resources to Certain**
EMERGENCY **Veterans**

LD 649

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
BRYANT B BRYANT M	OTP-AM MAJ ONTP MIN	S-197

Public Law 2005, chapter 268 directs the Department of Defense, Veterans and Emergency Management to enter into a memorandum of agreement with the Department of Conservation for the issuance of free day use passes to certain veterans and to enter into a memorandum of agreement with the Department of Inland Fisheries and Wildlife for the issuance of free hunting licenses and fishing licenses to certain veterans. It establishes criteria for eligibility to receive the free pass and licenses. The provisions for the complimentary pass and licenses are repealed June 30, 2010. Public Law 2005, chapter 268 was enacted as an emergency measure with an effective date of June 2, 2005.

PUBLIC 270 **An Act To Amend Certain Milk and Milk Products Laws**

LD 1426

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
SMITH N NUTTING J	OTP-AM	H-470

Public Law 2005, chapter 270 repeals certain sections of law relating to the licensing, inspection and testing of farm cheese. It allows heat-treated cheeses to be produced, labeled and sold in a manner similar to other products made from unpasteurized milk.

PUBLIC 281 **An Act To Support Animal Welfare**

LD 178

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
DAVIS G	OTP-AM	H-329 H-444 PIOTTI

Public Law 2005, chapter 281 imposes a surcharge of \$20 for each brand of pet food registered in the State, to be deposited in the Animal Welfare Fund. It imposes a surcharge of \$4 for each sample submitted to the Department of Agriculture, Food and Rural Resources for testing for equine infectious anemia. The testing surcharge is to be deposited in the animal welfare auxiliary fund and used for investigations and enforcement of the animal welfare laws pertaining to equines. It imposes a surcharge of \$25 on each unneutered cat or dog sold by a breeding kennel or a pet shop. This surcharge is deposited in the Companion Animal Sterilization Fund.

It corrects an omission of the designation of criminal class for aggravated cruelty to animals. This omission occurred in Public Law 2003, chapter 452, An Act to Implement Recommendations of the MCJUSTIS Policy Board Concerning the Drafting of Crimes and Civil Violations Pursuant to Resolve 1997, Chapter 105, as amended. This carries out the intent of chapter 452 with regard to the provision for aggravated cruelty to animals, which was to make technical changes only. Aggravated cruelty to animals is a Class C crime.

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The correction to the aggravated cruelty statute, Maine Revised Statutes, Title 17, section 1031, subsection 1-B, was also incorporated in the Judiciary Committee Amendment to LD 1622, An Act to Correct Errors and Inconsistencies in the Laws of Maine. LD 1622 was enacted as P.L. 2005, Chapter 397, an emergency measure effective June 17, 2005.

PUBLIC 333 **An Act To Amend the Potato Industry Licensing Laws**
EMERGENCY

LD 1572

<u>Sponsor(s)</u> LUNDEEN MARTIN	<u>Committee Report</u> OTP-AM	<u>Amendments Adopted</u> H-562
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Public Law 2005, chapter 333 amends the laws governing potato industry licensing and bonding to provide additional protection for producers and licensees in the event that a person required to be licensed under these laws becomes insolvent. The bill requires the submission of a bond as a prerequisite for obtaining a license; requires licensees to apply for a license renewal annually; establishes a June 30th expiration date for all licenses; increases the license fee from \$80 to \$100 per year; and makes other administrative changes. Public Law 2005, chapter 333 was enacted as an emergency measure effective June 8, 2005.

PUBLIC 335 **An Act To Transfer Responsibility from the Potato Marketing
Improvement Committee to the Maine Potato Board**

LD 1002

<u>Sponsor(s)</u> MARTIN LUNDEEN	<u>Committee Report</u> OTP-AM	<u>Amendments Adopted</u> S-276
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Public Law 2005, chapter 335 repeals statutory provisions relating to the Potato Marketing Improvement Committee and designates the Maine Potato Board to serve in an advisory capacity to the Commissioner of Agriculture, Food and Rural Resources on matters relating to uses of the Potato Marketing Improvement Fund. It expands use of the fund to include programs and activities that improve the economic viability of the potato industry.

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**PUBLIC 337 An Act To Require That Directors within the Department of
Agriculture, Food and Rural Resources Be Unclassified**

LD 815

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
NUTTING J	OTP-AM MAJ ONTP MIN	S-249

Public Law 2005, chapter 337 requires the division directors positions within the Department of Agriculture, Food and Rural Resources to be appointed by the Commissioner of Agriculture, Food and Rural Resources and designates them as unclassified employees. It allows persons serving as directors on the effective date of the Act to continue to serve as classified employees until the beginning of the next gubernatorial term of office.

PUBLIC 340 An Act To Protect Dogs That Are Left Outside

LD 204

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
KOFFMAN NUTTING J	OTP-AM	H-484 S-309 NUTTING J

Public Law 2005, chapter 340 establishes tethering and shelter standards specific to dogs that are confined outside on tethers for long periods. It establishes standards that are appropriately different for arctic breeds.

PUBLIC 358 An Act To Protect Small Forest Landowners

LD 1368

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
CARR	OTP-AM	H-629

Public Law 2005, chapter 358 clarifies confidentiality provisions for information held by the Department of Conservation, Bureau of Forestry. It requires the Director of the Bureau of Forestry to keep addresses and electronic mail addresses confidential for landowners owning less than 1,000 acres of forest land statewide but requires this information to be provided upon request to a nonprofit organization that provides educational services to forest landowners for the purpose of distributing information on forest management. The bill as amended was reviewed and evaluated by the Joint Standing Committee on Judiciary pursuant to the Maine Revised Statutes, Title 1, section 434, which requires review and evaluation of new exceptions to laws governing public records.

LD 1368, as amended, was reviewed and evaluated by the Joint Standing Committee on Judiciary pursuant to MRSA 1, §434, which requires review and evaluation of new exceptions to laws governing public records.

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PUBLIC 382 An Act To Make Revisions to the Laws Governing Agriculture

LD 216

<u>Sponsor(s)</u> PIOTTI NUTTING J	<u>Committee Report</u> OTP-AM	<u>Amendments Adopted</u> H-671
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Public Law 2005, chapter 382 eliminates unnecessary findings and purposes sections in the Maine Revised Statutes, Title 7. It makes revisions to statutory provisions relating to institutional food purchasing. It directs the Commissioner of Agriculture, Food and Rural Resources to establish an advisory committee to discuss expanding the purchase of food that is locally produced, to convene a working group to discuss issues relating to food policy and to submit a report with recommendations to the Second Regular Session of the 122nd Legislature. It authorizes the Joint Standing Committee on Agriculture, Conservation and Forestry to submit legislation that session pertaining to food policy and the promotion of locally produced foods.

It clarifies the definition and use of the word "cervids." It removes a time restriction on foals resulting from insemination being registered as Maine standardbreds. It revises the board memberships for the Maine Dairy Promotion Board and the Maine Dairy and Nutrition Council and makes several clarifications to the Maine milk laws.

Chapter 382 also directs the Department of Agriculture, Food and Rural Resources to submit legislation to implement its recommendations to address legal ambiguities in the Maine Revised Statutes, Title 7. It directs the department to seek drafting assistance from the Office of Policy and Legal Analysis.

PUBLIC 396 An Act To Reestablish the Milk Handling Fee
EMERGENCY

LD 1432

<u>Sponsor(s)</u> LERMAN PERRY J	<u>Committee Report</u> OTP-AM	<u>Amendments Adopted</u> H-602
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Public Law 2005, chapter 396 establishes a milk handling fee similar to the fee in effect in 1995 and 1996. Proceeds of the fee are paid to the State's General Fund for general purposes of State Government. Chapter 396 establishes a rate schedule that varies inversely with the price of milk and a trigger for initiating the fee. The handling fee is initiated after the basic price of milk falls below \$18 per hundredweight for 2 consecutive months. Producer-handlers who sell less than 10,000 hundredweight per year are exempt from payment of the fee.

Public Law 2005, chapter 396 was enacted as an emergency measure effective June 17, 2005.

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PUBLIC 418 **An Act To Transfer Funds to the Maine Milk Pool from the General Fund To Fund Dairy Stabilization Programs** **LD 1692**

<u>Sponsor(s)</u> PIOTTI		<u>Committee Report</u>		<u>Amendments Adopted</u>
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Public Law 2005, chapter 418 directs the State Controller to transfer undedicated revenue from the General Fund to the Maine Milk Pool. The amount to be transferred monthly is based on price support distributions to Maine milk producers for the previous month. Distributions are calculated and paid in accordance with Title 7, sections 3153-B and 3153 –C.

PUBLIC 422 **An Act To Strengthen the Animal Welfare Laws** **LD 1473**

<u>Sponsor(s)</u> PIOTTI		<u>Committee Report</u> OTP-AM		<u>Amendments Adopted</u> H-502
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Public Law 2005, chapter 422 establishes a rabies vaccination requirement for dogs independent of the dog licensing law. It establishes a late fee for failure to renew a kennel, pet shop or animal shelter license within 30 days of the license expiration. It prohibits the Department of Agriculture, Food and Rural Resources from issuing a license for a breeding kennel to a person convicted or adjudicated of animal cruelty violations. It makes abandonment a Class C crime if the animal dies as a result of abandonment. It makes it a Class D crime to abandon an animal at a veterinarian's office, boarding kennel, animal grooming facility or animal day-care facility and establishes a process for notification of an owner and disposition of the abandoned animal.

RESOLVE 20 **Resolve, Directing the Department of Conservation, Bureau of** **LD 803**
EMERGENCY **Parks and Lands To Study the Management and Fee Structure of**
Scarborough Beach State Park

<u>Sponsor(s)</u> CURLEY BARTLETT		<u>Committee Report</u> OTP-AM MAJ ONTP MIN		<u>Amendments Adopted</u> H-167
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Resolve 2005, chapter 20 directs the Director of the Bureau of Parks and Lands within the Department of Conservation to convene a study committee to study the management of Scarborough Beach State Park and report back to the Joint Standing Committee on Agriculture, Conservation and Forestry no later than January 2, 2006. Resolve 2005, chapter 20 was finally passed as an emergency measure effective May 13, 2005.

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RESOLVE 21 **Resolve, To Extend the 2-year Rabies Vaccination Certificate to 3** **LD 486**
EMERGENCY **Years**

<u>Sponsor(s)</u> CARR MILLS P		<u>Committee Report</u> OTP-AM		<u>Amendments Adopted</u> H-178
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Resolve 2005, chapter 21 provides that a 2-year rabies vaccination certificate is valid for an additional year for calendar years 2005 and 2006 for purposes of providing proof that a dog has been immunized against rabies pursuant to the Maine Revised Statutes, Title 7, section 3922, subsection 3. Resolve 2005, chapter 21 was finally passed as an emergency measure effective May 13, 2005.

RESOLVE 26 **Resolve, To Improve Access to Emergency Services in State Parks,** **LD 438**
Historic Sites and the Maine Wildlife Park

<u>Sponsor(s)</u> VAUGHAN SNOWE-MELLO		<u>Committee Report</u> OTP-AM		<u>Amendments Adopted</u> H-186
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Resolve 2005, chapter 26 requires the Department of Conservation and the Department of Inland Fisheries and Wildlife to review their policies and procedures for contacting emergency service providers and allowing emergency service providers access to facilities and to review and implement staff training in emergency response. It requires the departments to develop written emergency operating plans for all staffed facilities and to report back to the Joint Standing Committee on Agriculture, Conservation and Forestry by January 31, 2006.

RESOLVE 28 **Resolve, To Support Long-term Forest Management and Sound** **LD 133**
Silviculture

<u>Sponsor(s)</u> PIOTTI NUTTING J		<u>Committee Report</u> OTP-AM		<u>Amendments Adopted</u> H-253
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Resolve 2005, chapter 28 directs the Commissioner of Conservation to develop recommendations and an implementation plan for economic incentives to support long-term forest management and sound silviculture. The Commissioner is directed to review options specified in the resolve and to solicit input from interested parties. The Resolve directs the commissioner to provide a progress report to the Joint Standing Committee on Agriculture, Conservation and Forestry by February 1, 2006. The committee is authorized to submit a bill to encourage long-term forest management and sound silviculture to the Second Regular Session of the 122nd Legislature.

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RESOLVE 82 Resolve, To Examine the Nontherapeutic Use of Antibiotics LD 1126

<u>Sponsor(s)</u> COWGER PIOTTI		<u>Committee Report</u> OTP-AM		<u>Amendments Adopted</u> S-250
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Resolve 2005, chapter 82 directs the Commissioner of Agriculture, Food and Rural Resources and the Director of the Bureau of Health within the Department of Health and Human Services in consultation with a study group to examine issues pertaining to the use of antibiotics in human medicine and animal agriculture. It requires a report to legislative committees in January 2006 and authorizes the Joint Standing Committee on Agriculture, Conservation and Forestry and the Joint Standing Committee on Health and Human Services to report out legislation to the Second Regular Session of the 122nd Legislature.

RESOLVE 92 Resolve, To Direct the Department of Conservation To Seek Public Access to Certain Prominent Water Bodies LD 1393

<u>Sponsor(s)</u> MILLS P		<u>Committee Report</u> OTP-AM		<u>Amendments Adopted</u> S-240
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Resolve 2005, chapter 92 directs the Department of Conservation to seek negotiations with landowners to acquire public access to launch sites on the Dead River and Kennebec River. It requires the department to report to the Joint Standing Committee on Agriculture, Conservation, and Forestry no later than January 6, 2006 on the status of the discussions and negotiations. It authorizes the committee to report out a bill relating to public access to the Kennebec and Dead Rivers during the Second Regular Session of the 122nd Legislature.

RESOLVE 97 Resolve, Authorizing Certain Land Transactions by the Department of Conservation, Bureau of Parks and Lands LD 1674

<u>Sponsor(s)</u> PINEAU BRYANT B		<u>Committee Report</u> OTP-AM		<u>Amendments Adopted</u> H-599
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Resolve 2005, chapter 97 authorizes the Director of the Bureau of Parks and Lands within the Department of Conservation to convey property or interests in property at 8 different locations. The resolve describes each property to be transferred and the purpose of the transfer. These parcels are among the lands designated under the Constitution of Maine, Article IX, Section 23. Proceeds from sale of these lands must be used to purchase additional land in the same county for the conservation or recreation purposes.