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NO-KILL ANIMAL SHELTER OWNER PLEADS GUILTY TO ANIMAL CRUELTY CHARGES FOR NEGLIGENT CARE OF CATS

by Richard Lupinsky Jr.

Lin Marie, a.k.a. Linda Bruno, owner of Tiger Ranch, a 27-acre no-kill animal sanctuary in Allegheny County, pled guilty to 13 misdemeanor counts of cruelty to animals under 18 PA. CONS. STAT. § 5511 and two counts of tampering with public records under 18 PA. CONS. STAT. § 4911. Ms. Marie originally had been charged with 604 counts of cruelty to animals for neglecting cats while allowing them to die slowly in unsanitary conditions as an alternative to euthanasia. She also was charged with tampering with public records for forging the signature of a retired veterinarian onto rabies vaccination documents. The maximum penalty for each count is two years in prison and up to a \$5000 fine. Prosecutors are seeking restitution for the care of the cats seized in the raid on March 13, 2008, and are seeking to prevent Ms. Marie from having contact with, or control over, any animals on her property. Formal sentencing is to occur on October 5, 2009. The seven-month investigation was conducted by Butler County Humane Society Officer Deborah Urmann, who wore a hidden button camera while serving as a shelter volunteer. The Pennsylvania Society for the Prevention of Cruelty to Animals (PSPCA) obtained a warrant to conduct the raid based upon videotaped evidence obtained by Ms. Urmann. The case has split the animal welfare community. Some laud Ms. Marie's efforts at providing an alternative to euthanasia and criticize the PSPCA for its role in the investigation. Others in the animal welfare community insist the cats received inadequate care and needlessly suffered.



Photo by Joshua Wilkins

COMMONWEALTH COURT UPHOLDS CLEAN AND GREEN ROLLBACK TAXES IN *DONNELLY V. YORK COUNTY BOARD OF ASSESSMENT APPEALS*

by Joshua Wilkins

The Commonwealth Court has ruled that the rollback provisions in the Pennsylvania Farmland and Forest Land Assessment Act of 1974, 72 PA. STAT. §§ 5490.1-5490.13, also known as Clean and Green (C&G), are not unconstitutionally vague. *Donnelly v. York County Bd. of Assessment Appeals*, No. 1015 C.D. 2008, 2009 WL 1885515 (Pa. Commw. Ct. July 2, 2009). C&G lowers property taxes for agricultural and other eligible land through preferential assessment. If an enrolled parcel no longer meets C&G requirements, rollback taxes can be imposed for the prior seven years' tax savings. A split-off occurs when an enrolled parcel is divided, and at least one of the resulting tracts is ineligible for C&G. In such cases, rollback taxes can be imposed on both the owner of the remaining eligible land and the owner of the split-off parcel. In *Donnelly*, the landowners split-off a parcel to their daughter. Rollback taxes were imposed upon both the Donnellys and their daughter because the split-off did not meet the requirements of C&G. In analyzing the entire statute, the Court determined that the provisions were not vague when read as a whole. Although the Court suggested that rollback taxes might only apply to the owner of the split-off in this case, the plaintiffs did not raise this argument. Consequently, the Court affirmed the rollback taxes on both landowners. For more information on this topic, please visit the [Agricultural Law Center's Clean and Green Resource Area](#).



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**HOUSE COMMITTEE APPROVES
SURFACE OWNERS' PROTECTION ACT
AND AMENDMENT TO OIL & GAS ACT**

by Robert Jochen

On July 1, 2009, the Pennsylvania House Committee on Environmental Resources and Energy approved two bills to increase the regulation of natural gas development. First, the Surface Owners' Protection Act, H.B. 1155, would amend notification and compensation requirements of natural gas companies. The bill encourages the parties to negotiate a surface use and compensation agreement. If the parties fail to reach an agreement, the bill would require the company to pay for specific damages that may occur. Second, H.B. 1205 would amend Pennsylvania's Oil and Gas Act, 58 PA. STAT. §§ 621.208(c)-(d), to expand water protection provisions. Currently, state law presumes a natural gas well operator to be responsible for polluting a water supply if the supply is within 1,000 feet of a well and the pollution occurs within 6 months of drilling completion. The bill would extend the presumption to 2,000 feet and 24 months. Both bills have been referred to other House committees and will be voted on by the entire House at a later date. For more on natural gas issues, visit the [Agricultural Law Center's Natural Gas Resource Area](#).

**FDA ISSUES FINAL RULE ON
FEDERAL EGG SAFETY PROGRAM
FOR PREVENTION OF SALMONELLA**

by Christine Arena

The Food and Drug Administration (FDA) announced the final rule for Prevention of Salmonella Enteritidis (SE) in Shell Eggs During Production, Storage, and Transportation on July 7, 2009. 74 Fed. Reg. 33,030. The rule, which will go into effect on September 8, 2009, is intended to reduce the number of SE illnesses caused by eggs in the United States. Eggs, particularly the shells, are one of the food products most likely to be contaminated with SE. FDA estimates that eggs contaminated with SE cause 142,000 illnesses each year. The federal program is modeled after the Pennsylvania Egg Quality Assurance Program (PEQAP), which was the first voluntary state egg program. The new regulations are the first and only federal rules to address the introduction of SE into the egg prior to the formation of the shell. The regulations will keep eggs safe by requiring that egg producers register with FDA and provide proof that they maintain a prevention plan. For more information on Salmonella and Egg Safety, visit <http://www.fda.gov/ForConsumers/ConsumerUpdates/ucm170640.htm>.

**USDA ESTABLISHES AMOUNT OF
SUBSIDIES AVAILABLE THROUGH
DAIRY EXPORT INCENTIVE PROGRAM**

by Ross Pifer

On July 6, 2009, USDA announced the allocations of nonfat dry milk, butterfat, and cheese that are eligible to receive bonuses through the Dairy Export Incentive Program (DEIP) from July 1, 2009, through June 30, 2010. Under DEIP, exporters of specified dairy products can receive payments from USDA to enable the sale of these products below their cost in targeted geographic areas. See 15 U.S.C. § 713a-14. These subsidies ensure that U.S. dairy products will be priced competitively in international markets that are dominated by dairy products subsidized by other countries. In the recent announcement, USDA has authorized DEIP subsidies in the maximum annual amounts that are consistent with our World Trade Organization obligations—68,021 metric tons of nonfat dry milk, 21,097 metric tons of butterfat, and 3,030 metric tons of cheese. DEIP has been authorized in the Food, Conservation, and Energy Act of 2008. Pub. L. No. 110-246, 122 Stat. 1651, 1721. For more information on DEIP, visit the [USDA Foreign Agricultural Service](#) Web site at www.fas.usda.gov/excredits/deip/deip-new.asp.

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