

MAINE STATE LEGISLATURE

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STATE OF MAINE
118TH LEGISLATURE

SECOND REGULAR SESSION
AND
SECOND SPECIAL SESSION

BILL SUMMARIES
JOINT STANDING COMMITTEE
ON
AGRICULTURE, CONSERVATION AND FORESTRY

MAY 1998

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**ONE HUNDRED EIGHTEENTH LEGISLATURE
SECOND REGULAR AND SECOND SPECIAL SESSIONS**

**Summary Of Legislation Before The Joint Standing Committees
May 1998**

We are pleased to provide this summary of bills that were considered by the Joint Standing Committees of the Maine Legislature. The document is a compilation of bill summaries which describe each bill and relevant amendments, as well as the final action taken. Also included are statistical summaries of bill activity this Session for the Legislature and each of its joint standing committees.

The document is organized for convenient reference to information on bills handled by the joint standing committees. It is organized by committees and within committees by bill (LD) number. The committee report(s), prime sponsor for each bill and the lead co-sponsor(s), if designated, are listed below each bill title. All adopted amendments are listed by paper number. Two indices, a subject index and a numerical index by LD number are provided for easy reference to bills. They are located at the back of the document. A separate publication, History and Final Disposition of Legislative Documents, may also be helpful in providing information on the disposition of bills. These bill summaries also are available at the Law and Legislative Reference Library and on the Internet (www.state.me.us/legis/opla).

Final action on each bill is noted to the right of the bill title. The abbreviations used for various categories of final action are as follows:

CON RES XXX..... Chapter # of Constitutional Resolution passed by both Houses
CONF CMTE UNABLE TO AGREE.....Committee of Conference unable to agree; bill died
DIED BETWEEN BODIES.....House & Senate disagree; bill died
DIED IN CONCURRENCE.....One body accepts ONTP report; the other indefinitely postpones the bill
DIED ON ADJOURNMENT.....Action incomplete when session ended; bill died
EMERGENCY.....Enacted law takes effect sooner than 90 days
FAILED EMERGENCY ENACTMENT/FINAL PASSAGE.....Emergency bill failed to get 2/3 vote
FAILED ENACTMENT/FINAL PASSAGE.....Bill failed to get majority vote
FAILED MANDATE ENACTMENT.....Bill imposing local mandate failed to get 2/3 vote
INDEF PP.....Bill Indefinitely Postponed
ONTP..... Ought Not To Pass report accepted
OTP ND..... Committee report Ought To Pass In New Draft
OTP ND/NT..... Committee report Ought To Pass In New Draft/New Title
P&S XXX..... Chapter # of enacted Private & Special Law
PUBLIC XXX..... Chapter # of enacted Public Law
RESOLVE XXX..... Chapter # of finally passed Resolve
UNSIGNED.....Bill held by Governor
VETO SUSTAINED.....Legislature failed to override Governor's Veto

Please note the effective date for all non-emergency legislation enacted in the Second Regular Session (unless otherwise specified in a particular law) is June 30, 1998 and July 9, 1998 for the Second Special Session. Second Special Session laws include Public Laws beginning with Chapter 718, Private and Special Laws beginning with Chapter 82 and Resolves beginning with Chapter 117.

Joint Standing Committee on Agriculture, Conservation and Forestry

LD 253 **An Act Concerning Entry to Investigate Private Property for the Purpose of Forestry Examinations** **PUBLIC 694**

<u>Sponsor(s)</u> SNOWE-MELLO BENNETT		<u>Committee Report</u> OTP-AM		<u>Amendments Adopted</u> H-975
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LD 253 proposed requiring that agents of the Department of Conservation, Bureau of Forestry obtain a search warrant prior to entering onto private land to investigate possible forest practices violations, unless the agent has the consent of the landowner. In the second session, this bill was rereferred to the Joint Standing Committee on Judiciary. (See bill summaries for that committee).

LD 289 **Resolve, to Establish the Committee to Study Maine Forest Practices** **ONTP**

<u>Sponsor(s)</u> DEXTER CASSIDY		<u>Committee Report</u> ONTP		<u>Amendments Adopted</u>
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LD 289 proposed establishing the Committee to Study Maine's Forest Practices. This resolve directed the committee to review forest practices in Maine, to examine forest practices in other states, to analyze trends in sustainability and the structure of the forest and to develop a new forest policy for the State using, as a baseline, Public Law 1989, chapter 555, "An Act to Implement Sound Forest Practices".

LD 968 **An Act to Require Recommended Silvicultural Stocking Standards on Land Ownerships Enrolled under the Tree Growth Tax Laws** **ONTP**

<u>Sponsor(s)</u> VOLENIK		<u>Committee Report</u> ONTP		<u>Amendments Adopted</u>
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LD 968 proposed requiring land enrolled under Tree Growth Tax Law to meet certain established stocking standards for growing stock remaining on a site after a harvest. It proposed requiring the Commissioner of Conservation to adopt major substantive rules to establish the standards and specifying that the standards use basal area as a measure of stocking. It proposed provisions for the Commissioner of Conservation to grant a variance when compliance with the standards would cause unusual hardship. It proposed subjecting a landowner who failed to comply with stocking standards to fines and penalties and making that landowner's land ineligible for enrollment under Tree Growth.

LD 1200 **An Act to Reform the Maine Tree Growth Tax Law** **ONTP**

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

LD 1200 proposed specific criteria for forest management plans prepared for land qualifying for tree growth classification under the Maine Tree Growth Tax Law. This bill also proposed requiring the Maine Forest Service to conduct periodic, random audits to determine compliance with the plans, and to report the results to the State Tax Assessor. Noncompliance would result in withdrawal of the land from tree growth classification and associated penalties.

Committee Amendment "A" (H-105) was the minority report. It proposed adding an appropriation section and a fiscal note to the bill.

LD 1232 **An Act to Provide Relief from Barking Dogs** **ONTP**

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

LD 1232 proposed requiring municipalities to adopt ordinances to address the problem presented by barking dogs.

During the 1st Session, Committee Amendment "A" (S-138) proposed replacing the original bill. It would have made keeping a dog that repeatedly disturbs people a civil violation subject to a fine.

Committee Amendment "A" was adopted in the Senate during the 1st session. The bill was subsequently recommitted to the Joint Standing Committee on Agriculture, Conservation and Forestry and carried over until the 2nd Regular Session of the 118th Legislature. In the 2nd session, the committee report on LD 1232 was a unanimous "Ought Not to Pass."

LD 1311 **An Act to Prohibit Clear-cutting** **ONTP**

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

LD 1311 proposed amending the laws governing forest practices by prohibiting clear-cutting except when allowed by variance. It also proposed enacting a new definition of clearcutting.

LD 1395 **Resolve, to Establish the Maine Council on Sustainable Silviculture** **ONTP**