

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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Sen. R. Leo Kieffer

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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.

Department of Conservation and requiring the department to hold 14 seminars per year, two at each of the seven campuses of the Maine Technical College System, to educate landowners and harvesters regarding forest practices.

LD 1518 **Resolve, to Establish the Maine Forest Policy Round Table Study Commission** **ONTP**

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

LD 1518 proposed a resolve to establish the Maine Forest Policy Round Table Study Commission. The resolve directs the commission to study key forest economic and labor issues. The commission would have been directed to issue a report that assesses problems and makes recommendations for changes in the State's forestry policy and to submit its report and necessary implementing legislation to the 119th Legislature by January 1, 2000.

Committee Amendment "A" (H-100) was the minority report. It proposed changing the report date for the Maine Forest Policy Round Table Study Commission and adding an appropriation section and a fiscal note to the resolve.

LD 1746 **An Act to Amend the Laws Relating to Development and Centralized Listing of Municipal Ordinances That Apply to Forest Practices** **INDEF PP**

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

LD 1746 proposed amending the laws relating to development of municipal timber harvesting ordinances by requiring the ordinances to be consistent with the definitions for forestry terms established in the Maine Revised Statutes, Title 12, section 8868 as well as those in rules adopted by the Department of Conservation. It proposed clarifying that a municipality may not adopt an ordinance with standards less stringent than the standards established in state law and rules adopted in accordance with state law. It proposed changes to the notice and hearing procedures for adopting municipal timber harvesting ordinances and specifying a 30-day period within which the validity of the adoption of a timber harvesting ordinance could be challenged based on an alleged failure to comply with certain notice requirements.

Committee Amendment "A" (S-527) was the majority report of the committee. This amendment proposed changing the date by which municipal ordinances must comply with a standard for definitions and adding a fiscal note to the bill.

LD 1766 **An Act to Improve Management of Maine's Forests** **ONTP**

Sponsor(s)
SHIAH

Committee Report
ONTP MAJ
OTP-AM MIN

Amendments Adopted

LD 1766 proposed to establish a new forest policy for the State. It proposed to establish a permit-by-rule procedure for clear-cutting, to increase the minimum basal area required for a timber harvest not to qualify as a clear-cut, to require that clear-cutting have a silvicultural justification and to set limitations on the size and arrangement of clear-cuts, with some exemptions provided for smaller holdings. The bill also proposed establishing the Sustainable Forest Management Audit Program within the Department of Conservation for ownerships greater than 100,000 acres in size to ensure the maintenance and enhancement of timber sustainability, the economic viability of forest management and the State's forest biodiversity. It proposed changes to the Bureau of Forestry's natural resource education program and directing the bureau's natural resource educator to develop partnerships and funding sources for creating new natural resource education initiatives for the public.

The bill proposed authorization of an ecological forest reserve on public lands, totaling between 8,000 and 10,000 acres. It also proposed directing the Maine Forest Service to undertake a study of liquidation harvesting and make recommendations to further restrict the practice.

Committee Amendment "A" (H-980) was the minority report of the Joint Standing Committee on Agriculture, Conservation and Forestry. This amendment would have replaced the bill.

The amendment proposes several changes relating to clear-cuts, standards for residual stocking and sustainable harvest levels and certification through a review program.

With respect to clear-cuts and clear-cutting activities, the amendment proposed reducing from 250 acres to 75 acres the maximum size of a clear-cut and reducing the threshold size of a clear-cut from five acres to one acre. It also would have required landowners who hold 100,000 or more acres of forest land to get a permit from the Maine Forest Service before any clear-cutting activity and would have prohibited such landowners from clear-cutting more than 0.25 of their land in any one year. Clear-cuts would have to be separated by a clearly defined separation zone at least equal to 1 1/2 times the area of the associated clear-cut.

With respect to stocking standards and harvest levels, the amendment would have required that all harvests by large landowners leave adequate residual stocking. A permit from the Maine Forest Service would have been required before a large landowner could undertake any harvesting that would result in stocking levels below the applicable United States Forest Service C line standard or below the standards adopted by the commissioner. The amendment would have prohibited large landowners from exceeding sustainable harvesting levels based on growth, yield and other relevant criteria.

With respect to certification requirements, the amendment would have established a 10-member Sustainable Forest Management Program Board to develop benchmarks for a review program required for large landowners after January 1, 2000.

LD 1852

An Act to Reorganize and Clarify the Laws Relating to the Establishment, Powers and Duties of the Bureau of Parks and Lands

PUBLIC 678