

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

MEMBERS:

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Sen. Judy Paradis

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.

5. A general policy on public access to nonreserved lands is added similar to the one that already exists for public reserved lands.
6. It establishes that the Nonreserved Public Lands Management Fund accrues interest in the same manner as the Public Reserved Lands Management Fund.
7. It requires the director to give notice of proposed sales of nonreserved public lands similar to the notice required for public reserved lands.
8. To be consistent with penalties for violation of rules on other bureau lands, violation of rules regarding the Allagash Wilderness Waterway is changed from a civil violation to a Class E crime.
9. Permitted use of the ATV Recreational Management Fund is expanded to include land purchases for use as ATV trails.
10. It authorizes a sunken log salvage program.

It also changes references in the Maine Revised Statutes to coincide with the new chapter, updates obsolete language and makes technical corrections.

LD 1874

An Act Regarding Nutrient Management

**PUBLIC 642
EMERGENCY**

<u>Sponsor(s)</u> PARADIS	<u>Committee Report</u> OTP-AM	<u>Amendments Adopted</u> S-604
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LD 1874, "An Act to Establish Limitations on Swine-feeding Operations," proposed establishing limits on swine feeding operations located within jurisdiction of the Maine Land Use Regulation Commission. It was based on South Carolina law. It proposed provisions for permitting of animal-feeding operations. It proposed minimum separation distances between waste storage ponds and land owned by another person, drinking water wells, and bodies of water. It would have prohibited locating a new animal feeding operation in the 100-year floodplain unless certain conditions were met and certifications received. It would have required the Maine Land Use Regulation Commission to adopt rules relating to land application rates for animal wastes for animal-feeding operations that exceeded a certain capacity. It proposed directing the commission to require remediation of undesirable levels of odor.

Committee Amendment "A" (S-604) proposed replacing the original bill and changing the title to "An Act Regarding Nutrient Management". It proposed requiring nutrient management plans for certain operations, establishing a nutrient management review board and a requiring a permit for certain livestock operations.

Enacted law summary

Public Law 1997, chapter 642, "An Act Regarding Nutrient Management", does the following:

1. Establishes the Nutrient Management Review Board to review and approve rules and to hear appeals relating to permitting decisions;
2. Requires certain farms to have a nutrient management plan that meets the criteria established in statute and in rules adopted by the Commissioner of Agriculture, Food and Rural Resources. Plans are required beginning December 1, 1998 for new farm operations. Other farms that are operational on the effective date of this legislation are not required to have a nutrient management plan until January 1, 2001 and are not required to implement the plan until October 1, 2005. If an existing operation requires a livestock operations permit from the Department of Agriculture, Food and Rural Resources, a nutrient management plan will be required as part of the permitting criteria;
3. Requires certain farms to obtain livestock operations permits from the Department of Agriculture, Food and Rural Resources. Permit requirements take effect May 1, 1999. The department is directed to adopt rules to establish a process for application review and issuing permits. The department is directed to provisionally adopt these rules and submit them to the Legislature no later than January 1, 1999 for review as major substantive rules.
4. Proposes additional regulation of large concentrated animal feeding operations. The State Planning Office, the Department of Agriculture, Food and Rural Resources, the Department of Environmental Protection and the Maine Land Use Regulation Commission are directed to further study large concentrated animal feeding operations and to recommend a permitting process to regulate such operations. The Director of the State Planning Office is to coordinate and staff this study. The Department of Agriculture, Food and Rural Resources, the Department of Environmental Protection and the Maine Land Use Regulation Commission are authorized to provisionally adopt rules to establish a permitting procedure for new and expanding confined animal feeding operations that have more than 1,000 animal units. They are directed to submit provisional rules and recommendations for any legislation necessary to implement a permitting process for farms meeting the criteria of a large concentrated animal feeding operation. The report and provisional rules must be submitted to the Legislature no later than December 15, 1998;
5. Imposes a moratorium on swine feeding operations. From the effective date of this legislation until 90 days after the adjournment of the First Regular Session of the 119th Legislature, a person may not construct or operate a new swine feeding operation that confines and feeds more than 500 swine. As written, this moratorium does not prohibit a farmer who was raising swine on March 1, 1998 from expanding beyond 500 swine during the moratorium period;
6. Prohibits winter spreading of manure. Beginning on December 1, 1999, the spreading of manure or spraying of liquid manure is prohibited statewide between December 1st and March 15th. The commissioner may grant a variance;
7. Establishes a Nutrient Management Fund to receive funds from any source to be used to implement the nutrient management laws;
8. Authorizes legislation. The joint standing committee having jurisdiction over agricultural matters is authorized to report out legislation during the First Regular Session of the 119th Legislature relating to large concentrated animal feeding operations and to improve the implementation, administration and enforcement of the nutrient management laws; and
9. Directs the Department of Agriculture, Food and Rural Resources to report on the impact of agriculture on nonpoint source pollution to the 120th Legislature.

Chapter 642 was enacted as an emergency measure effective March 31, 1998.

LD 1907 **An Act Regarding Short-rotation Tree Fiber Farming and Genetically Engineered Trees** **ONTP**

<u>Sponsor(s)</u> FERGUSON		<u>Committee Report</u> ONTP		<u>Amendments Adopted</u>
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LD 1907 proposed definitions of "genetically engineered tree" and "short rotation tree fiber farming" and exempting short rotation tree fiber farming from the rules established by the Commissioner of Conservation to implement forest practices laws under the Maine Revised Statutes, Title 12, chapter 805, subchapter III-A.

LD 1942 **Resolve, Authorizing the Transfer of Certain State Park Property** **RESOLVE 87**

<u>Sponsor(s)</u> WINSOR BENNETT		<u>Committee Report</u> OTP		<u>Amendments Adopted</u>
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LD 1942 proposed transferring certain property from the State to the Town of Norway. The property was purchased by the Bureau of Parks and Recreation in 1973 and has been managed by the Town of Norway as a public park and boat launching area since acquisition by the State.

Enacted law summary

Resolve 1997, chapter 87 transfers 57 acres of land in the Town of Norway from the State to the Town of Norway to be used for a public park and boat launch.

LD 2004 **An Act to Ensure Long-term Funding of the Maine Agricultural Experiment Station Research Farms Connected with Land Grant Colleges** **PUBLIC 711**

<u>Sponsor(s)</u> GREEN TREAT		<u>Committee Report</u> OTP-AM		<u>Amendments Adopted</u> H-1029 GREEN H-929 S-605 KILKELLY
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LD 2004 proposed requiring the University of Maine at Orono Land Grant College to establish a line item for the Maine Agricultural Experiment Station research farms, to fund the research farms with funding equal to or exceeding 1995 levels. The bill proposed creating a Board of Agriculture to manage the farms, oversee the development of long-range plans for the agricultural experiment station farms, research programs and Cooperative Extension Service programs and coordinate activities with existing agricultural commodity organizations interested in, or currently supporting, research at the research farms.