

MAINE STATE LEGISLATURE

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*State Of Maine
121st Legislature*

First Regular Session

Bill Summaries

*Joint Standing Committee
on
Agriculture, Conservation and Forestry*

July 2003

Members:

*Sen. Bruce S. Bryant, Chair
Sen. Richard Kneeland
Sen. Edward M. Youngblood*

*Rep. Linda Rogers McKee, Chair
Rep. Jacqueline A. Lundeen
Rep. Raymond G. Pineau
Rep. John F. Piotti
Rep. Nancy E. Smith
Rep. Roderick W. Carr
Rep. Ken Honey
Rep. Kenneth C. Fletcher
Rep. Eugene L. Churchill
Rep. John Eder*

Staff:

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Maine State Legislature



Office Of Policy And Legal Analysis Office Of Fiscal And Program Review

121st Maine Legislature First Regular Session

Summary Of Legislation Before The Joint Standing Committees

Enclosed please find a summary of all bills, resolves, joint study orders, joint resolutions and Constitutional resolutions that were considered by the joint standing and joint select committees of the Maine Legislature this past session. 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 considered by the committees. It is arranged alphabetically by committee name 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:

| | |
|---|--|
| <i>CARRIED OVER PURSUANT TO HP 1212</i> | <i>Bills carried over to the 2nd Regular Session</i> |
| <i>CON RES XXX</i> | <i>Chapter # of Constitutional Resolution passed by both Houses</i> |
| <i>CONF CMTE UNABLE TO AGREE</i> | <i>Committee of Conference unable to agree; bill died</i> |
| <i>DIED BETWEEN BODIES</i> | <i>House & Senate disagree; bill died</i> |
| <i>DIED IN CONCURRENCE</i> | <i>One body accepts ONTP report; the other indefinitely postpones the bill</i> |
| <i>DIED ON ADJOURNMENT</i> | <i>Action incomplete when session ended; bill died</i> |
| <i>EMERGENCY</i> | <i>Enacted law takes effect sooner than 90 days</i> |
| <i>FAILED EMERGENCY ENACTMENT/FINAL PASSAGE</i> | <i>Emergency bill failed to get 2/3 vote</i> |
| <i>FAILED ENACTMENT/FINAL PASSAGE</i> | <i>Bill failed to get majority vote</i> |
| <i>FAILED MANDATE ENACTMENT</i> | <i>Bill imposing local mandate failed to get 2/3 vote</i> |
| <i>NOT PROPERLY BEFORE THE BODY</i> | <i>Ruled out of order by the presiding officers; bill died</i> |
| <i>INDEF PP</i> | <i>Bill Indefinitely Postponed</i> |
| <i>ONTP</i> | <i>Ought Not To Pass report accepted</i> |
| <i>OTP-ND</i> | <i>Committee report Ought To Pass In New Draft</i> |
| <i>P&S XXX</i> | <i>Chapter # of enacted Private & Special Law</i> |
| <i>PASSED</i> | <i>Joint Order passed in both bodies</i> |
| <i>PUBLIC XXX</i> | <i>Chapter # of enacted Public Law</i> |
| <i>RESOLVE XXX</i> | <i>Chapter # of finally passed Resolve</i> |
| <i>UNSIGNED</i> | <i>Bill held by Governor</i> |
| <i>VETO SUSTAINED</i> | <i>Legislature failed to override Governor's Veto</i> |

Please note that the effective date for all non-emergency legislation enacted in the First Regular Session (unless otherwise specified in a particular law) is September 13, 2003.

David C. Elliott, Director
Offices located in Room 215 of the Cross Office Building

LD 1500

An Act To Protect the Small Forest Landowners

PUBLIC 346

| | | |
|---------------------------------------|-----------------------------------|------------------------------------|
| <u>Sponsor(s)</u> BRYANT JODREY | <u>Committee Report</u> OTP-AM | <u>Amendments Adopted</u> S-162 |
|---------------------------------------|-----------------------------------|------------------------------------|

LD 1500 proposed making confidential addresses and other contact information collected by the Department of Conservation, Bureau of Forestry specifically for distributing forest management information to small forest landowners.

Committee Amendment "A" (S-162) proposed specifying that addresses and other contact information collected for the purpose of contacting forest owners are not a public record. This would allow the Department of Conservation, Bureau of Forestry to share the information but would not require the bureau to provide it.

Enacted Law Summary

Public Law 2003, chapter 346 specifies that addresses and other contact information collected for the purpose of contacting forest owners are not a public record. The Department of Conservation, Bureau of Forestry may share the information but is not required to provide it.

LD 1518

An Act To Improve Harvest Standards for Lands Purchased and Harvested within an 8-year Period **CARRIED OVER**

| | | |
|---------------------------------------|-------------------------|---------------------------|
| <u>Sponsor(s)</u> MCKEE EDMONDS | <u>Committee Report</u> | <u>Amendments Adopted</u> |
|---------------------------------------|-------------------------|---------------------------|

LD 1518 proposes harvesting standards for land harvested within 8 years of purchase or purchase of the timber rights. It proposes requiring the landowner to have a harvest plan prepared prior to harvest and also requiring that a minimum basal area of trees of certain size and quality remain after harvest, unless one of the conditions specified in the bill exists.

LD 1531

An Act To Amend Provisions of the Submerged Lands Law

PUBLIC 254

| | | |
|---|-----------------------------------|------------------------------------|
| <u>Sponsor(s)</u> DUDLEY YOUNGBLOOD | <u>Committee Report</u> OTP-AM | <u>Amendments Adopted</u> H-275 |
|---|-----------------------------------|------------------------------------|

LD 1531 proposed to increase the administrative fee for submerged lands easement applications and double the administrative fee for after-the-fact applications. The bill proposed to allow a portion of the Shore and Harbor Management Fund to be used for management of state-owned coastal islands and clarify the provisions by which a watercraft may be declared abandoned in coastal waters of the State. It also proposed explicit immunity from liability for actions taken by the State regarding removal and disposition of watercraft

Joint Standing Committee on Agriculture, Conservation and Forestry

Committee Amendment "A" (H-275) proposed removing that section of the bill that proposed immunity from liability for actions taken by the State regarding removal and disposition of watercraft.

Enacted Law Summary

Public Law 2003, chapter 254 increases the administrative fee for submerged lands easement applications and doubles the administrative fee for after-the-fact applications. It authorizes a portion of the Shore and Harbor Management Fund to be used for management of state-owned coastal islands and clarifies the provisions by which a watercraft may be declared abandoned in coastal waters of the State.

LD 1543 **An Act To Modify the Exemption for Compost under the Nutrient Management Law and the Nutrient Management Review Board's Authority To Hear Appeals** **PUBLIC 283**

| <u>Sponsor(s)</u> | <u>Committee Report</u> | <u>Amendments Adopted</u> |
|-------------------|-------------------------|---------------------------|
| BRYANT | OTP MAJ | |
| CARR | ONTP MIN | |

LD 1543 proposed changes in the nutrient management laws. Current law allows any amount of compost material to be imported and used on a farm without triggering the requirement for a nutrient management plan. LD 1543 proposed requiring a plan when 100 tons or more of compost was brought onto a farm in a year, making it consistent with the requirements for manure imported onto a farm. It proposed changes to the duties of the Nutrient Management Review Board and a penalty for failure to implement best management practices that had been prescribed by the Department of Agriculture, Food and Rural Resources in response to a complaint about manure handling and storage.

Enacted Law Summary

Public Law 2003, chapter 283 requires a farm that brings 100 tons or more of compost in a year onto the farm to have a nutrient management plan. It gives the Nutrient Management Review Board within the Department of Agriculture, Food and Rural Resources the authority to hear appeals and resolve disputes involving issues related to site-specific best management practices. Currently the board has the authority to address only disputes that are manure or nutrient-related. It authorizes the appointment of up to 3 temporary members to the board.

It also adds a penalty to the law prohibiting improper handling of manure for failure to implement best management practices that have been prescribed by the Department of Agriculture, Food and Rural Resources in response to complaints about manure handling and storage.