

# MAINE STATE LEGISLATURE

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**STATE OF MAINE**  
128<sup>TH</sup> LEGISLATURE  
FIRST SPECIAL, SECOND REGULAR AND SECOND SPECIAL SESSIONS



Summaries of bills, adopted amendments and laws enacted or finally passed

**JOINT STANDING COMMITTEE ON AGRICULTURE,  
CONSERVATION AND FORESTRY**

October 2018

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# STATE OF MAINE

128<sup>TH</sup> LEGISLATURE

FIRST SPECIAL, SECOND REGULAR AND SECOND SPECIAL SESSIONS



## LEGISLATIVE DIGEST OF BILL SUMMARIES AND ENACTED LAWS

This *Legislative Digest of Bill Summaries and Enacted Laws* contain summaries of all LDs and adopted amendments and all laws enacted or finally passed during the First Special, Second Regular and Second Special Sessions of the 128<sup>th</sup> Maine Legislature.

The *Digest* is arranged alphabetically by committee and within each committee by Legislative Document (LD) number. The committee report(s), prime sponsor and lead co-sponsor(s), if designated, are listed below each LD title. All adopted amendments are summarized and listed by paper number. A subject index is included with each committee. An appendix provides a summary of relevant session statistics.

Final action on each LD is noted to the right of the LD title. The following describes the various final actions.

*CARRIED OVER*..... carried over to a subsequent session of the Legislature  
*CON RES XXX*..... chapter # of constitutional resolution passed by both houses  
*CONF CMTE UNABLE TO AGREE*..... Committee of Conference unable to agree; legislation died  
*DIED BETWEEN HOUSES*..... House & Senate disagreed; legislation died  
*DIED IN CONCURRENCE*..... defeated in each house, but on different motions; legislation died  
*DIED ON ADJOURNMENT*..... action incomplete when session ended; legislation died  
*EMERGENCY*..... enacted law takes effect sooner than 90 days after session adjournment  
*FAILED, EMERGENCY ENACTMENT or FINAL PASSAGE*..... emergency failed to receive required 2/3 vote  
*FAILED, ENACTMENT or FINAL PASSAGE*..... failed to receive final majority vote  
*FAILED, MANDATE ENACTMENT*..... legislation proposing local mandate failed required 2/3 vote  
*HELD BY GOVERNOR*..... Governor has not signed; final disposition to be determined at subsequent session  
*LEAVE TO WITHDRAW*..... sponsor's request to withdraw legislation granted  
*NOT PROPERLY BEFORE THE BODY*..... ruled out of order by the presiding officer; legislation died  
*INDEF PP*..... indefinitely postponed; legislation died  
*ONTP, ACCEPTED, MAJORITY, MINORITY or REPORT X*... ought-not-to-pass report accepted; legislation died  
*P&S XXX*..... chapter # of enacted private & special law  
*PUBLIC XXX*..... chapter # of enacted public law  
*RESOLVE XXX*..... chapter # of finally passed resolve  
*VETO SUSTAINED*..... Legislature failed to override Governor's veto

The effective dates for non-emergency legislation enacted in the First Special, Second Regular or Second Special Sessions of the 128<sup>th</sup> Legislature are: Monday, February 5, 2018; Wednesday, August 1, 2018; and Thursday, December 13, 2018, respectively. The effective date for legislation enacted as an emergency measure may be found in the enacted law summary for that legislation.

***Joint Standing Committee on Agriculture, Conservation and Forestry***

**LD 1844**

**An Act To Provide the State the Right of First Refusal for the Purchase of Certain Land on Which a Subsidy Has Been Paid**

**Died On Adjournment**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
JACKSON T MARTIN J	OTP-AM ONTP OTP-AM	

This bill was reported out of committee during the Second Regular Session of the 128th Legislature and carried over to the next special session by joint order S.P. 748.

This bill requires the owner of a parcel of land that is at least 2,500 acres and that is enrolled in the Maine Tree Growth Tax Law program or is subject to the farm and open space tax law who receives an offer from a person who is not a resident of the United States to buy that parcel of land, prior to accepting the offer, to provide the State with notice of the offer. The State has 30 days to purchase the parcel of land at the price offered to the owner. If the State does not exercise its right to purchase the parcel of land, the owner may sell the parcel of land but at no less than the price offered to the State. If the State exercises its right to purchase the property, notwithstanding any provision of law to the contrary, the State is required to pay the taxes assessed on that property to the assessing authority.

**Committee Amendment "A" (S-447)**

This amendment is the majority report of the committee and strikes and replaces the bill.

This amendment establishes the State's right of first refusal regarding property that is more than 5,000 acres, subject to the Maine Tree Growth Tax Law program and not owned by or held in trust for a federally recognized Indian tribe in this State. The right of first refusal does not apply if the purchaser is an immediate family member. An owner who receives an offer must notify the Department of Agriculture, Conservation and Forestry of the proposed sale and the terms and conditions of the sale. The department may notify the Governor and the Legislative Council. The department has 10 business days to obtain funds to make the purchase. If the State exercises its right of first refusal, the property is nonreserved public land subject to the requirements of the Maine Revised Statutes, Title 12, chapter 220, subchapter 3 and does not change its classification under the Maine Tree Growth Tax Law. The Bureau of Parks and Lands within the department must manage the property in accordance with the Maine Tree Growth Tax Law and, using funds appropriated for that purpose by the Legislature, must make payments in lieu of taxes in an amount equal to the amount that would be paid by a private landowner to the assessing authority. If the State does not exercise its right of first refusal, the owner may sell the property to any purchaser. The department is required to adopt major substantive rules to implement these provisions.

**Committee Amendment "B" (S-448)**

This amendment is the minority report of the committee and is the same as the majority amendment, except that it provides that if the State does not exercise its right of first refusal, the owner may sell the property to any purchaser but at no less than the price provided to the department pursuant to Title 36, section 581-H, subsection 3 and if the owner decreases the price, the owner must resubmit the information in accordance with subsection 3.

**LD 1915**

**An Act To Clarify Which Municipalities May Receive a Portion of Day Use and Camping Fees from State Parks and Historic Sites**

**Veto Sustained**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
CHAPMAN R DAVIS P		