

# MAINE STATE LEGISLATURE

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Date: 6/5/13

Majority

AGRICULTURE, CONSERVATION AND FORESTRY

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STATE OF MAINE
HOUSE OF REPRESENTATIVES
126TH LEGISLATURE
FIRST REGULAR SESSION

COMMITTEE AMENDMENT "A" to H.P. 588, L.D. 837, Bill, "An Act To Clarify the Laws Establishing the Department of Agriculture, Conservation and Forestry"

Amend the bill by striking out everything after the title and before the summary and inserting the following:

'Be it enacted by the People of the State of Maine as follows:

PART A

Sec. A-1. 2 MRSA §6, sub-§3, as amended by PL 2011, c. 657, Pt. Y, §2, is further amended to read:

3. Range 89. The salaries of the following state officials and employees are within salary range 89:

- Director, Bureau of General Services;
Director, Bureau of Alcoholic Beverages and Lottery Operations;
State Budget Officer;
State Controller;
Director, ~~Division~~ Bureau of Forestry;
Director, Governor's Office of Policy and Management;
Director, Energy Resources Office;
Director of Human Resources;
Director, ~~Division~~ Bureau of Parks and ~~Public~~ Lands; and
Director of the Governor's Office of Communications;
Director, Bureau of Agriculture, Food and Rural Resources; and
Director, Bureau of Resource Information and Land Use Planning.

COMMITTEE AMENDMENT

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**Sec. A-2. 2 MRSA §6, sub-§5**, as amended by PL 2011, c. 657, Pt. Y, §3, is further amended to read:

**5. Range 86.** The salaries of the following state officials and employees are within salary range 86:

- Director of Labor Standards;
- State Archivist;
- ~~Director, Division of Geology, Natural Areas and Coastal Resources;~~
- Director, Division of Land Use Planning, Permitting and Compliance;
- Chair, Maine Unemployment Insurance Commission;
- Child Welfare Services Ombudsman; and
- Director of the Maine Drug Enforcement Agency.

**Sec. A-3. 5 MRSA §933, sub-§1, ¶O**, as amended by PL 2011, c. 1, Pt. F, §1, is repealed.

**Sec. A-4. 5 MRSA §933, sub-§1, ¶P**, as enacted by PL 2009, c. 552, §6, is amended to read:

- P. Director, Division of Animal and Plant Health;

**Sec. A-5. 5 MRSA §933, sub-§1, ¶¶Q to S** are enacted to read:

- Q. Natural Resource Marketing and Economic Development Specialist;
- R. Director, Bureau of Agriculture, Food and Rural Resources; and
- S. Director, Bureau of Resource Information and Land Use Planning.

**Sec. A-6. 5 MRSA §935, sub-§1**, as amended by PL 2011, c. 655, Pt. KK, §3 and affected by §34 and amended by c. 657, Pt. W, §§5 and 7 and c. 682, §38, is further amended to read:

**1. Major policy-influencing positions.** The following positions are major policy-influencing positions within the Department of Agriculture, Conservation and Forestry. Notwithstanding any other provision of law, these positions and their successor positions are subject to this chapter:

- ~~B. Deputy Commissioner;~~
- C. Director, ~~Division~~ Bureau of Forestry;
- ~~D. Director, Bureau of Geology, Natural Areas and Coastal Resources;~~
- E. Executive Director, Maine Land Use Planning Commission;
- F. Director, ~~Division~~ Bureau of Parks and ~~Public~~ Lands;
- ~~G. Deputy Director, Division of Parks and Public Lands;~~
- I. Assistant to the Commissioner for Public Information;
- J. Assistant to the Commissioner; and

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1 K. State Supervisor, Forest Fire Operations.

2 **Sec. A-7. 7-A MRSA §101, sub-§2-A** is enacted to read:

3 **2-A. Foodways.** "Foodways" means the cultural, social and economic practices  
4 related to the production and consumption of food.

5 **Sec. A-8. 7-A MRSA §201-A** is enacted to read:

6 **§201-A. Local food and rural economic development**

7 It is the policy of this State to encourage food self-sufficiency for its citizens. The  
8 department shall support policies that:

9 **1. Local control.** Through local control preserve the ability of communities to  
10 produce, process, sell, purchase and consume locally produced foods;

11 **2. Small-scale farming and food production.** Ensure the preservation of family  
12 farms and traditional foodways through small-scale farming and food production;

13 **3. Improved health and well-being.** Improve the health and well-being of citizens  
14 of this State by reducing hunger and increasing food security through improved access to  
15 wholesome, nutritious foods by supporting family farms and encouraging sustainable  
16 farming and fishing;

17 **4. Self-reliance and personal responsibility.** Promote self-reliance and personal  
18 responsibility by ensuring the ability of individuals, families and other entities to prepare,  
19 process, advertise and sell foods directly to customers intended solely for consumption by  
20 the customers or their families; and

21 **5. Rural economic development.** Enhance rural economic development and the  
22 environmental and social wealth of rural communities.

23 **Sec. A-9. 7-A MRSA §202**, as enacted by PL 2011, c. 657, Pt. V, §1 and affected  
24 by §2, is amended to read:

25 **§202. Mission; guiding principles**

26 **1. Mission.** The mission of the department is to serve as the a steward of Maine's  
27 agricultural, ~~forestry, water and land~~ and natural resources for the State. The department  
28 shall implement public policy that:

29 **A.** Supports the work of citizens who derive their livelihood through agricultural,  
30 conservation and forest-based interests and supports those who enjoy parks and  
31 conservation lands;

32 **B.** Through education, technical assistance, research, regulation and land  
33 conservation, promotes and protects the public health, the well-being of domestic  
34 animals, wise land usage and the preservation of the State's key conservation assets;  
35 and

36 **C.** Assists in creating added value for land-derived and forest-derived products as  
37 well as creating outdoor-based recreational experiences for local, national and  
38 international markets.

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1           **2. Guiding principles.** The following principles are adopted to guide the  
2 department in the performance of its duties:

3           A. Forestry, farming, conservation, public lands and other natural resource-based  
4 economic activity are important to the State's economy and quality of life; and

5           A-1. The State's rural jobs and multifaceted natural resources are at the same time a  
6 rich heritage to be carefully passed to successive generations and an evolving  
7 economic engine driving the recreation, food and fiber components of the State's  
8 workplaces;

9           B. Strengthening farming, forestry, conservation, recreation, state parks, public lands  
10 and public access to the State's natural resources is vital to enhancing the State's  
11 natural resources economy; and

12           C. The State's land and water are the common denominators for fresh, locally grown  
13 food, processed food, horticulture, livestock, sustainably managed forest products and  
14 the State's internationally recognized outdoor recreation and conservation areas.

15           **Sec. A-10. 7-A MRSA §203, sub-§1**, as enacted by PL 2011, c. 657, Pt. V, §1  
16 and affected by §2, is amended to read:

17           **1. Appointment.** The Governor shall appoint the commissioner, subject to review  
18 by the joint standing committee of the Legislature having jurisdiction over agriculture,  
19 conservation and forestry matters and confirmation by the Senate. The commissioner,  
20 who must be a person of recognized executive ability and who must possess training,  
21 knowledge or experience in agricultural production, conservation, forestry and natural  
22 resource management, serves at the pleasure of the Governor.

23           **Sec. A-11. 7-A MRSA §203, sub-§2**, as enacted by PL 2011, c. 657, Pt. V, §1  
24 and affected by §2, is repealed.

25           **Sec. A-12. 7-A MRSA §203, sub-§2-A** is enacted to read:

26           **2-A. Deputy; staff.** The commissioner shall appoint a deputy commissioner to assist  
27 the commissioner with the operations of the department. The commissioner shall also  
28 appoint a natural resource marketing and economic development specialist, who shall  
29 assist the commissioner in the identification and tracking of natural resource industry  
30 trends, who shall work with natural resource groups to identify value-added opportunities  
31 and who shall coordinate with other governmental agencies to help management to  
32 improve the sustainability of the State's agricultural resources and the long-term health of  
33 the State's agricultural, forestry and natural resource-based industries.

34           **Sec. A-13. 7-A MRSA §204, first ¶**, as enacted by PL 2011, c. 657, Pt. V, §1  
35 and affected by §2, is amended to read:

36           The commissioner has all of the powers and duties necessary to carry out the mission  
37 and responsibilities of the department. The commissioner has the power to distribute the  
38 functions and duties given to the commissioner under this Title, Title 7 and Title 12  
39 among the various ~~divisions~~ bureaus of the department so as to integrate the work  
40 properly and to promote the most economical and efficient administration of the  
41 department. Powers and duties given to the commissioner or the department in this Title,  
42 Title 7 or Title 12 must be assumed and carried out by the ~~divisions~~ bureaus that the

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1 commissioner designates and may in turn be delegated to subordinates by ~~division~~ bureau  
2 directors with the approval of the commissioner.

3 **Sec. A-14. 7-A MRSA §204, sub-§4**, as enacted by PL 2011, c. 657, Pt. V, §1  
4 and affected by §2, is amended to read:

5 **4. Appointments.** The deputy ~~commissioners~~ commissioner and ~~division~~ bureau  
6 directors of the department are appointed by the commissioner and serve at the pleasure  
7 of the commissioner, except as otherwise provided by law. ~~Deputy commissioners~~ The  
8 deputy commissioner and ~~division~~ bureau directors appointed pursuant to this Title must  
9 have educational qualifications and professional experience directly related to the  
10 functions of and services provided by the relevant unit or ~~division~~ bureau.

11 **Sec. A-15. 7-A MRSA §205**, as enacted by PL 2011, c. 657, Pt. V, §1 and  
12 affected by §2, is repealed.

13 **Sec. A-16. 7-A MRSA §206** is enacted to read:

14 **§206. Department organization; bureaus**

15 The department is composed of the following bureaus, each of which is under the  
16 direction and supervision of a director:

17 **1. Bureau of Agriculture, Food and Rural Resources.** The Bureau of Agriculture,  
18 Food and Rural Resources, which is composed of the former Department of Agriculture,  
19 Food and Rural Resources and all associated units and programs;

20 **2. Bureau of Forestry.** The Bureau of Forestry, which is composed of the former  
21 Division of Forestry and all associated units and programs;

22 **3. Bureau of Parks and Lands.** The Bureau of Parks and Lands, which is  
23 composed of the former Division of Parks and Public Lands and all associated units and  
24 programs;

25 **4. Bureau of Resource Information and Land Use Planning.** The Bureau of  
26 Resource Information and Land Use Planning, which is composed of the Division of  
27 Land Use Planning, Permitting and Compliance, the Division of Geology, Natural Areas  
28 and Coastal Resources, the Land for Maine's Future Board, the units of municipal  
29 planning assistance and flood plain management and all other associated units and  
30 programs.

31 The commissioner shall appoint a director for each bureau, giving preference to  
32 existing directors or other staff from within the bureau.

33 **Sec. A-17. PL 2011, c. 657, Pt. V, §2** is amended to read:

34 **Sec. V-2. Legislative intent.** It is the intent of the Legislature that a bill submitted  
35 pursuant to Part W, section 4 that consolidates the Maine Revised Statutes, Title 7 and  
36 portions of Title 12 into Title 7-A be enacted into law by the 126th Legislature to create a  
37 unified statutory framework for the laws administered by the Department of Agriculture,  
38 Conservation and Forestry that incorporates the Maine Revised Statutes, Title 7-A and  
39 relevant portions of Title 12 into Title 7. If a bill submitted pursuant to Part W, section 4  
40 has not been enacted into law by December 3, 2014, Title 7-A is repealed on that date. It  
41 is not the intent of the Legislature to require a complete recodification of Title 7.

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1           **Sec. A-18.** PL 2011, c. 657, Pt. V, §3 is repealed.

2           **Sec. A-19.** PL 2011, c. 657, Pt. W, §4 is repealed.

3           **Sec. A-20. Funding for the commissioner's office.** Departmentwide indirect  
4 funding rates assessed to dedicated and federal funds may not exceed 13% and 29% for  
5 conservation and agriculture programs, respectively, for a 3-year period beginning July 1,  
6 2013 and ending June 30, 2016.

7           **Sec. A-21. Director, Land for Maine's Future program.** The Commissioner  
8 of Agriculture, Conservation and Forestry shall hire a director of the Land for Maine's  
9 Future program as a staff position within the Department of Agriculture, Conservation  
10 and Forestry, Bureau of Resource Information and Land Use Planning.

11           **Sec. A-22. Report.** The Commissioner of Agriculture, Conservation and Forestry  
12 shall provide a written report on matters related to the reorganization of the former  
13 Department of Agriculture, Food and Rural Resources and the former Department of  
14 Conservation into the Department of Agriculture, Conservation and Forestry to the Joint  
15 Standing Committee on Agriculture, Conservation and Forestry by November 1, 2013.  
16 The commissioner shall provide an additional written report to the committee on these  
17 matters by February 1, 2014.

18           **Sec. A-23. Maine Revised Statutes amended; revision clause.** Wherever in  
19 the Maine Revised Statutes the words "Division of Forestry" appear or reference is made  
20 to that entity or those words, those words are amended to read or mean, as appropriate,  
21 "Bureau of Forestry" or "bureau," and the Revisor of Statutes shall implement this  
22 revision when updating, publishing or republishing the statutes.

23           **Sec. A-24. Maine Revised Statutes amended; revision clause.** Wherever in  
24 the Maine Revised Statutes the words "Division of Parks and Public Lands" appear or  
25 reference is made to that entity or those words, those words are amended to read or mean,  
26 as appropriate, "Bureau of Parks and Lands" or "bureau," and the Revisor of Statutes  
27 shall implement this revision when updating, publishing or republishing the statutes.

28   **PART B**

29           **Sec. B-1.** 12 MRSA §685-C, sub-§1, ¶B, as repealed by PL 2011, c. 655, Pt. JJ,  
30 §6 and affected by §41 and amended by c. 682, §21, is repealed.

31           **Sec. B-2.** 12 MRSA §685-C, sub-§1, ¶B-1 is enacted to read:

32           B-1. After the commission has finalized a plan or a portion of a plan, but prior to  
33 adoption, the commission shall provide a copy to the Commissioner of Agriculture,  
34 Conservation and Forestry, who shall submit the finalized plan or a portion of the  
35 plan to the Governor for comments. The commissioner shall submit the finalized plan  
36 or a portion of the plan including the Governor's comments to the Legislature within  
37 30 days after the convening of the next regular session for approval. The Legislature  
38 shall, by act or resolve, approve, disapprove or require changes to the plan or any  
39 portion of the plan prior to adjournment. If the plan or a portion of the plan is  
40 approved or the Legislature fails to act on the plan or a portion of the plan before  
41 adjournment, the plan or a portion of the plan may be finally adopted by the

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1 commission. If the plan or a portion of the plan is disapproved or revisions are  
2 required, the plan or a portion of the plan must be revised by the commission and  
3 resubmitted to the Legislature for approval by act or resolve. The joint standing  
4 committee of the Legislature having jurisdiction over conservation matters may  
5 submit legislation to implement the provisions of this paragraph.

6 **Sec. B-3. 12 MRSA §685-C, sub-§1, ¶C**, as amended by PL 2011, c. 655, Pt. JJ,  
7 §7 and affected by §41 and repealed by c. 682, §21, is repealed.

8 **Sec. B-4. 23 MRSA §3360-A, sub-§5-I, ¶A**, as enacted by PL 2011, c. 72, §4, is  
9 amended to read:

10 A. As used in this subsection, unless the context otherwise indicates, the following  
11 terms have the following meanings.

12 (1) "Lawfully expanded after March 1, 2011" means an expansion of a quarry or  
13 borrow pit after March 1, 2011:

14 (a) That requires an authorization, license, permit or variance issued by the  
15 Department of Environmental Protection pursuant to Title 38, chapter 3,  
16 article 6, 7 or 8-A or by the former Maine Land Use Regulation Commission  
17 or the Maine Land Use Planning Commission under Title 12, chapter 206-A  
18 and for which a valid authorization, license, permit or variance has been  
19 issued; or

20 (b) That requires a filing of a notice of intent to comply pursuant to Title 38,  
21 chapter 3, article 7 or 8-A and a complete filing has been made.

22 (2) "Lawfully located on March 1, 2011" means that on March 1, 2011 the quarry  
23 or borrow pit existed and:

24 (a) The owner or operator had been issued all authorizations, licenses,  
25 permits or variances by the Department of Environmental Protection pursuant  
26 to Title 38, chapter 3, article 6, 7 or 8-A or by the former Maine Land Use  
27 Regulation Commission under Title 12, chapter 206-A necessary to operate  
28 that quarry or borrow pit; and

29 (b) The quarry or borrow pit was in compliance with any applicable  
30 requirements of Title 38, chapter 3, article 7 or 8-A or with any applicable  
31 land use district standards of the former Maine Land Use Regulation  
32 Commission adopted under Title 12, chapter 206-A.

33 (3) "Lawfully located after March 1, 2011" means that the quarry or borrow pit  
34 is established after March 1, 2011 and:

35 (a) The owner or operator possesses all authorizations, licenses, permits or  
36 variances issued by the Department of Environmental Protection pursuant to  
37 Title 38, chapter 3, article 6, 7 or 8-A or by the former Maine Land Use  
38 Regulation Commission or the Maine Land Use Planning Commission under  
39 Title 12, chapter 206-A necessary to operate that quarry or borrow pit; and

40 (b) The quarry or borrow pit is in compliance with the requirements of Title  
41 38, chapter 3, article 7 or 8-A or with applicable land use district standards of



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1 the former Maine Land Use Regulation Commission or the Maine Land Use  
2 Planning Commission adopted under Title 12, chapter 206-A.

3 (4) "Quarry" has the same meaning as in Title 38, section 490-W, subsection 17.

4 **Sec. B-5. 38 MRSA §488, sub-§9**, as amended by PL 2011, c. 653, §20 and  
5 affected by §33 and repealed by c. 682, §31 and affected by §40, is repealed.

6 **PART C**

7 **Sec. C-1. 1 MRSA §25**, as amended by PL 2011, c. 655, Pt. KK, §1 and affected  
8 by §34, is further amended to read:

9 **§25. Topographic mapping**

10 The ~~Bureau~~ Department of Agriculture, Conservation and Forestry, Division of  
11 Geology, Natural Areas and Coastal Resources has charge of topographic mapping on  
12 behalf of the State. The ~~Bureau~~ Division of Geology, Natural Areas and Coastal  
13 Resources is authorized and directed to enter into such agreements with the Director of  
14 the United States Geological Survey as will ensure the progress of the work in an  
15 efficient and economical manner.

16 **Sec. C-2. 5 MRSA §935, sub-§1, ¶D**, as amended by PL 2011, c. 655, Pt. KK,  
17 §3 and affected by §34, is further amended to read:

18 D. Director, ~~Bureau~~ Division of Geology, Natural Areas and Coastal Resources;

19 **Sec. C-3. 12 MRSA §541-A**, as amended by PL 2011, c. 655, Pt. KK, §4 and  
20 affected by §34, is further amended to read:

21 **§541-A. Division of Geology, Natural Areas and Coastal Resources**

22 The ~~Bureau~~ Division of Geology, Natural Areas and Coastal Resources is established  
23 within the Department of Agriculture, Conservation and Forestry and is administered by  
24 the commissioner. The ~~bureau~~ division consists of the Maine Geological Survey, referred  
25 to in this chapter as the "survey," the Natural Areas Program and the Maine Coastal  
26 Program. The ~~executive~~ director of the bureau is the director of the survey.

27 **Sec. C-4. 12 MRSA §549**, as amended by PL 2011, c. 655, Pt. KK, §6 and  
28 affected by §34 and amended by c. 657, Pt. W, §7, is further amended to read:

29 **§549. Jurisdiction**

30 The ~~Bureau~~ Division of Geology, Natural Areas and Coastal Resources and the  
31 agencies having jurisdiction over state-owned lands have jurisdiction, as set forth in this  
32 subchapter, over all state-owned lands for the purpose of mineral development and  
33 mining on that land. The Bureau of ~~Geology, Natural Areas and Coastal Resources~~  
34 Resource Information and Land Use Planning and the agencies having jurisdiction over  
35 state-owned lands may make such rules as each considers proper with respect to the  
36 authority delegated pursuant to this subchapter.

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1           **Sec. C-5. 12 MRSA §549-A, sub-§2**, as amended by PL 2011, c. 655, Pt. KK, §7  
2 and affected by §34, is further amended to read:

3           **2. Director of the survey.** "Director of the survey" means the Director of the  
4 Bureau of ~~Geology, Natural Areas and Coastal Resources~~ Resource Information and Land  
5 Use Planning.

6           **Sec. C-6. 12 MRSA §550-B, sub-§3, ¶A**, as amended by PL 2011, c. 655, Pt.  
7 KK, §8 and affected by §34, is further amended to read:

8           A. Within 30 days after completion of any well or dry hole, or the enlarging or  
9 deepening of an existing well, a well drilling company shall submit a report to the  
10 ~~Bureau~~ Division of Geology, Natural Areas and Coastal Resources on forms designed  
11 and provided by the ~~Bureau~~ Division of Geology, Natural Areas and Coastal  
12 Resources. The report must contain information as may be required by the ~~Bureau~~  
13 Division of Geology, Natural Areas and Coastal Resources, including, but not limited  
14 to, location, construction and well yield.

15           **Sec. C-7. 12 MRSA §550-B, sub-§6**, as amended by PL 2011, c. 655, Pt. KK, §9  
16 and affected by §34, is further amended to read:

17           **6. Information use.** Information collected by the ~~Bureau~~ Division of Geology,  
18 Natural Areas and Coastal Resources, Maine Geological Survey under this section is  
19 subject to Title 1, chapter 13, subchapter 1, unless the well drilling company to whom the  
20 information belongs or pertains requests that it be designated as confidential and the  
21 bureau has determined it contains proprietary information. For the purposes of this  
22 subsection, "proprietary information" means information that is a trade secret or  
23 production, commercial or financial information the disclosure of which would impair the  
24 competitive position of the person submitting the information and would make available  
25 information not otherwise publicly available. The ~~Bureau~~ Division of Geology, Natural  
26 Areas and Coastal Resources, Maine Geological Survey shall make information collected  
27 under this chapter available to any federal, state or municipal entity or authorized agent of  
28 such entity.

29           **Sec. C-8. 12 MRSA §1835, sub-§1, ¶A**, as amended by PL 2011, c. 655, Pt. KK,  
30 §10 and affected by §34, is further amended to read:

31           A. The first \$20,000 in the aggregate of any money accruing from the alienation of  
32 rights to mine upon nonreserved public land, or other income arising out of mining  
33 operations, that is actually received during any fiscal year, and every portion thereof  
34 accruing from these mining operations, must be paid into the ~~Bureau~~ Division of  
35 Geology, Natural Areas and Coastal Resources.

36           **Sec. C-9. 12 MRSA §1847, sub-§2**, as amended by PL 2011, c. 655, Pt. JJ, §8  
37 and affected by §41 and amended by c. 682, §38, is further amended to read:

38           **2. Management plans.** The director shall prepare, revise from time to time and  
39 maintain a comprehensive management plan for the management of the public reserved  
40 lands in accordance with the guidelines in this subchapter. The plan must provide for a  
41 flexible and practical approach to the coordinated management of the public reserved  
42 lands. In preparing, revising and maintaining such a management plan the director, to the  
43 extent practicable, shall compile and maintain an adequate inventory of the public

1 reserved lands, including not only the timber on those lands but also the other multiple  
 2 use values for which the public reserved lands are managed. In addition, the director  
 3 shall consider all criteria listed in section 1858 for the location of public reserved lands in  
 4 developing the management plan. The director is entitled to the full cooperation of the  
 5 ~~Bureau~~ Division of Geology, Natural Areas and Coastal Resources, the Department of  
 6 Inland Fisheries and Wildlife and the Maine Land Use Planning Commission in  
 7 compiling and maintaining the inventory of the public reserved lands. The director shall  
 8 consult with those agencies as well as other appropriate state agencies in the preparation  
 9 and maintenance of the comprehensive management plan for the public reserved lands.  
 10 The plan must provide for the demonstration of appropriate management practices that  
 11 will enhance the timber, wildlife, recreation, economic and other values of the lands. All  
 12 management of the public reserved lands, to the extent practicable, must be in accordance  
 13 with this management plan when prepared.

14 Within the context of the comprehensive management plan, the commissioner, after  
 15 adequate opportunity for public review and comment, shall adopt a specific action plan  
 16 for each unit of the public reserved lands system. Each action plan must include  
 17 consideration of the related systems of silviculture and regeneration of forest resources  
 18 and must provide for outdoor recreation including remote, undeveloped areas, timber,  
 19 watershed protection, wildlife and fish. The commissioner shall provide adequate  
 20 opportunity for public review and comment on any substantial revision of an action plan.  
 21 Management of the public reserved lands before the action plans are completed must be  
 22 in accordance with all other provisions of this section.

23 **Sec. C-10. 12 MRSA §1849, sub-§1, ¶A**, as amended by PL 2011, c. 655, Pt.  
 24 KK, §11 and affected by §34, is further amended to read:

25 A. The first \$20,000 in the aggregate of any money accruing from the alienation of  
 26 rights to mine upon public reserved land, or other income arising out of mining  
 27 operations, that is actually received during any fiscal year, and every portion thereof  
 28 accruing from these mining operations, must be paid to the ~~Bureau~~ Division of  
 29 Geology, Natural Areas and Coastal Resources.

30 **Sec. C-11. 12 MRSA §5013, sub-§5**, as amended by PL 2011, c. 655, Pt. KK,  
 31 §14 and affected by §34, is further amended to read:

32 **5. Division of Geology, Natural Areas and Coastal Resources.** The ~~Bureau~~  
 33 Division of Geology, Natural Areas and Coastal Resources is under the direction and  
 34 supervision of a director who is appointed by, and serves at the pleasure of, the  
 35 commissioner.

36 **Sec. C-12. 12 MRSA §13001, sub-§12**, as amended by PL 2011, c. 655, Pt. KK,  
 37 §16 and affected by §34 and amended by c. 682, §38, is further amended to read:

38 **12. Freshwater marshes and bogs.** "Freshwater marshes and bogs" means naturally  
 39 occurring open areas with saturated soils or peat, often associated with standing water and  
 40 dominated by low herbaceous vegetation, grasses, weeds and shrubs and including  
 41 wetlands, as shown on the Freshwater Wetlands Map Series, ~~Bureau~~ Division of  
 42 Geology, Natural Areas and Coastal Resources, Maine Geological Survey, or zoned as a  
 43 Wetland Protection Subdistrict, P-WL, by the Maine Land Use Planning Commission.

1           **Sec. C-13. 22 MRSA §676, sub-§5**, as amended by PL 2011, c. 655, Pt. KK, §17  
2 and affected by §34, is further amended to read:

3           **5. Geology.** The ~~Bureau~~ Division of Geology, Natural Areas and Coastal Resources,  
4 Maine Geological Survey within the Department of Agriculture, Conservation and  
5 Forestry shall provide technical assistance for waste management.

6           **Sec. C-14. 22 MRSA §679-B, sub-§8**, as amended by PL 2011, c. 655, Pt. KK,  
7 §18 and affected by §34 and amended by c. 682, §38, is further amended to read:

8           **8. Transfer of funds.** Notwithstanding Title 5, section 1585, funds allocated under  
9 this section must be transferred as necessary to accomplish the purposes of this section  
10 and Title 38, chapter 14-A from the department to other agencies, including the  
11 Department of Environmental Protection, the ~~Bureau~~ Division of Geology, Natural Areas  
12 and Coastal Resources, Maine Geological Survey within the Department of Agriculture,  
13 Conservation and Forestry and the Maine Land Use Planning Commission.

14           **Sec. C-15. 32 MRSA §4700-G, sub-§2**, as amended by PL 2011, c. 655, Pt. KK,  
15 §19 and affected by §34, is further amended to read:

16           **2. Membership.** The commission consists of the director of the division of  
17 environmental health within the Department of Health and Human Services or the  
18 director's designee; the Director of the ~~Bureau~~ Division of Geology, Natural Areas and  
19 Coastal Resources within the Department of Agriculture, Conservation and Forestry or  
20 the director's designee; the Commissioner of Transportation or the commissioner's  
21 designee; and 4 public members, 3 of whom must be well drillers.

22           **Sec. C-16. 32 MRSA §4700-G, sub-§6**, as amended by PL 2011, c. 655, Pt. KK,  
23 §20 and affected by §34, is further amended to read:

24           **6. Administrative provision.** The department shall administer the affairs and  
25 activities of the commission, keep all books and records, excluding data reports. All  
26 appropriations for use of the commission must be made to the department. The  
27 Department of Agriculture, Conservation and Forestry, Bureau Division of Geology,  
28 Natural Areas and Coastal Resources shall keep all well data reports and work with the  
29 department in the administration of the commission's activities.

30           **Sec. C-17. 33 MRSA §1213**, as amended by PL 2011, c. 655, Pt. KK, §21 and  
31 affected by §34, is further amended to read:

32           **§1213. Water boundaries**

33           For the purposes of this chapter, the Department of Agriculture, Conservation and  
34 Forestry, Bureau Division of Geology, Natural Areas and Coastal Resources shall draw  
35 the water boundaries of the 8 coastal counties in order to determine in which registry of  
36 deeds the island must be registered. These lines must be drawn in accordance with the  
37 corporate charters of the counties as amended. In instances in which the charter does not  
38 clearly specify the seaward boundaries of the counties, the boundaries must be drawn in  
39 accordance with state law and the principles contained in the International Convention for  
40 the Contiguous and Territorial Sea in determining seaward boundaries between adjacent  
41 nation states.

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1           **Sec. C-18. 35-A MRSA §3457**, as amended by PL 2011, c. 655, Pt. KK, §23 and  
2 affected by §34, is further amended to read:

3           **§3457. Rulemaking; scenic viewpoint; scenic inventory**

4           **1. Scenic viewpoint.** The Department of Agriculture, Conservation and Forestry  
5 shall adopt rules to designate scenic viewpoints located on state public reserved land or  
6 on a trail that is used exclusively for pedestrian use, such as the Appalachian Trail, that  
7 have state or national significance from a scenic perspective based on criteria modeled  
8 after those used in the "Maine Rivers Study" published by the former Department of  
9 Conservation in 1982 and "Maine Wildlands Lakes Assessment" published by the former  
10 Maine Land Use Regulation Commission in June 1987 and consideration of the criteria in  
11 section 3452, subsection 3.

12           **2. Scenic inventory.** The Department of Agriculture, Conservation and Forestry,  
13 ~~Bureau~~ Division of Geology, Natural Areas and Coastal Resources shall adopt rules  
14 regarding the methodology for conducting a scenic inventory of scenic resources of state  
15 or national significance that are located in the coastal area, as defined by Title 38, section  
16 1802, subsection 1, in a manner comparable to that used for an inventory listed in section  
17 3451, subsection 9, paragraph H, subparagraph (1). The Department of Agriculture,  
18 Conservation and Forestry, ~~Bureau~~ Division of Geology, Natural Areas and Coastal  
19 Resources may contract with an outside entity for the preparation of a scenic inventory  
20 conducted pursuant to the methodology developed pursuant to this subsection.

21           Rules adopted pursuant to this section are routine technical rules as defined in Title 5,  
22 chapter 375, subchapter 2-A.

23           **Sec. C-19. 38 MRSA §361-A, sub-§1-D**, as amended by PL 2011, c. 655, Pt.  
24 KK, §24 and affected by §34, is further amended to read:

25           **1-D. Aquifer.** "Aquifer" means a geologic formation composed of rock or sand and  
26 gravel that stores and transmits significant quantities of recoverable water, as identified  
27 by the ~~Bureau~~ Division of Geology, Natural Areas and Coastal Resources, Maine  
28 Geological Survey within the Department of Agriculture, Conservation and Forestry.

29           **Sec. C-20. 38 MRSA §401, 7th ¶**, as amended by PL 2011, c. 655, Pt. KK, §25  
30 and affected by §34, is further amended to read:

31           It is the intention of the Legislature that the ~~Bureau~~ Division of Geology, Natural  
32 Areas and Coastal Resources provide coordination and develop programs for the  
33 collection and analysis of information relating to the nature, extent and quality of aquifers  
34 and aquifer recharge areas.

35           **Sec. C-21. 38 MRSA §402**, as amended by PL 2011, c. 655, Pt. KK, §26 and  
36 affected by §34, is further amended to read:

37           **§402. Research**

38           The ~~Bureau~~ Division of Geology, Natural Areas and Coastal Resources, in  
39 cooperation with the Department of Environmental Protection, is authorized to conduct  
40 research and studies to determine recharge and cleansing rates of ~~ground-water~~  
41 groundwater in different sand and gravel and bedrock formations.

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1 The ~~Bureau~~ Division of Geology, Natural Areas and Coastal Resources, Maine  
2 Geological Survey within the Department of Agriculture, Conservation and Forestry in  
3 cooperation with other agencies as appropriate shall conduct a 3-year program to assess  
4 the impact of agricultural practices and chemicals on ~~ground-water~~ groundwater quality in  
5 selected agricultural areas and selected aquifers. The program must evaluate the extent  
6 and level of contamination associated with pesticide use, the mechanisms by which  
7 pesticides move through the soil and into ~~ground-water~~ groundwater supplies, the  
8 synergistic effects of these substances and their persistence in ~~ground-water~~ groundwater.

9 The survey shall report annually its progress to the joint standing committee of the  
10 Legislature having jurisdiction over natural resources.

11 **Sec. C-22. 38 MRSA §490-OO, sub-§6, ¶A**, as enacted by PL 2011, c. 653, §23  
12 and affected by §33, is amended to read:

13 A. At least 60 days prior to submitting an application to the department, the applicant  
14 shall notify by certified mail the municipal officers of each municipality in which the  
15 mining area or affected area may be located or, in the unorganized territory, the  
16 county commissioners for each county in which the mining area or affected area may  
17 be located. The applicant at the same time shall provide a copy of the notice to the  
18 department and the Director of the Bureau Division of Geology ~~and~~, Natural Areas  
19 and Coastal Resources within the Department of Agriculture, Conservation and  
20 Forestry.

21 **Sec. C-23. 38 MRSA §549**, as amended by PL 2011, c. 655, Pt. KK, §29 and  
22 affected by §34, is further amended to read:

23 **§549. Personnel and equipment**

24 The commissioner shall establish and maintain at such ports within the State, and  
25 other places as the commissioner determines, employees and equipment necessary to  
26 carry out this subchapter. The commissioner, subject to the Civil Service Law, may  
27 employ personnel necessary to carry out the purposes of this subchapter, and shall  
28 prescribe the duties of those employees. The salaries of those employees and the cost of  
29 that equipment must be paid from the Maine Coastal and Inland Surface Oil Clean-up  
30 Fund established by this subchapter. The commissioner and the Director of the Bureau  
31 Division of Geology, Natural Areas and Coastal Resources shall periodically consult with  
32 each other relative to procedures for the prevention of oil discharges into the coastal  
33 waters of the State from offshore drilling production facilities. Inspection and  
34 enforcement employees of the department in their line of duty under this subchapter have  
35 the powers of a constable.

36 **Sec. C-24. 38 MRSA §1905, sub-§1**, as amended by PL 2011, c. 655, Pt. KK,  
37 §31 and affected by §34, is further amended to read:

38 **1. Maps; coastal barriers identified.** Maine's coastal barriers are identified on  
39 maps, available for public review, at the Department of Agriculture, Conservation and  
40 Forestry, Bureau Division of Geology, Natural Areas and Coastal Resources, Maine  
41 Geological Survey office in Augusta. They are referred to as the Maine Coastal Barrier  
42 Resources Systems and are numbered consistent with the United States Coastal Barriers  
43 Resource Act.

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**Sec. C-25. Maine Revised Statutes headnote amended; revision clause.** In the Maine Revised Statutes, Title 12, chapter 201-A, subchapter 1, in the subchapter headnote, the words "bureau of geology, natural areas and coastal resources" are amended to read "division of geology, natural areas and coastal resources" and the Revisor of Statutes shall implement this revision when updating, publishing or republishing the statutes.

**PART D**

**Sec. D-1. 3 MRSA §959, sub-§1, ¶A,** as amended by PL 2011, c. 579, §1, is repealed and the following enacted in its place:

A. The joint standing committee of the Legislature having jurisdiction over agriculture, conservation and forestry matters shall use the following list as a guideline for scheduling reviews:

- (1) Baxter State Park Authority in 2017;
- (2) Board of Pesticides Control in 2019;
- (3) Wild Blueberry Commission of Maine in 2019;
- (4) Maine Dairy and Nutrition Council in 2015;
- (5) Maine Dairy Promotion Board in 2015;
- (6) Maine Milk Commission in 2015;
- (7) State Harness Racing Commission in 2015;
- (8) Maine Agricultural Bargaining Board in 2017;
- (9) Department of Agriculture, Conservation and Forestry in 2017; and
- (10) Land for Maine's Future Board in 2015.

**Sec. D-2. 5 MRSA §17851-A, sub-§1, ¶C,** as enacted by PL 1997, c. 769, §11, is amended to read:

C. Forest rangers in the employment of the former Department of Conservation on July 1, 1998, or hired thereafter by the former Department of Conservation or the Department of Agriculture, Conservation and Forestry;

**Sec. D-3. 5 MRSA §17852, sub-§7-A,** as amended by PL 2007, c. 491, §§165 and 166, is further amended to read:

**7-A. Forest rangers after August 31, 1984; option.** Except as provided in section 17851-A, the retirement benefit of a person qualifying under section 17851, subsection 8-A who retires upon or after reaching 55 years of age is computed in accordance with subsection 1 if:

A. The person was first employed as a forest ranger in the former Department of Conservation or the Department of Agriculture, Conservation and Forestry on or after May 1, 1996, elects the option provided in section 17851, subsection 8-A and pays to

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1 the State Employee and Teacher Retirement Program an increased employee payroll  
2 contribution in an amount that equals the full actuarial cost of electing that option; or

3 B. The person was first employed as a forest ranger in the former Department of  
4 Conservation or the Department of Agriculture, Conservation and Forestry before  
5 May 1, 1996, elects the option provided in section 17851, subsection 8-A and pays to  
6 the State Employee and Teacher Retirement Program by single or periodic payment  
7 of a lump sum or by a combination of single and periodic payments the amount that  
8 equals the full actuarial cost of electing that option for service before that date. A  
9 person who requests calculation of the full actuarial cost, regardless of whether the  
10 person elects the option, must pay to the retirement system by single lump sum  
11 payment the reasonable administrative costs of determining the full actuarial costs.  
12 Payment of the full actuarial cost related to service on or after May 1, 1996 is made  
13 as part of the employee payroll contribution.

14 For the purpose of this subsection, "full actuarial cost" means that the person's payment  
15 or payments must fully offset any unfunded liability that would or does result from  
16 retirement under the option provided in section 17851, subsection 8-A and must fully  
17 fund the cost of the person's retirement prior to normal retirement age so that an  
18 additional employer contribution is not required.

19 A person who makes the election provided in section 17851, subsection 8-A at any time  
20 after the date on which the person is first employed as a forest ranger in the former  
21 Department of Conservation or the Department of Agriculture, Conservation and Forestry  
22 must include interest at a rate to be set by the board not to exceed regular interest by 5 or  
23 more percentage points, applied as of the date on which the person was first employed in  
24 that capacity to the contributions the person would have paid or had picked up by the  
25 employer had the person elected that option at the date of first employment.

26 This subsection is effective May 1, 1996. Election to retire under this subsection is a  
27 one-time irrevocable election. A person who was first employed as a forest ranger in the  
28 former Department of Conservation or the Department of Agriculture, Conservation and  
29 Forestry on or after May 1, 1996 must make the election no later than 90 days after the  
30 date of first employment. A person who was first employed in that capacity before May  
31 1, 1996 must make the election no later than January 1, 1997.

32 **Sec. D-4. 7 MRSA §2171, sub-§1-A**, as enacted by PL 1999, c. 790, Pt. A, §5  
33 and affected by §6, is amended to read:

34 **1-A. Fees established by rule.** ~~No later than December 31, 1999, the~~ The  
35 Commissioner of Agriculture, Food and Rural Resources Conservation and Forestry shall  
36 ~~provisionally~~ adopt rules in accordance with Title 5, chapter 375 to establish fees for  
37 licenses issued under this section. Rules adopted pursuant to this subsection are major  
38 substantive rules as defined in Title 5, chapter 375, subchapter ~~H-A 2-A~~. ~~Fees established~~  
39 ~~by rules adopted under this subsection may take effect no earlier than 90 days after the~~  
40 ~~adjournment of the Second Regular Session of the 119th Legislature.~~

41 **Sec. D-5. 10 MRSA §945-B, sub-§1**, as amended by PL 2011, c. 655, Pt. EE,  
42 §14 and affected by §30, is further amended to read:

43 **1. Members.** Members are the private individuals, partnerships, firms, corporations,  
44 governmental entities and other organizations who pay dues to the center. For the

# COMMITTEE AMENDMENT



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1 purposes of this chapter, members may include, but are not limited to, municipal and  
2 county government, councils of government, local and area development corporations,  
3 regional planning commissions, development districts, state agencies, higher educational  
4 facilities, including the components of the University of Maine System, the Maine  
5 Maritime Academy, private colleges and postsecondary schools and community colleges,  
6 and other public or quasi-public entities. The following 8 public organizations are  
7 granted membership by virtue of the State's contribution to the organization; and are  
8 exempt from dues requirements and each is entitled to designate one individual to  
9 exercise its voting right: the Department of Agriculture, ~~Food and Rural Resources~~  
10 Conservation and Forestry, the Governor's Office of Policy and Management, the Finance  
11 Authority of Maine, the Department of Labor, ~~the Department of Conservation~~, the  
12 Department of Marine Resources, the Department of Economic and Community  
13 Development and the Department of Transportation.

14 **Sec. D-6. 12 MRSA §402, sub-§9**, as enacted by PL 1983, c. 458, §1, is amended  
15 to read:

16 **9. Outstanding river stretches.** Protect the special resource values of the flowing  
17 waters and shorelands of the State's most outstanding river stretches, as identified by the  
18 former Department of Conservation's 1982 Maine Rivers Study and as specifically  
19 delineated in this chapter.

20 **Sec. D-7. 12 MRSA §1893**, as amended by PL 2007, c. 429, §1 and affected by  
21 §3, is further amended to read:

22 **§1893. Off-road Recreational Vehicle Office**

23 **1. Office established.** There is established within the bureau the Off-road  
24 Recreational Vehicle ~~Division~~ Office, referred to in this subchapter as the "~~division~~  
25 office." The ~~division office~~ includes the following.

26 A. Within available funds, the snowmobile program shall develop and maintain  
27 snowmobile trails and provide educational and informational materials for the use of  
28 operators of snowmobiles. The bureau may charge a reasonable fee for such services  
29 and materials when the money credited to it under chapter 937 is insufficient to  
30 satisfy the demand for those services and materials. All fees collected must be  
31 deposited in the bureau's Snowmobile Trail Fund. The bureau shall administer the  
32 Snowmobile Trail Fund, and the snowmobile program's other activities must be  
33 conducted pursuant to subsection 3. The Snowmobile Trail Fund receives funding as  
34 provided in chapter 937 and Title 36, section 2903-D, subsection 2.

35 B. The bureau shall administer the ATV Recreational Management Fund established  
36 under subsection 2 for the purposes given in that subsection and for the acquisition of  
37 land to be used for ATV trails. The bureau may adopt rules in accordance with Title  
38 5, chapter 375, subchapter 2 for the issuance of grants-in-aid from the fund and to  
39 further define alpine tundra areas pursuant to section 13001, subsection 4. Additional  
40 funding for the ATV Recreational Management Fund is as provided in Title 36,  
41 section 2903-D, subsection 3.

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1           **2. ATV Recreational Management Fund.** The ATV Recreational Management  
2 Fund, referred to in this subsection as "the fund," is established and administered by the  
3 department.

4           A. The fund may be used to conduct research on issues related to the management of  
5 ATVs; assist in the formation of nonprofit ATV groups; make grants-in-aid to  
6 political subdivisions, educational institutions, regional planning agencies, ATV  
7 groups and others to construct and maintain ATV trails, to purchase equipment or to  
8 otherwise carry out the purposes of the fund; assist in the design and development of  
9 ATV trails; purchase, lease or otherwise acquire interests in land, including, but not  
10 limited to, fee or easement interests for ATV trails or sport-riding facilities; provide  
11 protection to landowners against ATV-related suit or liability; or otherwise provide  
12 for the wise and orderly management of ATVs.

13           B. If any money in the fund is not expended during the year in which it is collected,  
14 the unexpended balance may not lapse, but must be carried as a continuing account  
15 available for the purposes specified until expended.

16           **3. Use of fees.** This subsection applies to the use of fees credited to the Snowmobile  
17 Trail Fund.

18           A. The bureau is authorized to use the money credited to the Snowmobile Trail Fund  
19 to make grants-in-aid to political subdivisions, educational institutions, regional  
20 planning agencies, snowmobile groups and others for the construction and  
21 maintenance of snowmobile trails and for research, development and planning of  
22 snowmobile trails.

23           (1) For all grants disbursed after July 1, 1984, the bureau shall adopt rules  
24 specifying how to apply for the grants, which projects are eligible and the  
25 formula for state support.

26           (2) The bureau may charge a reasonable fee for these services and materials  
27 when the money credited to it under this paragraph is insufficient to satisfy the  
28 demand for the services and materials. All fees so collected must be deposited in  
29 the Snowmobile Trail Fund.

30           (3) If any of the money is not expended during the year in which the money is  
31 collected, the unexpended balance does not lapse, but is carried as a continuing  
32 account available for the purposes specified until expended.

33           B. The bureau is authorized to use money credited to the Snowmobile Trail Fund for  
34 snowmobile trail acquisition, including, but not limited to, the purchase or lease of  
35 real estate, grants to snowmobile clubs, municipalities and counties for the  
36 acquisition of snowmobile trail maintenance equipment and the acquisition of  
37 easements, construction, development, planning and maintenance and for providing  
38 educational and informational materials for the use of operators of snowmobiles and  
39 for research.

40           C. The money distributed to municipalities by the bureau under this subsection may  
41 be appropriated by the municipalities for any purpose for which they may lawfully  
42 appropriate money.

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1 D. By June 30th of each fiscal year, the State Controller shall transfer from the  
2 Snowmobile Trail Fund to the unappropriated surplus of the General Fund an amount  
3 equal to the tax exemption under Title 36, section 1760, subsection 90.

4 **Sec. D-8. 12 MRSA §1893-A, sub-§2**, as amended by PL 2003, c. 414, Pt. B,  
5 §23 and affected by c. 614, §9, is further amended to read:

6 **2. Development of recreational management areas.** An owner or operator of an  
7 excavation site proposing to develop a recreational management area and requesting a  
8 variance from reclamation standards under Title 38, section 490-E shall request the  
9 assistance of the ~~division~~ office.

10 Upon receipt of a request for assistance, the ~~division~~ office shall assess the affected land  
11 for suitability for an all-terrain vehicle trail system. The ~~division~~ office shall advise the  
12 landowner of funding, technical assistance and other assistance available through the  
13 ATV Recreational Management Fund established in section 1893, subsections 2 and 3.  
14 When an initial assessment of the affected land indicates the area is appropriate for an all-  
15 terrain vehicle trail system, the ~~division~~ office may assist the owner or operator in  
16 developing a plan and completing a variance application.

17 **Sec. D-9. 12 MRSA §8867-A**, as enacted by PL 1997, c. 720, §2, is amended to  
18 read:

19 **§8867-A. Rulemaking**

20 ~~No later than November 1, 1998, the Commissioner of Conservation shall~~  
21 ~~provisionally adopt rules in accordance with Title 5, chapter 375~~ The Commissioner of  
22 Agriculture, Conservation and Forestry may adopt rules to implement this subchapter.  
23 Rules adopted pursuant to this subchapter are major substantive rules as defined in Title  
24 5, chapter 375, subchapter ~~H-A~~ and ~~must be submitted to the Legislature no later than~~  
25 ~~January 1, 1999 for review~~ 2-A.

26 The Commissioner of Agriculture, Conservation and Forestry shall consult with the  
27 Commissioner of Environmental Protection and the Commissioner of Inland Fisheries  
28 and Wildlife to ensure that ~~bureau~~ rules adopted under this subchapter are consistent with  
29 wildlife habitat and environmental protection.

30 **Sec. D-10. 12 MRSA §8867-B**, as amended by PL 2003, c. 335, §2, is further  
31 amended to read:

32 **§8867-B. Regulation of timber harvesting activities in areas adjacent to rivers,**  
33 **streams, ponds, wetlands and tidal waters**

34 In accordance with the purposes of chapter 206-A and Title 38, chapter 3 ~~and no later~~  
35 ~~than October 1, 2003~~, the Commissioner of Agriculture, Conservation and Forestry shall  
36 adopt rules in accordance with Title 5, chapter 375 to establish performance standards for  
37 timber harvesting activities in areas adjacent to rivers, streams, ponds, wetlands and tidal  
38 waters. The rules must provide the maximum opportunity for flexibility that achieves the  
39 goal of protecting the public resources while minimizing the impact on private resources.  
40 The initial rules adopted pursuant to this section are routine technical rules as defined in  
41 Title 5, chapter 375, subchapter 2-A. Subsequent amendments to those rules are major  
42 substantive rules as defined in Title 5, chapter 375, subchapter 2-A.

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1           **Sec. D-11. 12 MRSA §10157, sub-§1, ¶A**, as amended by PL 2011, c. 576, §4,  
2 is further amended to read:

3           A. ~~Four~~ Three ex officio members:

4                   (1) The commissioner or the commissioner's designee;

5                   (2) The Commissioner of Environmental Protection or the commissioner's  
6 designee; and

7                   (3) The Commissioner of Agriculture, Conservation and Forestry or the  
8 commissioner's designee; and

9                   ~~(4) The Commissioner of Agriculture, Food and Rural Resources or the~~  
10 ~~commissioner's designee;~~

11           **Sec. D-12. 14 MRSA §159-C, sub-§2**, as enacted by PL 1997, c. 739, §10, is  
12 amended to read:

13           **2. Limited liability.** A lake association that has obtained a permit from the former  
14 Department of Conservation or the Department of Agriculture, Conservation and Forestry  
15 to place navigational aid markers in great ponds is not liable for personal injury, property  
16 damage or death caused by placement or maintenance of those navigational aid markers  
17 ~~provided that~~ as long as the lake association has placed or maintained the markers in  
18 conformance with the terms and conditions of the permit.

19           **Sec. D-13. 35-A MRSA §3451, sub-§9, ¶E**, as enacted by PL 2007, c. 661, Pt.  
20 A, §7, is amended to read:

21           E. A segment of a scenic river or stream identified as having unique or outstanding  
22 scenic attributes listed in Appendix G of the "Maine Rivers Study" published by the  
23 former Department of Conservation in 1982;

24           **Sec. D-14. 36 MRSA §1120**, as enacted by PL 1987, c. 728, §10 and amended by  
25 PL 1997, c. 526, §14, is further amended to read:

26           **§1120. Program promotion**

27           The Department of Agriculture, ~~Food and Rural Resources~~ Conservation and Forestry  
28 shall undertake an informational program designed to educate Maine citizens as to the  
29 existence of the farm and open space tax laws, which ~~shall~~ must include, but not be  
30 limited to, informing local farm organizations and associations of tax assessors about the  
31 law.

32           ~~By January 1, 1989, the~~ The Department of Agriculture, ~~Food and Rural Resources~~  
33 Conservation and Forestry and the Bureau of Revenue Services shall produce written  
34 materials designed to inform municipal assessors, farmers and Maine citizens about the  
35 farm and open space tax program. These materials ~~shall~~ must be in a form that is  
36 attractive, easily understandable and designed to interest the public in the program. The  
37 department and the bureau shall ensure that these written materials are made available  
38 and distributed as widely as possible throughout the State.

39           **Sec. D-15. 38 MRSA §435, 2nd ¶**, as repealed and replaced by PL 1987, c. 815,  
40 §§1 and 11, is amended to read:

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1 It is further declared that, in accordance with Title 12, section 402, certain river and  
2 stream segments, as identified in the former Department of Conservation's 1982 Maine  
3 Rivers Study and as specifically delineated in section 437, are significant river segments  
4 and deserve special shoreland zoning controls designed to protect their natural and  
5 recreational features.

6 **Sec. D-16. 38 MRS §446**, as corrected by RR 1991, c. 2, §144, is amended to  
7 read:

8 **§446. Municipal ordinance review and certification**

9 Each municipality with shorelands along significant river segments, as identified in  
10 section 437, shall review the adequacy of the zoning on these shorelands to protect the  
11 special values cited for these river segments by the former Department of Conservation's  
12 1982 Maine Rivers Study and for consistency with the guidelines established under  
13 section 445. Prior to December 15, 1984, each such municipality shall certify to the  
14 Board of Environmental Protection either that its existing zoning for these areas is at least  
15 as restrictive as the guidelines established under section 445, or that it has amended its  
16 zoning for this purpose. This certification must be accompanied by the ordinances and  
17 zoning maps covering these areas. Failure to accomplish the purposes of this section  
18 results in adoption of suitable ordinances for these municipalities, as provided for in  
19 section 438-A.

20 **Sec. D-17. 38 MRS §490-D, sub-§15**, as enacted by PL 2001, c. 466, §10, is  
21 amended to read:

22 **15. Recreational management areas.** An owner or operator may request a variance  
23 to develop a recreational management area on the affected land as an alternative to  
24 reclamation in accordance with subsection 14. The department may grant a variance  
25 under section 490-E if the Off-road Recreational Vehicle ~~Division~~ Office determines the  
26 site is suitable under Title 12, section 1893-A.

27 **Sec. D-18. 38 MRS §991, 3rd ¶**, as enacted by PL 1987, c. 470, §2, is amended  
28 to read:

29 The Legislature finds that the St. Croix River was identified as one of the State's most  
30 outstanding river stretches in the former Department of Conservation's 1982 Maine  
31 Rivers Study and is specifically designated for protection in Title 12, section 405.

32 **Sec. D-19. Maine Revised Statutes headnote amended; revision clause.** In  
33 the Maine Revised Statutes, Title 12, chapter 220, subchapter 8, in the subchapter  
34 headnote, the words "off-road recreational vehicle division" are amended to read "off-  
35 road recreational vehicle office" and the Revisor of Statutes shall implement this revision  
36 when updating, publishing or republishing the statutes.

37 **PART E**

38 **Sec. E-1. Appropriations and allocations.** The following appropriations and  
39 allocations are made.

40 **AGRICULTURE, CONSERVATION AND FORESTRY, DEPARTMENT OF**

12 453

1 **Land Management and Planning Z239**

2 Initiative: Reorganizes one Deputy Director, Parks and Lands position to one Director,  
3 Land for Maine's Future position.

4	<b>OTHER SPECIAL REVENUE FUNDS</b>	<b>2013-14</b>	<b>2014-15</b>
5	Personal Services	(\$49,101)	(\$52,359)
6			
7	<b>OTHER SPECIAL REVENUE FUNDS TOTAL</b>	<b>(\$49,101)</b>	<b>(\$52,359)</b>

8 **Office of the Commissioner 0401**

9 Initiative: Reorganizes one Director, Agricultural Resource Development position to one  
10 Director, Agriculture, Food and Rural Resources position.

11	<b>GENERAL FUND</b>	<b>2013-14</b>	<b>2014-15</b>
12	Personal Services	\$6,537	\$6,967
13			
14	<b>GENERAL FUND TOTAL</b>	<b>\$6,537</b>	<b>\$6,967</b>

15	<b>OTHER SPECIAL REVENUE FUNDS</b>	<b>2013-14</b>	<b>2014-15</b>
16	Personal Services	\$48,679	\$46,101
17			
18	<b>OTHER SPECIAL REVENUE FUNDS TOTAL</b>	<b>\$48,679</b>	<b>\$46,101</b>

19 **Office of the Commissioner 0401**

20 Initiative: Reorganizes one Deputy Director, Parks and Lands position to one Director,  
21 Land for Maine's Future position.

22	<b>OTHER SPECIAL REVENUE FUNDS</b>	<b>2013-14</b>	<b>2014-15</b>
23	Personal Services	\$36,771	\$39,098
24			
25	<b>OTHER SPECIAL REVENUE FUNDS TOTAL</b>	<b>\$36,771</b>	<b>\$39,098</b>

26 **Office of the Commissioner 0401**

27 Initiative: Reorganizes one Deputy Commissioner position to one Natural Resource  
28 Economic Development Specialist position.

29	<b>GENERAL FUND</b>	<b>2013-14</b>	<b>2014-15</b>
30	Personal Services	(\$6,537)	(\$6,967)
31			

1 GENERAL FUND TOTAL (\$6,537) (\$6,967)

2 **Office of the Commissioner 0401**

3 Initiative: Reorganizes one Director, Geology, Natural Areas and Coastal Resources  
4 position to one Director, Resource Information and Land Use Planning position.

5	<b>OTHER SPECIAL REVENUE FUNDS</b>	<b>2013-14</b>	<b>2014-15</b>
6	Personal Services	\$15,865	\$16,198
7			
8	<b>OTHER SPECIAL REVENUE FUNDS TOTAL</b>	<u>\$15,865</u>	<u>\$16,198</u>

9	<b>AGRICULTURE, CONSERVATION AND</b>		
10	<b>FORESTRY, DEPARTMENT OF</b>		
11	<b>DEPARTMENT TOTALS</b>	<b>2013-14</b>	<b>2014-15</b>
12			
13	GENERAL FUND	\$0	\$0
14	OTHER SPECIAL REVENUE FUNDS	\$52,214	\$49,038
15			
16	<b>DEPARTMENT TOTAL - ALL FUNDS</b>	<u>\$52,214</u>	<u>\$49,038</u>
17			

18 **SUMMARY**

19 This amendment is the majority report. It strikes and replaces the bill.

20 Part A:

21 1. Expands the mission statement of the Department of Agriculture, Conservation and  
22 Forestry to more accurately reflect the mission of the department;

23 2. Amends the principles that guide the department in the performance of its duties;

24 3. Eliminates one of 2 deputy commissioner positions and creates the position of  
25 natural resource marketing and economic development specialist within the office of the  
26 Commissioner of Agriculture, Conservation and Forestry;

27 4. Specifies the qualifications of the Commissioner of Agriculture, Conservation and  
28 Forestry;

29 5. Reorganizes the department's divisions and units into 4 bureaus;

30 6. Establishes the position of the director of the Land for Maine's Future program  
31 within the Department of Agriculture, Conservation and Forestry, Bureau of Resource  
32 Information and Land Use Planning;

33 7. Clarifies the intent of the Legislature regarding the incorporation of statutory  
34 language and removes contingent repeal language; and

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1 8. Requires the commissioner to provide written reports to the Joint Standing  
2 Committee on Agriculture, Conservation and Forestry on both November 1, 2013 and  
3 February 1, 2014.

4 Part B:

5 1. Corrects a conflict created when Public Law 2011, chapter 682 amended and  
6 chapter 655 repealed the Maine Revised Statutes, Title 12, section 685-C, subsection 1,  
7 paragraph B by repealing paragraph B and enacting a new paragraph B-1 based on  
8 chapter 682;

9 2. Corrects a conflict created when Public Law 2011, chapter 655 amended and  
10 chapter 682 repealed Title 12, section 685-C, subsection 1, paragraph C by repealing that  
11 paragraph;

12 3. Changes references in Title 23, section 3360-A, subsection 5-I, paragraph A to the  
13 Maine Land Use Regulation Commission by referring to it as the former commission and  
14 adds references to the new Maine Land Use Planning Commission to implement the  
15 intent of Public Law 2011, chapter 682, section 38; and

16 4. Corrects a conflict created when Public Law 2011, chapter 653 amended and  
17 chapter 682 repealed Title 38, section 488, subsection 9 by repealing that subsection.

18 Part C makes the following changes:

19 1. Public Law 2011, chapter 657, Part V reorganizes the Department of Agriculture,  
20 Food and Rural Resources and the Department of Conservation into one department, the  
21 Department of Agriculture, Conservation and Forestry. Pursuant to Part W of that public  
22 law, the Bureau of Geology and Natural Areas within the former Department of  
23 Conservation is renamed the Division of Geology and Natural Areas. In Public Law  
24 2011, chapter 655, Part KK, section 14, the bureau is renamed the Bureau of Geology,  
25 Natural Areas and Coastal Resources. This Part corrects that conflict by combining the  
26 action of both public laws and renaming the agency the Division of Geology, Natural  
27 Areas and Coastal Resources;

28 2. A reference to the Maine Land Use Regulation Commission is corrected to reflect  
29 the changed name of that agency pursuant to Public Law 2011, chapter 682; and

30 3. This Part also updates references to the former departments and makes corrections  
31 in punctuation and usage.

32 Part D makes the following changes:

33 1. Public Law 2011, chapter 657, Part V reorganizes the Department of Agriculture,  
34 Food and Rural Resources and the Department of Conservation into one department, the  
35 Department of Agriculture, Conservation and Forestry. This Part makes changes to  
36 reflect that reorganization in sections where various technical corrections were required,  
37 as follows:

38 A. Language is added to allow the law to apply to actions taken by both the former  
39 Department of Conservation and the new department;

40 B. Obsolete language and references to past dates are removed and technical changes  
41 are made;

# COMMITTEE AMENDMENT



R. of S.

- 1 C. Reference to one of the departments where both appear is eliminated and a
- 2 technical change is made;
- 3 D. The word "former" is added to a reference to a past publication of the Department
- 4 of Conservation;
- 5 E. Reference to one of the commissioners where both appear is eliminated and a
- 6 technical change is made; and
- 7 F. The reorganization of a bureau within the Department of Conservation to a
- 8 division within the new department is implemented and what had been the Off-road
- 9 Recreational Vehicle Division within that bureau is designated as the Off-road
- 10 Recreational Vehicle Office.
- 11 Part E adds an appropriations and allocations section.

**FISCAL NOTE REQUIRED**

**(See attached)**



# 126th MAINE LEGISLATURE

LD 837

LR 545(02)

## An Act To Clarify the Laws Establishing the Department of Agriculture, Conservation and Forestry

Fiscal Note for Bill as Amended by Committee Amendment

*A (H-339)*

Committee: Agriculture, Conservation and Forestry

Fiscal Note Required: Yes

### Fiscal Note

	FY 2013-14	FY 2014-15	Projections FY 2015-16	Projections FY 2016-17
<b>Net Cost (Savings)</b>				
General Fund	\$0	\$0	\$0	\$0
<b>Appropriations/Allocations</b>				
General Fund	\$0	\$0	\$0	\$0
Other Special Revenue Funds	\$52,214	\$49,038	\$50,509	\$52,024

#### Fiscal Detail and Notes

This legislation reorganizes several positions within the Department of Agriculture, Conservation and Forestry. The bill includes a net Other Special Revenue Funds allocation to the department of \$52,214 in fiscal year 2013-14 and \$49,038 in fiscal year 2014-15.