

# MAINE STATE LEGISLATURE

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[No title or cover page for 2nd Special Session bill summaries was ever published. This cover page is based on similar published examples.]

STATE OF MAINE  
117TH LEGISLATURE

2ND SPECIAL SESSION

(SEPTEMBER 5 - 7, 1996)

BILL SUMMARIES  
JOINT STANDING COMMITTEES

1996

[No explanatory list was initially provided with the 2nd Special Session bill summaries. This list is based on similar examples]



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**ONE HUNDRED SEVENTEENTH LEGISLATURE**  
**SECOND SPECIAL SESSION**

*Summary Of Legislation Before The Joint Standing Committees*

We are pleased to provide this summary of bills that were considered by the 15 Joint Standing Committees of the Maine Legislature staffed by this office. The document is a compilation of bill summaries which describe each bill, committee amendments and other relevant amendments, as well as the final action taken on the bill. 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 alphabetically 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.

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:

*CARRIED OVER* .....Bill carried over to Second Session  
*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 ON ADJOURNMENT* ..... Action incomplete when session ended; bill died  
*EMERGENCY* ..... Enacted law takes effect sooner than 90 days  
*FAILED EMERGENCY ENACTMENT* ..... Emergency bill failed to get 2/3 vote  
*FAILED ENACTMENT* ..... 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  
*P&S XXX* ..... Chapter # of enacted Private & Special Law  
*PUBLIC XXX* ..... Chapter # of enacted Public Law  
*RESOLVE XXX* ..... Chapter # of finally passed Resolve  
*UNSIGNED* ..... Not signed by Governor within 10 days  
*VETO SUSTAINED* ..... Legislature failed to override Governor's Veto

Please note the effective date for all non-emergency legislation enacted in the Second Special Session (unless otherwise specified in a particular law) is December 7, 1996.

Joint Standing Committee on Agriculture, Conservation and Forestry

**LD 1892**

**An Act to Implement the Compact for Maine's Forests**

**C.M.R. 1**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
SPEAR	OTP-AM MAJ	H-924
	OTP-AM MIN	H-931
		H-933
		S-605
		S-606

LD 1892 proposed a new forest policy for the State to be placed before the voters as a competing measure to the Citizens' Initiative, An Act to Promote Forest Management and Eliminate Clearcutting. LD 1892 proposed the following:

1. Directing the natural resource educator in the Bureau of Forestry to develop programs for the general public and to develop partnerships and funding sources for creating new natural resource education initiatives for the public.
2. Establishing a permit-by-rule procedure for clear-cutting, increasing the minimum basal area threshold used to define a clear-cut, requiring that clear-cuts have a silvicultural justification and setting limitations on the size (75 acres) and arrangement of clear-cuts, with some exemptions provided.
3. Establishing the Sustainable Forest Management Audit Program as a voluntary program within the Department of Conservation for ownerships greater than 100,000 acres in size to ensure the maintenance and enhancement of timber sustainability, the economic viability of forest management and the State's forest biodiversity.
4. Establishing ecological forest reserves on public lands, totaling between 12,000 and 15,000 acres.
5. Directing the Maine Forest Service to undertake a study of liquidation harvesting and make recommendations to further restrict the practice; and
6. Amending the notification requirements for municipalities enacting or amending a timber harvesting ordinance.

**Committee Amendment "A" (H-924)**, the majority report, amended the bill to:

1. Require the Director of the Bureau of Forestry to convene a natural resource education advisory committee to work with the Bureau's natural resource educator. It specifies that the committee include forest landowners, forest products harvesters, forest managers and environmental education organizations.
2. Delete the provision in the bill that exempted from legislative review rules adopted to implement new harvesting standards and designate those rules as major substantive rules, requiring legislative review prior to final adoption.
3. Add definitions to clarify the term "landowner" and provide for further definition through rulemaking. This is necessary to implement the provisions which make distinctions between ownerships based on total acres owned.

4. Allow additional information necessary for processing a clear-cut permit to be specified in rule. These rules will come before the Legislature for review. The rules will address any additional information needed for the Commissioner to make a finding on a permit application.
5. Clarify that harvesting of an existing plantation is an accepted purpose for clear-cutting. This purpose was unclear in the original bill.
6. Rewrite the provision on clear-cut separation zones. For parcels of land over 100 acres, the separation zone must equal the clear-cut area in size. For parcels under 100 acres, the minimum separation zone is 250 feet.
7. Clarify existing law relating to municipal timber harvesting ordinances. Municipalities may not adopt ordinances less restrictive than state law.
8. Specify that only the Director of the Bureau of Forestry is authorized to issue a stop work order and that only designated employees are authorized to enforce state forestry laws under Title 12, Chapter 805, subchapter III-A. The original bill allowed any employee of the Department of Conservation to enforce these laws.
9. Restructure and clarify the provisions of the Sustainable Forest Management Audit Program. This was a major rewrite to eliminate repetitive language and clarify responsibilities of the Sustainable Forest Management Audit Board, the Commissioner of Conservation, the Bureau of Forestry, certified auditors and participating landowners. The rewrite specifies that rules adopted by the Commissioner to implement this program are major, substantive rules.
10. Direct the Land and Water Resources Council to assist in determining the need for ecological forest reserves and provide for an interim report on ecological reserves to be submitted to the Joint Standing Committee with jurisdiction over forestry matters by June 1, 1997 and a final report to the Governor and Legislature by January 1, 1998. It gives authority to the Bureau of Parks and Lands to establish ecological forest reserves totaling between 8,000 and 10,000 acres rather than requiring the bureau to establish between 12,000 and 15,000 acres of ecological forest reserves
11. Make changes to Sec. 19 of the bill for consistency and clarity in wording the referendum question.

This amendment made several technical changes to and clarified language in the original bill. It added an appropriations section and a fiscal note to the bill and changed the effective date for those sections of the bill that regulate timber harvesting to allow time for rulemaking to implement the changes.

**House Amendment "B" to Committee Amendment "A" (H-931)** directed the Sustainable Forest Management Audit Board to establish a working group on cold water fisheries habitat. This group is charged with developing voluntary best management practices for enhanced protection of cold water fisheries habitat.

**House Amendment "D" to Committee Amendment "A" (H-933)** created a new legislative instrument for the consideration of a competing measure to a citizen's initiative.

**Senate Amendment "B" to Committee Amendment "A" (S-605)** specified that traditional recreation activities must be allowed on lands designated as ecological forest reserves to the same extent those

activities would have been allowed on those lands had they not been designated as an ecological forest reserves.

**Senate Amendment "C" to Committee Amendment "A" (S-606)** required appointments to the Sustainable Forest Management Audit Board to be reviewed by the joint standing committee of the Legislature having jurisdiction over forestry matters and to be confirmed by the Senate.

**Committee Amendment "B" (H-925)** was the minority report of the committee. The amendment proposed to strike everything in the bill, change its title and replace the bill with language that would have created the Blue Ribbon Commission on the Maine Forests, consisting of 14 voting members, 8 appointed by the Governor and 6 appointed by the Legislature. The Commissioner of Inland Fisheries and Wildlife and the Commissioner of Conservation would have been ex officio, nonvoting members of the blue ribbon commission. The commission would have been required to hold at least 4 public meetings and submit its report and any implementing legislation to the First Regular Session of the 118th Legislature not later than January 15, 1977.

This amendment proposed to make the bill an emergency. This amendment would not have constituted a competing measure and would not have appeared as an alternative on the ballot in November. The Minority Report was not adopted.

### ***Enacted Law Summary***

**Resolution, Proposing a Competing Measure under the Constitution of Maine to Implement the Compact for Maine's Forests.** The Competing Measure Resolution (C.M.R., Chapter 1) passed during the Second Special Session of the 117th Legislature submits to the voters a measure to be placed on the referendum ballot in November. The resolution will appear on the ballot as a competing measure with Initiated Bill 4, An Act to Promote Forest Rehabilitation and Eliminate Clearcutting. Voter acceptance of the resolution, C.M.R., Chapter 1, would result in enactment of the following provisions:

1. A policy statement regarding forest management and land use.
2. Increased restrictions on clearcutting including a 75-acre maximum (with some exemptions & variances allowed) and a permit requirement.
3. Enhanced notification requirements for municipalities proposing enactment of or amendments to timber harvesting ordinances and payment to municipalities for associated costs.
4. Establishment of the Sustainable Forest Management Program as a voluntary program within the Department of Conservation to encourage improvement in forest management and to optimize ecological and economic health of the forests.
5. Authorization for the Bureau of Parks and Lands to establish between 8,000 and 10,000 acres of ecological forest reserves on public lands.
6. Completion by March 1, 1997 of an assessment by the Maine Forest Service of the expected impact of the provisions in this competing measure resolution on timber liquidation. and legislation to be submitted by the Governor by April 1, 1997 to further restrict timber liquidation.

7. Development of natural resource education initiatives for the general public. Convening of a natural resource education advisory committee to work with the natural resource educator in the Bureau of Forestry.