

# MAINE STATE LEGISLATURE

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STATE OF MAINE  
118TH LEGISLATURE

SECOND REGULAR SESSION  
AND  
SECOND SPECIAL SESSION

BILL SUMMARIES  
JOINT STANDING COMMITTEE  
ON  
AGRICULTURE, CONSERVATION AND FORESTRY

MAY 1998

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**ONE HUNDRED EIGHTEENTH LEGISLATURE**  
**SECOND REGULAR AND SECOND SPECIAL SESSIONS**

**Summary Of Legislation Before The Joint Standing Committees**  
**May 1998**

We are pleased to provide this summary of bills that were considered by the Joint Standing Committees of the Maine Legislature. The document is a compilation of bill summaries which describe each bill and relevant amendments, as well as the final action taken. Also included are statistical summaries of bill activity this Session for the Legislature and each of its joint standing committees.

The document is organized for convenient reference to information on bills handled by the joint standing committees. It is organized by committees and within committees by bill (LD) number. The committee report(s), prime sponsor for each bill and the lead co-sponsor(s), if designated, are listed below each bill title. All adopted amendments are listed by paper number. Two indices, a subject index and a numerical index by LD number are provided for easy reference to bills. They are located at the back of the document. A separate publication, History and Final Disposition of Legislative Documents, may also be helpful in providing information on the disposition of bills. These bill summaries also are available at the Law and Legislative Reference Library and on the Internet ([www.state.me.us/legis/opla](http://www.state.me.us/legis/opla)).

Final action on each bill is noted to the right of the bill title. The abbreviations used for various categories of final action are as follows:

- CON RES XXX*..... Chapter # of Constitutional Resolution passed by both Houses
- CONF CMTE UNABLE TO AGREE*.....Committee of Conference unable to agree; bill died
- DIED BETWEEN BODIES*.....House & Senate disagree; bill died
- DIED IN CONCURRENCE*.....One body accepts ONTP report; the other indefinitely postpones the bill
- DIED ON ADJOURNMENT*.....Action incomplete when session ended; bill died
- EMERGENCY*.....Enacted law takes effect sooner than 90 days
- FAILED EMERGENCY ENACTMENT/FINAL PASSAGE*.....Emergency bill failed to get 2/3 vote
- FAILED ENACTMENT/FINAL PASSAGE*.....Bill failed to get majority vote
- FAILED MANDATE ENACTMENT*.....Bill imposing local mandate failed to get 2/3 vote
- INDEF PP*.....Bill Indefinitely Postponed
- ONTP*..... Ought Not To Pass report accepted
- OTP ND*..... Committee report Ought To Pass In New Draft
- OTP ND/NT*..... Committee report Ought To Pass In New Draft/New Title
- P&S XXX*..... Chapter # of enacted Private & Special Law
- PUBLIC XXX*..... Chapter # of enacted Public Law
- RESOLVE XXX*..... Chapter # of finally passed Resolve
- UNSIGNED*.....Bill held by Governor
- VETO SUSTAINED*.....Legislature failed to override Governor's Veto

Please note the effective date for all non-emergency legislation enacted in the Second Regular Session (unless otherwise specified in a particular law) is June 30, 1998 and July 9, 1998 for the Second Special Session. Second Special Session laws include Public Laws beginning with Chapter 718, Private and Special Laws beginning with Chapter 82 and Resolves beginning with Chapter 117.

**LD 1395**

**Resolve, to Establish the Maine Council on Sustainable Silviculture**

**ONTP**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
VOLENIK	ONTP MAJ OTP-AM MIN	

LD 1395 proposed a resolve to establish the Maine Council on Sustainable Silviculture. The resolve would charge the council with developing benchmarks and advising the Governor and Legislature concerning measurable benchmarks for sustainable silvicultural practices. The council would be directed to submit a draft report to the Legislature by October 15, 1998 and a final report by October 1, 1999. The Council would terminate on October 1, 1999.

**Committee Amendment "A" (H-100)** was the minority report. It would have changed dates for appointments and reports. It also would have added a fiscal note to the resolve.

**LD 1405**

**An Act to Strengthen Laws Regarding Timber Theft and Timber Harvesting**

**PUBLIC 648**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
DESMOND	OTP-AM	H-1076 BUNKER H-951 S-571 KIEFFER

LD 1405 proposed requiring timber harvesters to obtain a license from the Department of Conservation, Bureau of Forestry. It proposed provisions for the revocation of a license and making a person ineligible for a license for a period of 3 years if that person unlawfully cuts trees on another person's land.

**Committee Amendment "A" (H-951)** proposed amending provisions in current law regarding harvesting notification forms and requiring that a trip ticket containing certain specified information accompany all wood hauled for sale. It proposed a study of workers' compensation laws relating to wood harvesting and the development of statewide standards to minimize the impact of wood harvesting on nonpoint source pollution.

**House Amendment "A" to Committee Amendment "A" (H-1076)** authorizes the joint standing committee of the Legislature having jurisdiction over labor matters to report out legislation regarding workers' compensation coverage in the wood harvesting industry to any session of the 119th Legislature.

**Senate Amendment "A" to Committee Amendment "A" (S-571)** amends the definition of "hauler" to include a person, company or other entity that owns a trailer on which wood is transported. It also requires any person transporting wood, not just wood for sale, to comply with the provision of the amendment.

***Enacted law summary***

Public Law 1997, chapter 648 amends provisions in current law regarding harvesting notification forms and requires that a trip ticket containing certain specified information accompany wood being transported. Firewood sales to retail consumers are exempt from the trip ticket requirement. This law requires the Workers' Compensation Board and the Maine Forest Service to study workers' compensation laws relating to wood harvesting and to report

harvesting on nonpoint source pollution and to report to the 119th Legislature on the use of best management practices for wood harvesting operations.

**LD 1430**                      **An Act to Regulate Professional Loggers**                      **ONTP**

<u>Sponsor(s)</u> KILKELLY		<u>Committee Report</u> ONTP		<u>Amendments Adopted</u>
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LD 1430 proposed establishing the Maine State Board of Licensure for Professional Loggers as the regulatory body for the profession. The bill proposed qualifications for licensure including a two-year internship under the guidance of a licensed logger unless the person has graduated from an approved two-year curriculum and has completed at least two years of experience in logging work. Applicants would also have to pass a written examination approved by the board. The annual licensing fee would be determined by the board, but could not exceed \$55 annually.

Pursuant to the Maine Revised Statutes, Title 5, section 12015, subsection 3, an evaluation of the need for regulation of loggers was completed prior to committee action on this bill.

A related bill proposing loggers registration was amended to address timber theft and compliance with timber harvesting regulations. (See the bill summary for LD 1405.)

**LD 1465**                      **An Act to Limit Liquidation Harvesting**                      **ONTP**

<u>Sponsor(s)</u> SHIAH		<u>Committee Report</u> ONTP		<u>Amendments Adopted</u>
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LD 1465 proposed requiring a permit for any harvesting of timber that would result in a clear-cut or understocked stand. The Department of Conservation would be authorized to grant permits only when harvesting was being proposed for one of four specified purposes. The bill proposed replacing the definitions section in the current forest practices laws, in particular, replacing the definition of “clear-cut” with a definition of “clear-cut or understocked stand” based on criteria set forth in stocking guides for the Northeast. This bill proposed a penalty section that increases the fines applicable for violations of forest harvesting regulations.

**LD 1473**                      **An Act to Amend the Laws Regarding Forest Practices**                      **ONTP**

<u>Sponsor(s)</u> CASSIDY BARTH		<u>Committee Report</u> ONTP		<u>Amendments Adopted</u>
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LD 1473 proposed amending the laws governing forest practices by limiting the maximum land area that could be clear-cut in any year and by providing that an individual clear-cut could not exceed 50 acres in total area for forest ownerships of more than 500 acres.

The bill proposed to amend the provisions governing the process by which a municipality may propose to adopt or amend a timber harvesting ordinance. The bill proposed adding eight foresters to the Maine Forest Service in the