

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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Staff:

Jill Ippoliti, Legislative Analyst

Patrick T. Norton, Principal Analyst

Office of Policy and Legal Analysis

Room 101/107/135, 13 State House Station

Augusta, ME 04333

(207)287-1670



**Maine State Legislature
OFFICE OF POLICY AND LEGAL ANALYSIS**

13 State House Station, Augusta, Maine 04333-0013
Telephone: (207) 287-1670
Fax: (207) 287-1275

**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).

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.

Sponsor(s)
SHIAH

Committee Report
ONTP MAJ
OTP-AM MIN

Amendments Adopted

LD 1766 proposed to establish a new forest policy for the State. It proposed to establish a permit-by-rule procedure for clear-cutting, to increase the minimum basal area required for a timber harvest not to qualify as a clear-cut, to require that clear-cutting have a silvicultural justification and to set limitations on the size and arrangement of clear-cuts, with some exemptions provided for smaller holdings. The bill also proposed establishing the Sustainable Forest Management Audit 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. It proposed changes to the Bureau of Forestry's natural resource education program and directing the bureau's natural resource educator to develop partnerships and funding sources for creating new natural resource education initiatives for the public.

The bill proposed authorization of an ecological forest reserve on public lands, totaling between 8,000 and 10,000 acres. It also proposed directing the Maine Forest Service to undertake a study of liquidation harvesting and make recommendations to further restrict the practice.

Committee Amendment "A" (H-980) was the minority report of the Joint Standing Committee on Agriculture, Conservation and Forestry. This amendment would have replaced the bill.

The amendment proposes several changes relating to clear-cuts, standards for residual stocking and sustainable harvest levels and certification through a review program.

With respect to clear-cuts and clear-cutting activities, the amendment proposed reducing from 250 acres to 75 acres the maximum size of a clear-cut and reducing the threshold size of a clear-cut from five acres to one acre. It also would have required landowners who hold 100,000 or more acres of forest land to get a permit from the Maine Forest Service before any clear-cutting activity and would have prohibited such landowners from clear-cutting more than 0.25 of their land in any one year. Clear-cuts would have to be separated by a clearly defined separation zone at least equal to 1 1/2 times the area of the associated clear-cut.

With respect to stocking standards and harvest levels, the amendment would have required that all harvests by large landowners leave adequate residual stocking. A permit from the Maine Forest Service would have been required before a large landowner could undertake any harvesting that would result in stocking levels below the applicable United States Forest Service C line standard or below the standards adopted by the commissioner. The amendment would have prohibited large landowners from exceeding sustainable harvesting levels based on growth, yield and other relevant criteria.

With respect to certification requirements, the amendment would have established a 10-member Sustainable Forest Management Program Board to develop benchmarks for a review program required for large landowners after January 1, 2000.

LD 1852

An Act to Reorganize and Clarify the Laws Relating to the Establishment, Powers and Duties of the Bureau of Parks and Lands

PUBLIC 678

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
KILKELLY	OTP-AM MAJ	S-501
BUNKER	OTP-AM MIN	S-551 KILKELLY

LD 1852 proposed clarifying the establishment, powers and duties of the new Bureau of Parks and Lands without altering the essential missions, powers and purposes of the 2 former bureaus. This bill proposed repealing certain provisions of law and consolidating various bureau programs into one chapter, Maine Revised Statutes, Title 12, chapter 220. Public Law 1995, Chapter 502, An Act to Implement the Recommendations of the Productivity Realization Task Force, combined the Bureau of Public Lands and the Bureau of Parks and Recreation within the Department of Conservation. Section E-9 of P. L. 502 directed the Department of Conservation to review relevant statutes for the two bureaus and submit a proposal to the Legislature for a unified statute on the establishment, powers and duties of the Bureau of Parks and Lands. LD 1852 was submitted as that proposal.

Committee Amendment "A" (S-501) was the majority report. It proposed technical changes to the bill to clarify language and reenacting certain language in current law that was omitted from the bill. In addition, it proposed removing authorization in the bill for the state park campsite reservation system to be administered by a 3rd-party contractor. It proposed authorizing the Director of the Bureau of Parks and Lands to conduct a sunken log salvage program.

Committee Amendment "B" (S-502) was the minority report. It proposed revisions identical to those of the majority report. In addition, it proposed removing language authorizing the Bureau of Parks and Lands to enter lands for the purpose of making surveys and examinations.

Senate Amendment "A" (S-551) proposed amending the right -of -entry provisions for the Bureau of Parks and Lands removing the authority of the bureau to enter upon premises to make surveys and other necessary examinations. Agents of the bureau would be authorized to enter upon lands and waters for these purposes. This amendment also proposed clarifying that written approval is required prior to herbicide application in the Allagash Waterway.

Enacted law summary

Public Law 1997, chapter 678 clarifies the establishment, powers and duties of the new Bureau of Parks and Lands. It does not alter the essential purposes and practices of the bureau's programs. It does make the following substantive changes from current law:

1. Consent of the Commissioner of Conservation is added to that of the Governor for the charging of user fees, acquisition and conveyance of state parks and historic sites, the granting of licenses and permits for use of state park and historic site lands, and acquisition of land for the Maine Trails System.
2. The bureau is given specific authority to transfer management of state park and historic site lands to other agencies or accept such responsibility from other agencies with the consent of the Commissioner of Conservation and the Governor.
3. Specific authority is given to the bureau to administer the Forest Recreation Resource Fund and to receive income from campsites administered under this program on all lands within its jurisdiction for that fund, which presently receives income only from bureau lands.
4. Obsolete language is deleted or amended regarding control of fires, lifeguard training, an official bureau seal and care of certain properties transferred from the Federal Government.

5. A general policy on public access to nonreserved lands is added similar to the one that already exists for public reserved lands.
6. It establishes that the Nonreserved Public Lands Management Fund accrues interest in the same manner as the Public Reserved Lands Management Fund.
7. It requires the director to give notice of proposed sales of nonreserved public lands similar to the notice required for public reserved lands.
8. To be consistent with penalties for violation of rules on other bureau lands, violation of rules regarding the Allagash Wilderness Waterway is changed from a civil violation to a Class E crime.
9. Permitted use of the ATV Recreational Management Fund is expanded to include land purchases for use as ATV trails.
10. It authorizes a sunken log salvage program.

It also changes references in the Maine Revised Statutes to coincide with the new chapter, updates obsolete language and makes technical corrections.

LD 1874 An Act Regarding Nutrient Management

**PUBLIC 642
EMERGENCY**

<u>Sponsor(s)</u> PARADIS	<u>Committee Report</u> OTP-AM	<u>Amendments Adopted</u> S-604
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LD 1874, "An Act to Establish Limitations on Swine-feeding Operations," proposed establishing limits on swine feeding operations located within jurisdiction of the Maine Land Use Regulation Commission. It was based on South Carolina law. It proposed provisions for permitting of animal-feeding operations. It proposed minimum separation distances between waste storage ponds and land owned by another person, drinking water wells, and bodies of water. It would have prohibited locating a new animal feeding operation in the 100-year floodplain unless certain conditions were met and certifications received. It would have required the Maine Land Use Regulation Commission to adopt rules relating to land application rates for animal wastes for animal-feeding operations that exceeded a certain capacity. It proposed directing the commission to require remediation of undesirable levels of odor.

Committee Amendment "A" (S-604) proposed replacing the original bill and changing the title to "An Act Regarding Nutrient Management". It proposed requiring nutrient management plans for certain operations, establishing a nutrient management review board and a requiring a permit for certain livestock operations.

Enacted law summary

Public Law 1997, chapter 642, "An Act Regarding Nutrient Management", does the following: