

MAINE STATE LEGISLATURE

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STATE OF MAINE
119TH LEGISLATURE

FIRST REGULAR SESSION

BILL SUMMARIES
JOINT STANDING COMMITTEE
ON
AGRICULTURE, CONSERVATION AND FORESTRY

JULY 1999

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ONE HUNDRED NINETEENTH LEGISLATURE
FIRST REGULAR SESSION

Summary Of Legislation Before The Joint Standing and Select Committees
August 1999

We are pleased to provide this summary of all bills that were considered by the Joint Standing and Select Committees of the Maine Legislature this past session. 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 and select committees.

The document is organized for convenient reference to information on bills considered by the 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:

CARRIED OVER..... *Bill carried over to Second Regular 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 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*
ENACTMENT FAILED..... *Bill failed to get vote required for enactment or final passage*
NOT PROPERLY BEFORE THE BODY..... *Ruled out of order by the presiding officers; bill died*
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 First Regular Session (unless otherwise specified in a particular law) is September 18, 1999.

LD 1239 proposed replacing archaic language regarding the election of soil and water conservation district supervisors and permitting temporary appointments to fill vacancies in unexpired terms of elected supervisors.

Committee Amendment "A" (H-111) proposed striking an unnecessary word in the bill.

House Amendment "A" (H-230) proposed clarification of the initial staggered terms for soil and water conservation district supervisors.

Enacted law summary

Public Law 1999, chapter 138 replaces archaic statutory language regarding the election of soil and water conservation district supervisors and permits temporary appointments to fill vacancies in unexpired terms of elected supervisors.

LD 1240 **Resolve, Regarding Legislative Review of Chapter 20: Forest Regeneration and Clearcutting Standards, a Major Substantive Rule of the Department of Conservation** **RESOLVE 49 EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u> OTP-AM	<u>Amendments Adopted</u> H-552
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LD 1240, proposed authorization of final adoption of Chapter 20: Forest Regeneration and Clearcutting Standards, a major substantive rule of the Department of Conservation.

Committee Amendment "A" (H-552) proposed authorizing the Commissioner of Conservation to finally adopt Chapter 20: Forest Regeneration and Clearcutting Standards, a provisionally adopted major substantive rule of the Department of Conservation, provided that the changes indicated in the revised rule dated April 28, 1999 are incorporated. This amendment also proposed to add a fiscal note to the resolve.

Enacted law summary

Resolve 1999, chapter 49 authorizes the Commissioner of Conservation to finally adopt Chapter 20: Forest Regeneration and Clearcutting Standards, a provisionally adopted major substantive rule of the Department of Conservation, providing that the rule is amended to incorporate changes indicated in the revised rule dated April 28, 1999. These changes pertain to clear-cut size categories, the required height of softwood for assessing a stand of acceptable growing stock, stocking and regeneration standards from a percent basis to a trees-per-acre basis. The rule as authorized by this resolve exempts landowners with fewer than 100 acres total ownership from certain standards for clear-cuts and changes the provisions for maintenance of separation zones. The Commissioner of Conservation is not required to hold hearings or conduct other formal proceedings prior to finally adopting the rule in accordance with this resolve.

Chapter 49 was enacted as an emergency measure effective June 1, 1999.

LD 1248 **An Act to Resolve Technical Inconsistencies in the Nutrient Management Act** **ONTP**

<u>Sponsor(s)</u> COWGER NUTTING J	<u>Committee Report</u> ONTP	<u>Amendments Adopted</u>
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LD 1248 proposed to require a farm that stores or utilizes by-products regulated by the Department of Environmental Protection to file a nutrient management plan with the Commissioner of Agriculture, Food and Rural Resources only if the Department of Agriculture, Food and Rural Resources determines that the by-product needs a nutrient management plan. (See bill summary for LD 2246)

LD 1267 **An Act to Amend the Laws Governing the Aroostook Water and Soil Management Board and to Provide Funding for a Low-flow Study** **PUBLIC 497**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
KIEFFER	OTP-AM MAJ	S-212
AHEARNE	OTP-AM MIN	S-394 MICHAUD

LD 1267 proposed expanding the Aroostook Water and Soil Management Board’s responsibilities to include coordinating all irrigation activities in Aroostook County. This bill also proposed appropriating \$25,000 per year for the next 2 years to fund a low-flow study to be conducted by the United States Geological Survey.

Committee Amendment "A" (S-212) proposed technical changes in the appropriation section and adding a fiscal note to the bill.

Committee Amendment "B" (S-213) was the minority report of the committee. It proposed adding 4 members to the Aroostook Water and Soil Management Board: the Commissioner of Inland Fisheries and Wildlife and the Commissioner of Environmental Protection; a member representing a conservation organization with membership in Aroostook County; and a representative of a sporting association with membership in Aroostook County. The amendment also proposed technical changes in the appropriation section and adding a fiscal note to the bill. The minority report was not accepted.

Enacted law summary

Public Law 1999, chapter 497 expands the Aroostook Water and Soil Management Board’s responsibilities to include coordinating all irrigation activities in Aroostook County. It appropriates \$25,000 per year for the next 2 years to the Office of Agricultural, Natural and Rural Resources to pay for a low-flow study to be conducted by the United States Geological Survey.

LD 1310 **An Act to Reduce the Administrative Requirements of the Forest Practices Laws** **ONTP**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
FOSTER	ONTP	
DAVIS P		

LD 1310 proposed removing the requirement that a designated agent submit with a harvest notification a notarized statement of agreement signed by the landowner and the designated agent. (See bill summary for LD 407)