

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.

The bill also proposed modifying the membership requirements to serve on the Maine Land Use Regulation Commission. Rather than requiring that 4 members be residents of the commission's jurisdiction, the bill would require that all 7 members reside in, work in or have special knowledge of the needs and issues affecting the unorganized and deorganized areas of the State.

The bill proposed amending the process by which rezoning requests are approved by the commission and . expanding the requirements to maintain regional field offices for the benefit of residents of the unorganized and deorganized areas. It proposed extending the statutory time restrictions for certain actions by the commission. The bill also proposed many minor revisions to the statutes of the Maine Land Use Regulation Commission to delete or update obsolete language or unnecessary provisions and to clarify the commission's process for rulemaking and public hearings. This bill was submitted on behalf of the Department of Conversation.

Committee Amendment "A" (S-261) proposed removing provisions from the original bill that transferred certain regulatory review authority from LURC to the Department of Environmental Protection. It proposed modifications to the membership requirements to serve on the Maine Land Use Regulation Commission. It proposed requiring that all nominees to the commission have knowledge of the needs and issues affecting the unorganized and deorganized areas of the State, and that 2 members be residents of the commission's jurisdiction. It proposed shortening the time restrictions in the original bill. It proposed authorizing the Joint Standing Committee on Agriculture, Conservation and Forestry and the Joint Standing Committee on Natural Resources to report out legislation during the Second Regular Session regarding reassigning regulatory authority for LURC and the Department of Environmental Protection.

House Amendment "A" (H-591) corrects an omission in the committee amendment regarding criteria for amendment of land use district boundaries.

Enacted law summary

Public Law 1999, chapter 333 provides that all activities governed by the natural resources protection laws, including the alteration of wetlands, be regulated exclusively by the Maine Land Use Regulation Commission within the unorganized and deorganized areas of the State. It modifies the membership requirements to serve on the Maine Land Use Regulation Commission; requiring that all nominees to the commission have knowledge of the needs and issues affecting the unorganized and deorganized areas of the State, and that 2 members be residents of the commission's jurisdiction. It extends time restrictions imposed on certain actions by the commission. It makes many minor revisions to the statutes of the Maine Land Use Regulation Commission to delete or update obsolete language or unnecessary provisions and to clarify the commission's process for rulemaking and public hearings. It authorizes the Joint Standing Committee on Agriculture, Conservation and Forestry and the Joint Standing Committee on Natural Resources to report out legislation during the Second Regular Session regarding reassigning regulatory authority for LURC and the Department of Environmental Protection.

LD 1674

An Act to Exempt from Certain Regulations Crabmeat That Does Not Cross State Lines

CARRIED OVER

Sponsor(s)
PERKINS
KILKELLY

Committee Report

Amendments Adopted

LD 1674 proposes exempting home-based crabmeat processors from any critical control point identification program administered by the Department of Agriculture, Food and Rural Resources pursuant to the United States Food and Drug Administration's seafood hazard analysis critical control point regulations as long as all the crabmeat processed by that person is sold for consumption in the State. The bill proposed requiring such crabmeat to be clearly labeled "Not for sale or consumption outside the State of Maine."

The bill also proposes requiring the Commissioner of Agriculture, Food and Rural Resources to reimburse all home-based crabmeat processors for fees paid to attend training and educational meetings on the United States Food and Drug Administration's seafood hazard analysis critical control point regulations.

LD 1689

An Act to Protect Holders of Camp Lot Leases

ONTP

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

LD 1689 proposed limiting the annual rent charged under a camp lot lease to not more than three times the annual property taxes for that camp lot. The bill also proposed prohibiting the termination of a camp lot lease for any reason other than failure of the lessee to pay property taxes. The bill would require that a lessor clearly mark the boundaries of a camp lot and maintain a map of the frontage and boundary lines of the lot. Upon termination of the lease, the lessee would be entitled to reimbursement of costs incurred by the lessee during the term of the lease for improvements to the property.

The provisions of this bill would have applied to camp lots located within the jurisdiction of the Maine Land Use Regulation Commission and only to leases executed, renewed or extended after January 1, 2000.

Committee Amendment "A" (H-335) was the minority report of the committee. It proposed removing the provisions in the original bill that prohibited termination of a camp lot lease except for failure to pay property taxes, required the lessor to clearly mark boundaries and required reimbursement to the lessee for costs incurred by the lessee for improvements to the leased property. It proposed to retain the provision limiting the annual rent to not more than three times the annual property taxes of the camp lot. The minority report was not adopted.

LD 1699

An Act to Ensure Compliance With Disability Access Laws by the Baxter DIED BETWEEN State Park Authority BODIES

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

LD 1699 proposed to prohibit the Baxter State Park Authority from adopting rules that would not be in conformance with state and federal laws that deal with persons with disabilities. It proposed a process for public notice prior to rulemaking.

Committee Amendment "A" (H-381) was the committee minority report. It proposed removing the preadoption provisions for rulemaking in the original bill. It also proposed removing language in the bill that "notwithstands" the purpose section in law for Baxter State Park. The purpose section contains references to Governor Baxter's expressed desires for the park. The minority report was not adopted.