

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

MEMBERS:

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Sen. Marge L. Kilkelly

Sen. R. Leo Kieffer

Rep. Wendy Pieh, Chair

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Staff:

Jill Ippoliti, Legislative 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 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
ONT P.....	Ought Not To Pass report accepted
OT P ND.....	Committee report Ought To Pass In New Draft
OT P 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 1844**An Act to Protect Taxpayers Against Open-ended Maintenance
Expenditures on Property Transferred to the State****ONTP**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
JOY	ONTP	

LD 1844 proposed requiring a person or organization donating land to the State to provide for the future maintenance and upkeep of the land. If the provisions for the future maintenance and upkeep of the land were not adequate at the time of the proposed transfer, the bill proposed that the State or its designated agency be prohibited from accepting the donation.

LD 1854**An Act to Require Posting of Regulations on Public Lands****ONTP**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
JOY	ONTP	

LD 1854 proposed requiring the Bureau of Parks and Lands to post signs to detail any restrictions on use or access, such as "no hunting" or "no fishing," that the bureau has placed on a park, historic site, public reserved land or nonreserved public land.

LD 1868**An Act to Preserve Public Access and Job Opportunities in the Maine
Woods****ONTP**

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

LD 1868 proposed creating the Maine Woods Act and establishing the Maine Woods Board as a public instrumentality of the State. The board's central duties would have been to support sustainable forestry and provide public access and recreational opportunities through the acquisition and maintenance of forest lands. The bill proposed independent bonding authority to support the Maine Woods Fund, as established in this bill.

Committee Amendment "A" (H-554) was the minority report. It would have required the deed for all lands acquired under the Maine Woods Act to contain a clause specifying that the land be used for timber harvesting and management. It also proposed striking out the provisions in the bill regarding eminent domain. The minority report was not accepted.

LD 1888**An Act to Amend the Laws Relating to Development and Centralized
Listing of Municipal Ordinances that Apply to Forestry Practices****PUBLIC 263**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
KILKELLY	OTP-AM MAJ	H-527 PIEH
COWGER	ONTP MIN	S-211

LD 1888 proposed amending the laws relating to development of municipal timber harvesting ordinances by requiring the ordinances to be consistent with the definitions of forestry terms established in the Maine Revised Statutes, Title 12, section 8868 as well as those in rules adopted by the Department of Conservation. It also proposed a 90-day period within which the validity of the adoption of a timber harvesting ordinance could be challenged based on an alleged failure to comply with certain notice requirements. It also proposed minor changes to the notice and hearing procedures for adopting municipal timber harvesting ordinances.

Committee Amendment "A" (S-211) was the majority report of the committee. It proposed a section on funding and a fiscal note to the bill. The majority report was adopted.

House Amendment "A" (H-527) proposed changing the date by which municipal timber harvesting ordinances must meet the standard of compliance from January 1, 2000 to January 1, 2001.

Enacted law summary

Public Law 1999, chapter 263 amends the laws relating to development of municipal timber harvesting ordinances by requiring the ordinances to be consistent with the definitions of forestry terms established in the Maine Revised Statutes, Title 12, section 8868 as well as those in rules adopted by the Department of Conservation by January 1, 2001. It requires notice of a public hearing to review a proposed forest practices ordinance or amendment to be mailed at least 14 days prior to the hearing to all landowners whose land is in or abuts a zone or district affected by the proposed ordinance or amendment. Mailed notice is not required when an ordinance is being amended for definitional compliance. It provides for a 90-day period within which the validity of the adoption of a timber harvesting ordinance may be challenged based on an alleged failure to comply with certain notice requirements.

It requires representatives of the Department of Conservation to be given the opportunity to present information at a public hearing on a forest practices ordinance. It requires the Department of Conservation to pay municipalities for costs associated with notification requirements.

LD 1889

An Act to Amend the Maine Milk Laws

PUBLIC 362

Sponsor(s)
NUTTING J
PIEH

Committee Report
OTP-AM

Amendments Adopted
S-272

LD 1889 proposed repealing and replacing certain statutes governing the production and distribution of milk and milk products. This bill proposed granting the Department of Agriculture, Food and Rural Resources continued regulatory authority to adopt rules that reflect the standards outlined by the United States Department of Health and Human Services, Food and Drug Administration in the Pasteurized Milk Ordinance and clarifying the licensing fee schedule for milk distributors. This bill was submitted on behalf of the Department of Agriculture, Food and Rural Resources.

Committee Amendment "A" (S-272) proposed replacing the original bill. It would retain several sections of statute proposed for repeal in the original bill. This bill proposed directing the Department of Agriculture, Food and Rural Resources to provisionally adopt major substantive rules for the inspection, licensing, testing, labeling and sanitation of milk and milk products. It proposed authorizing the Joint Standing Committee on Agriculture, Conservation and Forestry to report out legislation relating to the milk laws during the Second Regular Session of the 119th Legislature.

The amendment also proposed to add a fiscal note to the bill.

Enacted law summary