

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.

Committee Amendment "A" (S-273) proposed changes on the language pertaining to the exchange of rights of way in T10, S. D., in Hancock County. It proposed clarifying that the road constructed must meet the specifications of the Bureau of Parks and Lands and that the bureau must relinquish the existing rights-of-way upon approval of the road. It proposed clarifying that no other easements are being released by the State. It proposed a condition that the Hennigs convey two access easements to Fox Pond to allow continued traditional use and access at those sites. The amendment also added a fiscal note to the bill.

Enacted law summary

Resolve 1999, chapter 50 authorizes 2 land transactions by the Director of the Bureau of Parks and Lands within the Department of Conservation. This authorization is required under the Constitution of Maine, Article IX, Section 23. The first transaction involves an exchange of the State's interest in land in the Town of Gray for a larger parcel in the Town of Gray that is adjacent to other lands held by the State. The land exchange enables the bureau to add 53 acres to the Pineland Unit, while conveying 4 acres. The 53-acre parcel has approximately 3,000 feet of frontage on the Royal River and the property will be managed for multiple use.

The second transaction involves an exchange of the rights of way to enhance the access to state lands located in T10, S. D., Hancock County. It provides for continuing access to Fox Pond for traditional use.

LD 2246

An Act to Amend the Nutrient Management Laws

**PUBLIC 530
EMERGENCY**

Sponsor(s)
NUTTING

Committee Report
OTP

Amendments Adopted
S-430

LD 2246 was the unanimous committee report of the Joint Standing Committee on Agriculture, Conservation and Forestry as authorized by P. L. 1997, chapter 642, An Act Regarding Nutrient Management. This bill proposed extending the moratorium on swine feeding operation until October 1, 2001. It proposed requiring the Department of Environmental Protection and the Department of Agriculture, Food and Rural Resources to enter into a memorandum of agreement on a process for issuing permits under the National Pollutant Discharge Elimination System. It proposed several amendments to clarify the nutrient management laws and to facilitate implementation of the nutrient management program.

Senate Amendment "A" (S-430) proposed a mandate preamble to indicate that local governments will be required by this Act to modify their activities. The preamble is needed because of the property tax exemption for waste management facilities. This amendment also proposed eliminating the appropriation to fund 2 positions and operating costs to administer the nutrient management program. (See bill summary for LD 623 for funding approved for this program).

Enacted law summary

Public Law 1999, chapter 530 extends the moratorium on new swine feeding operation until October 1, 2001. It requires the Department of Environmental Protection and the Department of Agriculture, Food and Rural Resources to enter into a memorandum of agreement on a process for issuing permits under the National Pollutant Discharge Elimination System.

In addition, it makes several changes to the nutrient management laws. It clarifies when utilization of a regulated residual requires a nutrient management plan. It provides processes for the Commissioner of Agriculture to revoke a certification to prepare nutrient management plans or a livestock operations permit. It clarifies that minimum setbacks required in a plan for manure storage, stacking and spreading must be site specific. It requires the nutrient management plan to provide for storage of manure for a minimum of 180 days. It establishes compliance dates for nutrient management plans and authorizes the Commissioner of Agriculture to grant variances.

It authorizes the issuance of provisional livestock operations permits. It specifies that a person is not subject to the penalty for failure to implement a nutrient management plan prior to the development of a nutrient management plan, only the penalty for failure to develop a plan would apply. It requires the Commissioner of Agriculture Food and Rural Resources to submit an annual report on implementation of the Nutrient Management Act. It grants an exemption from property tax for animal waste storage facilities. It grants an exemption from sales tax for materials to construct, repair or maintain an animal waste storage facility.

Chapter 530 was enacted as an emergency measure effective June 17, 1999.