

MAINE STATE LEGISLATURE

The following document is provided by the
LAW AND LEGISLATIVE DIGITAL LIBRARY
at the Maine State Law and Legislative Reference Library
<http://legislature.maine.gov/lawlib>



Reproduced from electronic originals
(may include minor formatting differences from printed original)

**STATE OF MAINE
119TH LEGISLATURE**

SECOND REGULAR SESSION

**BILL SUMMARIES
JOINT STANDING COMMITTEE
ON
AGRICULTURE, CONSERVATION AND FORESTRY**

JULY 2000

MEMBERS:

*Sen. John M. Nutting, Chair
Sen. Marge L. Kilkelly
Sen. R. Leo Kieffer*

*Rep. Wendy Pieh, Chair
Rep. Paul Volenik
Rep. Elizabeth Watson
Rep. Scott W. Cowger
Rep. Rosita Gagne
Rep. Ruel P. Cross
Rep. Walter R. Gooley
Rep. Clifton E. Foster
Rep. Roderick W. Carr
Rep. Barry G. Gillis*

Staff:

Jill Ippoliti, Legislative Analyst

*Office of Policy and Legal Analysis
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
SECOND REGULAR SESSION

Summary Of Legislation Before The Joint Standing Committees
July 2000

We are pleased to provide this summary of 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:

- 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
- 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 Second Regular Session (unless otherwise specified in a particular law) is August 11, 2000.

David E. Boulter, Director
 Offices Located in the State House, Rooms 101 & 107

Chapter 769 directs the Commissioner of Agriculture, Food and Rural Resources to develop information on the sources of Maine's food supply and to take actions to increase the production and sale of in-state foods. It directs the Commissioner of Agriculture, Food and Rural Resources to provide assistance to farmers' markets. It authorizes the joint standing committee of the Legislature having jurisdiction over agricultural matters to report out legislation during the 120th Legislature to update and revise provisions in Title 7 regarding agricultural internship and training, agricultural awareness, purchasing of food by state institutions and in-state marketing of food produced in Maine. It appropriates \$20,000 to the Department of Agriculture, Food and Rural Resources to assist in developing data regarding food consumption and support activities to increase sales of locally grown food.

Chapter 769 allows proceeds from the Land for Maine's Future Fund to be used for developing a business plan and capital improvements to farmland when interest in the farmland has been acquired through the Land for Maine's Future Fund.

LD 2544 **Resolve, Regarding Legislative Review of Chapter 267: License Fees to Sell Nursery Stock, a Major Substantive Rule of the Department of Agriculture, Food and Rural Resources** **RESOLVE 93 EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u> OTP	<u>Amendments Adopted</u>
-------------------	--------------------------------	---------------------------

LD 2544 proposed legislative review of Chapter 267: License Fees to Sell Nursery Stock, a major substantive rule of the Department of Agriculture, Food and Rural Resources.

Enacted law summary

Resolve 1999, chapter 93 authorizes final adoption of Chapter 267: License Fees to Sell Nursery Stock, a major substantive rule of the Department of Agriculture, Food and Rural Resources.

Resolve 1999, chapter 93 was finally passed as an emergency measure effective March 29, 2000.

LD 2594 **An Act Regarding Forest Practices** **ONTP**

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

LD 2594 is a citizens' initiated bill. It proposes limits on timber harvesting on land enrolled under the Maine Tree Growth Tax Law. The harvesting limits proposed would restrict total cutting and cutting for each species group to sustainable cutting levels for any rolling 10-year average, i.e. harvesting could not exceed growth.

The bill proposes requiring a landowner to obtain a permit from the Maine Forest Service prior to undertaking harvesting activities that will result in a clear-cut. Prior to issuing a permit for a clear-cut, the Maine Forest Service would need to determine that the clear-cut is silviculturally justified, that there are

no reasonable alternatives to the proposed clear-cut and that no undue adverse ecological damage will result from the clear-cut or the clear-cutting activities.

The bill proposes the establishment of the Maine Council on Sustainable Forest Management with membership consisting of the Director of the Maine Forest Service, the Director of Baxter State Park’s scientific forestry management area and 7 members appointed by the Governor. The council would be responsible for adopting rules to implement the other provisions in the bill.

This citizens’ initiated bill was not enacted by the Legislature and, therefore, will be referred to the people to be voted on in November of 2000.

LD 2595 **Resolve, Regarding Legislative Review of Chapter (Unassigned): Rules Governing Maine Milk and Milk Products, Major Substantive Rules of the Department of Agriculture, Food and Rural Resources** **RESOLVE 111 EMERGENCY**

<u>Sponsor(s)</u>		<u>Committee Report</u>		<u>Amendments Adopted</u>
		OTP-AM		H-1013

LD 2595 proposed legislative review of Rules Governing Maine Milk and Milk Products, a major substantive rule of the Department of Agriculture, Food and Rural Resources.

Committee Amendment "A" (H-1013) proposed revisions to the provisionally adopted rule and requiring that documentation detailing the revisions be filed with the Secretary of State.

Enacted law summary

Resolve 1999, chapter 111 authorizes final adoption of Rules Governing Maine Milk and Milk Products, a major substantive rule of the Department of Agriculture, Food and Rural Resources. The Resolve specifies revisions to the provisionally adopted rule and requires documentation detailing the revisions to be filed with the Secretary of State, and adds a fiscal note.

Resolve 1999, chapter 111 was finally passed as an emergency measure effective April 12, 2000.

LD 2596 **An Act to Revise the Law Protecting Farmers' Right to Farm and to Provide for Nutrient Management Plans to be Confidential** **PUBLIC 723**

<u>Sponsor(s)</u>		<u>Committee Report</u>		<u>Amendments Adopted</u>
PIEH		OTP-AM		H-1069

LD 2596 proposed changes to the provisions in Maine nuisance law commonly referred to as the “Right-to-Farm Law”. Current law provides that a farm operation may not be considered a nuisance if the farm operation predates a change in land use or occupancy within one mile of its borders, or if the farm operation conforms to best management practices. This bill proposed specifying that a farm that makes a material change to its farm operation after the land use change within one mile must apply best management practices to receive the protections of the right-to-farm law.