

MAINE STATE LEGISLATURE

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**STATE OF MAINE
119TH LEGISLATURE**

SECOND REGULAR SESSION

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

JULY 2000

Staff:

Jill Ippoliti, Legislative Analyst

***Office of Policy and Legal Analysis
13 State House Station
Augusta, ME 04333
(207)287-1670***

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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
ONT P..... 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

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
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<u>Sponsor(s)</u>	<u>Committee Report</u> OTP-AM	<u>Amendments Adopted</u> H-1013
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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
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<u>Sponsor(s)</u> PIEH	<u>Committee Report</u> OTP-AM	<u>Amendments Adopted</u> H-1069
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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.

It proposed language to specify that attorney's fees may be awarded to the defendant in a nuisance lawsuit involving a complaint against a farm operation if that action was not brought in good faith.

It proposed clarifying that failure to apply best management practices may result in an enforcement action. It also proposed a separate civil violation for failure to apply best management practices as required by the Commissioner of Agriculture, Food and Rural Resources.

It proposed requiring the commissioner to conduct an educational outreach program to increase awareness of the provisions of the Maine Revised Statutes, Title 17, section 2805 and the department's best management practices.

Committee Amendment "A" (H-1069) proposed clarifying that the Commissioner of Agriculture, Food and Rural Resources may prescribe best management practices for any farm or farm operation when a problem is identified that is caused by the failure to use best management practices. It also proposed clarifying the actions the court may order when a person fails to apply best management practices.

This amendment also proposed specifying that nutrient management plans prepared in accordance with the Maine Revised Statutes, Title 7, chapter 747 are confidential and are not a public record.

Enacted law summary

Public Law 1999, chapter 723 allows the Commissioner of Agriculture, Food and Rural Resources to prescribe best management practices for any farm or farm operation when a problem is identified that is caused by the failure to use best management practices. It clarifies the actions the court may order when a person fails to apply best management practices. These actions include abatement of the nuisance, enforcing any applicable state law, injunctive relief and imposing a penalty for a separate civil violation. It requires the commissioner to conduct an educational outreach program to increase awareness of the provisions of Maine's Right-to-Farm law and best management practices.

Chapter 723 also specifies that nutrient management plans prepared in accordance with Maine's Nutrient Management Act are confidential and are not a public record.

LD 2629

An Act to Implement the Recommendations of the Joint Standing Committee on Agriculture, Conservation and Forestry Relating to Review of the Department of Conservation Under the State Government Evaluation Act

PUBLIC 603

Sponsor(s)

Committee Report

Amendments Adopted

LD 2629 proposed placing oversight for the Land for Maine's Future Board and Program with the joint standing committee having jurisdiction over matters pertaining to state parks and public lands.

Enacted law summary

Public Law 1999, chapter 603 provides for the joint standing committee having jurisdiction over matters pertaining to state parks and public lands to review appointments to the Land for Maine's Future Board. It provides for the biennial report on expenditures from the Land for Maine's Future Fund and the Public