

# 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**

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**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](http://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*  
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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

Access to Maine Waters Fund to be submitted to the joint standing committee having jurisdiction over matters pertaining to state parks and public lands.

It also provides for the Land for Maine's Future Board to be reviewed under the State Government Evaluation Act by the joint standing committee having jurisdiction over matters pertaining to state parks and public lands. Prior to enactment of chapter 603 the Government Evaluation Act provided for review of the Land for Maine's Future Board by the State and Local Government Committee as part of its review of the State Planning Office. The Natural Resources Committee reviewed appointments to the board and biennial reports were submitted to the Natural Resources Committee.

**LD 2633**

**An Act to Implement the Recommendations of the Joint Standing Committee on Agriculture, Conservation and Forestry Relating to Review of the Maine Seed Potato Board Under the State Government Evaluation Act**

**P & S 93**

Sponsor(s)

Committee Report

Amendments Adopted  
S-764 MICHAUD

LD 2633 proposed appropriating \$149,000 for capital improvements, equipment and repairs at the Porter Nuclear Seed Facility.

**Senate Amendment "A" (S-764)** proposed reducing the appropriation and clarifying that the funding is on a one-time basis.

***Enacted law summary***

Private and Special Law 1999, chapter 93 appropriates \$100,000 to the Porter Nuclear Seed Facility for equipment, capital improvements and repairs.

**LD 2634**

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

**PUBLIC 724**

Sponsor(s)

Committee Report

Amendments Adopted

LD 2634 proposed suspending for 2 years the statutory requirement that the State Board of Pesticides Control submit an annual report containing the quantity of pesticide products sold the previous year sorted by name and registration number of the pesticides. It directs the board to report on its progress in developing a preferred method of data collection and reporting to track pesticide use. It authorizes the joint standing committee of the Legislature having jurisdiction over agricultural matters to report out legislation regarding data collection and reporting of pesticide use to the Second Regular Session of the 120th Legislature.