

# MAINE STATE LEGISLATURE

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*State Of Maine  
120th Legislature*

*First Regular Session*

*Bill Summaries*

*Joint Standing Committee  
on  
Agriculture, Conservation and Forestry*

*August 2001*

**Members:**

*Sen. Richard Kneeland, Chair  
Sen. John Nutting  
Sen. Marge L. Kilkelly*

*Rep. Linda Rogers McKee, Chair  
Rep. Paul Volenik  
Rep. Susan M. Hawes  
Rep. Sally Landry*

*Rep. Jacqueline A. Lundeen  
Rep. Raymond G. Pineau  
Rep. Walter R. Gooley  
Rep. Clifton E. Foster  
Rep. Roderick W. Carr  
Rep. Arlan R. Jodrey*

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**120th Legislature  
First Regular Session**

**Summary Of Legislation Before The Joint Standing Committees  
August 2001**

Enclosed please find a summary of all bills, resolves, joint study orders, joint resolutions and Constitutional resolutions that were considered by the joint standing 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 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:

*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*  
*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 First Regular Session (unless otherwise specified in a particular law) is **September 21, 2001**.

*David E. Boulter, Director*  
Offices Located in the State House, Rooms 101/107/135

# Joint Standing Committee on Agriculture, Conservation and Forestry

**LD 1191**

**An Act to Amend the Maine Arborist Licensing Law and Clarify the Expiration Date for Nursery Licenses**

**PUBLIC 299**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MURPHY T KILKELLY	OTP-AM	H-458

LD 1191 proposed several revisions to the laws regarding licensing of arborists. It proposed changing the penalty for violating the arborist licensing laws from a criminal to a civil violation. It proposed revisions in the examination process for licensing arborists and the establishment of the Maine Arborist Advisory Council to advise the Department of Agriculture, Food and Rural Resources on the operation and enforcement of the arborist licensing laws.

**Committee Amendment "A" (H-458)** proposed the majority report of the committee. It proposed clarifying that a nursery license expires on December 31<sup>st</sup> and that a person who consults in the business of an arborist is required to have a license. It proposed requiring that one member of the Maine Arborist Advisory Council serve on the governing council of a professional organization for licensed arborists.

## *Enacted law summary*

Public Law 2001, chapter 299 changes the penalty for violating the arborist licensing laws from a criminal to a civil violation and establishes a fine of up to \$500 per day for each day the statute is violated. It allows actions to be brought against individuals who violate this statute in either District Court or Superior Court. It eliminates the exemption to the licensing requirement for tree removal in municipalities having populations under 2,500 people. It allows the State to examine applicants for restricted licenses in a broader category of subject areas. It establishes the Maine Arborist Advisory Council to advise the Department of Agriculture, Food and Rural Resources on the operation and enforcement of the arborist licensing laws.

**LD 1198**

**An Act to Refine the Subdivision and Redistricting Authority of the Maine Land Use Regulation Commission**

**PUBLIC 431**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
KILKELLY MCKEE	ONTP MAJ OTP-AM MIN	H-704 MCKEE S-253

LD 1198 proposed amending several provisions of the Maine Land Use Regulation Commission law that relate to lot creation, subdivision and zoning and the commission's redistricting, authority. It proposed eliminating the provision that exempts lots 40-acres and larger in size from review as a subdivision. It proposed exempting from subdivision review lots conveyed to certain governmental entities and conservation organizations as well as lots in excess of 1,000 acres that are devoted to forest or agricultural management. It proposed limiting the types of individuals qualified to receive a gift lot, placing a requirement that a lot must be held for 5 years immediately prior to the creation of any gift lot, and requiring that a recipient of a gift lot hold that lot for at least 5 years for it to