

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*

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

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).

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> MURPHY T KILKELLY	<u>Committee Report</u> OTP-AM	<u>Amendments Adopted</u> H-458
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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 31st 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> KILKELLY MCKEE	<u>Committee Report</u> ONTP MAJ OTP-AM MIN	<u>Amendments Adopted</u> H-704 MCKEE S-253
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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

Joint Standing Committee on Agriculture, Conservation and Forestry

remain exempt. It proposed eliminating a reporting requirement and a filing requirement imposed on landowners creating exempt lots. It proposed criteria by which the commission could use conditional zoning.

Committee Amendment "A" (S-253) was the minority report of the committee. It proposed revised language to clarify lots that qualify for an exemption from subdivision review. It proposed retaining the requirement for filing of a land division plan and requiring that the plan state that the lots may be used only for forest management, agricultural management or conservation of natural resources. It proposed eliminating the provisions that would allow conditional zoning.

House Amendment "B" to Committee Amendment "A" (H-704) proposed allowing hunting, fishing or other forms of primitive recreation, use of motorized vehicles on roads and trails and snowmobiling as otherwise allowed by law without a permit on lots created using the exemptions from the definition of subdivision.

Enacted law summary

Public Law and Special Law 2001, chapter 431 makes revisions to the Maine Land Use Regulation Commission laws pertaining to subdivisions. It specifies the eligible recipients of a gift lot, places a requirement that a lot must be held for 5 years immediately prior to the creation of any gift lot, and requires that a recipient of a gift lot hold that lot for at least 5 years for it to remain exempt from subdivision review. It restricts the 40-acre exemption from subdivision review to lots used for forestry, agriculture or conservation and with no portion of the lot within defined shore land zones. It provides a new exemption for lots transferred to government entities or nonprofit conservation organizations for conservation of natural resources or for public recreation or other public purposes. It retains the requirement for filing of a land division plan and where applicable requires the plan to state that the exempt lots may be used only for forest management, agricultural management or conservation of natural resources.

It exempts from the subdivision permit requirement lots in unauthorized subdivisions if the lots have been in existence for at least 20 years and the Commission has failed to file notice at the Registry of Deeds that the lots constitute an illegal subdivision. This Act does not require a person to obtain a permit for a land division that occurred prior to the effective date of this Act if the division did not require a permit prior to this Act.

LD 1203

An Act to Amend Certain Laws Pertaining to the Maine Land Use Regulation Commission

PUBLIC 402

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
KNEELAND CLARK	OTP-AM	S-181 S-301 MARTIN

LD 1203 proposed amending the definition of campsite under the Maine Land Use Regulation Commission laws. It proposed exempting road salt or sand-salt areas used solely for forestry purposes and under the jurisdiction of the Maine Land Use Regulation Commission from the waste disposal permitting requirements of the Maine Department of Environmental Protection. It proposed requiring the Maine Land Use Regulation Commission to develop guidelines for the use of winter haul roads and report to the Second Regular Session of the 120th Legislature on the guidelines.

Committee Amendment "A" (S-181) proposed replacing the original bill. It proposed an alternative definition of campsite to remove restrictions in the definition on the number of people at a campsite, the length of occupancy and the size of trailers. It proposed clarifying that a permit is not required for a campsite in a management district.