

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).

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:

<i>CARRIED OVER</i>	<i>Bill Carried Over to Second Regular Session</i>
<i>CON RES XXX</i>	<i>Chapter # of Constitutional Resolution passed by both Houses</i>
<i>CONF CMTE UNABLE TO AGREE</i>	<i>Committee of Conference unable to agree; bill died</i>
<i>DIED BETWEEN BODIES</i>	<i>House & Senate disagree; bill died</i>
<i>DIED IN CONCURRENCE</i>	<i>One body accepts ONTP report; the other indefinitely postpones the bill</i>
<i>DIED ON ADJOURNMENT</i>	<i>Action incomplete when session ended; bill died</i>
<i>EMERGENCY</i>	<i>Enacted law takes effect sooner than 90 days</i>
<i>FAILED EMERGENCY ENACTMENT/FINAL PASSAGE</i>	<i>Emergency bill failed to get 2/3 vote</i>
<i>FAILED ENACTMENT/FINAL PASSAGE</i>	<i>Bill failed to get majority vote</i>
<i>FAILED MANDATE ENACTMENT</i>	<i>Bill imposing local mandate failed to get 2/3 vote</i>
<i>NOT PROPERLY BEFORE THE BODY</i>	<i>Ruled out of order by the presiding officers; bill died</i>
<i>INDEF PP</i>	<i>Bill Indefinitely Postponed</i>
<i>ONTP</i>	<i>Ought Not To Pass report accepted</i>
<i>OTP ND</i>	<i>Committee report Ought To Pass In New Draft</i>
<i>OTP ND/NT</i>	<i>Committee report Ought To Pass In New Draft/New Title</i>
<i>P&S XXX</i>	<i>Chapter # of enacted Private & Special Law</i>
<i>PUBLIC XXX</i>	<i>Chapter # of enacted Public Law</i>
<i>RESOLVE XXX</i>	<i>Chapter # of finally passed Resolve</i>
<i>UNSIGNED</i>	<i>Bill held by Governor</i>
<i>VETO SUSTAINED</i>	<i>Legislature failed to override Governor's Veto</i>

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

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property tax paid on that parcel. It also proposed provisions to require a landowner to pay fair market value to a lessee when a new landowner terminates a lease. See summary for LD 1823 and Joint Order H.P. 1391.

LD 1660 **An Act to Encourage Independent 3rd-Party Certification of Resource Managers** **DIED ON ADJOURNMENT**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
GREEN MARTIN	OTP-AM MAJ ONTP MIN	H-515

LD 1660 proposed creating a tax credit for small woodlot owners who have their woodlots certified as sustainably managed. It also proposed a tax credit for professional foresters who become approved by a forest certification system to certify small woodlots as sustainably managed and proposed establishing a grant program for professional foresters to help defray the cost of becoming approved.

Committee Amendment "A" (H-515) amendment was the majority report of the committee. It proposed removing the provisions for tax credits in the original bill. It would have retained a grant program for licensed professional foresters to assist with costs of obtaining 3rd-party certification as forest resource managers. It proposed appropriating \$5,000 to establish the certified forest resource manager grant fund and allowing the grant fund to accept donations from public and private sources. LD 1160 as amended by H-515 was enacted in the House and placed on the Appropriations Table in the Senate. It died on adjournment.

LD 1676 **An Act to Establish the Maine Forest Certification Council** **ONTP**

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

LD 1676 proposed establishing the Maine Forest Certification Council, consisting of members appointed by the Governor, the President of the Senate and the Speaker of the House of Representatives, to review and report upon the use of 3rd-party certification in helping achieve the goals, criteria and standards of sustainable forest management. As proposed, the council would report its findings annually to the Governor and to the Legislature.

LD 1679 **An Act to Increase the Penalties for Animal Cruelty** **PUBLIC 425**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
BULL DAGGETT	OTP-AM	H-423

LD 1679 proposed increasing the penalties for certain violations of the animal cruelty laws. It proposed making a second or subsequent conviction of cruelty to animals a Class C crime. It proposed a Class C crime

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for a first offense of aggravated cruelty to animals and defined aggravated cruelty as causing extreme physical pain to or maliciously killing or intentionally torturing an animal. LD 1761 proposed including, under the definition of animal cruelty, the act of killing or torturing an animal to frighten or intimidate a child or forcing a child to injure or kill a domestic animal. It proposed requiring a juvenile convicted of animal cruelty to receive psychiatric or psychological counseling. It proposed eliminating the provision allowing an owner to lawfully kill that person's dog or cat. The bill also proposed amending specifications for shelter that must be available for a dog to protect it from inclement weather.

Committee Amendment "A" (H-423) proposed eliminating some provisions in the original bill and clarifying others. It proposed higher fines for civil and criminal violations of the animal cruelty laws and additional conditions under which a person convicted of criminal cruelty to animals could be sentenced for a Class C crime.

Enacted law summary

Public Law 2001, chapter 425 increases the penalties for civil and criminal violations of the animal cruelty laws. It creates a new category of aggravated cruelty to animals and makes it a Class C crime. It includes killing or torturing an animal to frighten or intimidate a person or forcing a person to injure or kill an animal in the list of behaviors that constitute cruelty to animals. It enacts additional conditions under which a person convicted of criminal cruelty to animals may be sentenced for a Class C crime.

LD 1690

An Act to Promote Outcome-based Forest Policy

PUBLIC 339

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
NUTTING J	OTP-AM MAJ OTP-AM MIN	S-222

LD 1690 proposed directing the Director of the Bureau of Forestry in cooperation with private landowners to create experimental areas on private land where the principles and applicability of outcome-based forest policy could be applied and tested. The bill proposed a definition of outcome-based forest policy.

Committee Amendment "A" (S-222) proposed the majority report, specifying that the designated experimental areas may be on public as well as private land. It also proposed clarifying that provisions relating to the experimental areas sunset on July 1, 2006 and requiring a report by the Department of Conservation, Bureau of Forestry to the Legislature with recommendations no later than December 31, 2005.

Committee Amendment "B" (S-223) proposed the minority report. In addition to changes proposed in the majority report, it proposed additional language regarding tests to evaluate the impact of forest management on each of 6 criteria.

Enacted law summary

Public Law 2001, chapter 339 directs the Director of the Bureau of Forestry, in cooperation with public and private landowners, to create experimental areas where the principles and applicability of outcome-based forest policy can be applied and tested. Chapter 339 defines "outcome-based forest policy" and requires the Governor to appoint a panel of technical experts to work with the director in implementing, monitoring and assessing tests of outcome-based forestry principles. It requires the Director of the Bureau of Forestry to