

MAINE STATE LEGISLATURE

The following document is provided by the
LAW AND LEGISLATIVE DIGITAL LIBRARY
at the Maine State Law and Legislative Reference Library
<http://legislature.maine.gov/lawlib>



Reproduced from electronic originals
(may include minor formatting differences from printed original)

*State Of Maine
120th Legislature*

Second Regular Session

Bill Summaries

*Joint Standing Committee
on
Agriculture, Conservation and Forestry*

May 2002

Members:

*Sen. Richard Kneeland, Chair
Sen. John M. 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
Second Regular Session

Summary Of Legislation Before The Joint Standing Committees
May 2002

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 organized for convenient reference to information on bills considered by the committees. It is arranged alphabetically by committee name and within committees by bill (LD) number.

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
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
PASSED..... Joint Order passed in both bodies
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 July 25, 2002.

Patrick T. Norton, Interim Director
Offices located in Room 215 of the Cross Office Building

Joint Standing Committee on Agriculture, Conservation and Forestry

LD 1918

An Act to Amend the Integrated Pest Management Laws

PUBLIC 497

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
KNEELAND MCKEE	OTP-AM	S-413

LD 1918 proposed establishing the Integrated Pest Management Council to facilitate, promote, expand and enhance the adoption of integrated pest management in the State.

Committee Amendment "A" (S-413) proposed prohibiting the deposit of General Fund money into the Integrated Pest Management Fund.

Enacted law summary

Public Law 2001, chapter 497 establishes the Integrated Pest Management Council to facilitate, promote, expand and enhance the adoption of integrated pest management in the State. It prohibits the deposit of General Fund money into the Integrated Pest Management Fund.

LD 1920

An Act to Address Liquidation Harvesting

PUBLIC 603

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
KILKELLY NASS	OTP-AM	S-488

LD 1920 proposed requiring a landowner harvesting land enrolled under the Tree Growth Tax Law to include on the harvest notification form a statement that the harvest is consistent with the forest management and harvest plan. It proposed clarifying that a change of land use indicated on a harvest notification form constitutes a withdrawal from taxation under the Tree Growth Tax Law. It proposed exempting forestland that is certified by a 3rd-party certification organization as being well-managed from the management plan requirements of the Maine Tree Growth Tax Law. It proposed requiring a person who buys land taxed under Tree Growth Tax Law to have a forest management and harvest plan prepared before harvesting forest products on that land. It proposed requiring the Maine Forest Service to report back to the Legislature in 2005 on the impacts of this legislation on liquidation harvesting.

Committee Amendment "A" (S-488) proposed to do the following:

1. Require the Department of Conservation, Bureau of Forestry to notify tax assessors of actions requiring changes in status under the Maine Tree Growth Tax Law.
2. Make it a civil violation to provide inaccurate information on a harvest notification form.
3. Remove provisions in the original bill relating to evidence of 3rd-party certification in place of a management plan.
4. Clarify the duties of a new landowner and allowing a new owner to continue managing in accordance with the previous owner's plan.

Joint Standing Committee on Agriculture, Conservation and Forestry

5. Authorize the Bureau of Forestry to provide assistance to a municipal assessor or the State Tax Assessor in evaluating management plans and determining compliance with a plan.
6. Specifically stating in statute that, upon request, a landowner must allow a tax assessor to see a copy of a forest management and harvest plan prepared for land enrolled under the Maine Tree Growth Tax Law and that the plan is confidential and not a public record.
7. Direct the Bureau of Forestry to provide information on the practice of liquidation harvesting in its biennial report to the joint standing committee of the Legislature having jurisdiction over forestry matters and to provide the joint standing committee of the Legislature having jurisdiction over tax matters with copies of the 2003 report on the state of the State's forests.

Enacted law summary

Public Law 2001, chapter 603 requires a landowner harvesting land enrolled under the Tree Growth Tax Law to include on the harvest notification form a statement that the harvest is consistent with the forest management and harvest plan. It clarifies that a change of land use indicated on a harvest notification form constitutes a withdrawal from taxation under the Tree Growth Tax Law. It requires the Director of the Bureau of Forestry to notify tax assessors of actions requiring changes in status under the Maine Tree Growth Tax Law.

It requires a person who buys land taxed under Tree Growth Tax Law to file a statement indicating that a new forest management and harvest plan has been prepared or a statement from a licensed forester that the land is being managed in accordance with the plan prepared for the previous owner. It requires one of the 2 statements to be filed within one year of the land transfer. A new landowner is prohibited from harvesting prior to filing the statement. It makes it a civil violation to provide inaccurate information on a harvest notification form.

It authorizes the Bureau of Forestry to provide assistance to a municipal assessor or the State Tax Assessor in evaluating management plans and determining compliance with a plan. It specifically states that, upon request, a landowner must allow a tax assessor to see a copy of a forest management and harvest plan prepared for land enrolled under the Maine Tree Growth Tax Law and states that the plan is confidential and not a public record. When the assessor requests assistance of the Bureau of Forestry, the plan must also be available to the Director of the Bureau of Forestry or the director's designee.

It directs the Bureau of Forestry to provide information on the practice of liquidation harvesting in its biennial report to the joint standing committee of the Legislature having jurisdiction over forestry matters and to provide the joint standing committee of the Legislature having jurisdiction over tax matters with copies of the 2003 report on the state of the State's forests.

LD 1922

An Act Concerning Rules of the Bureau of Parks and Lands

PUBLIC 604

Sponsor(s)
KILKELLY
CARR

Committee Report
OTP-AM

Amendments Adopted
S-480

LD 1922 proposed consolidating rule-making authority for facilities and lands under the Department of Conservation, Bureau of Parks and Lands' general authority and establishing that violations of rules adopted by the