

# 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 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 arranged alphabetically by committee name 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:

<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 &amp; 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&amp;S XXX</i> .....	<i>Chapter # of enacted Private &amp; Special Law</i>
<i>PASSED</i> .....	<i>Joint Order passed in both bodies</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 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 2135

## Standards for Timber Harvesting in Shoreland Areas, a Major

RESOLVE 101  
EMERGENCY

<u>Sponsor(s)</u>		<u>Committee Report</u>		<u>Amendments Adopted</u>
		OTP-AM		H-959

LD 2135 proposed authorizing final adoption of Chapter 21: Statewide Standards for Timber Harvesting in Shoreland Areas, a major substantive rule of the Department of Conservation.

**Committee Amendment "A" (H-959)** proposed replacing the resolve. The amendment does not authorize adoption of Chapter 21. Instead, it proposed requiring the Department of Conservation to continue to work on developing a regulatory framework and an implementation plan for the Maine Forest Service to assume existing Department of Environmental Protection and Maine Land Use Regulation Commission responsibility for timber harvesting in shoreland areas. It proposed guidance to the department and requiring that the committee of jurisdiction be advised of progress. It proposed authorizing the joint standing committee of the Legislature having jurisdiction over forestry matters to report out a bill in the First Session of the 121st Legislature.

### *Enacted law summary*

Resolve 2001, chapter 101 denies authorization for the Department of Conservation to finally adopt Chapter 21: Statewide Standards for Timber Harvesting in Shoreland Areas. It requires the Department of Conservation to review the proposed provisionally adopted rule and use that as a basis to develop recommendations for a regulatory framework and an implementation plan for the Maine Forest Service to assume existing Department of Environmental Protection and Maine Land Use Regulation Commission responsibility for timber harvesting in shoreland areas. It gives guidance to the department in its continuing efforts and requires the department to provide interim progress reports and a final report no later than January 2, 2003 to the joint standing committee of the Legislature having jurisdiction over forestry matters. It authorizes the joint standing committee of the Legislature having jurisdiction over forestry matters to report out a bill in the First Session of the 121st Legislature.

Resolve 2001, chapter 101 was enacted as an emergency measure effective April 3, 2002.

**LD 2141**

## An Act to Amend the Animal Welfare Laws and Increase Funding for Animal Welfare

PUBLIC 617

<u>Sponsor(s)</u>		<u>Committee Report</u>		<u>Amendments Adopted</u>
		OTP-AM		H-963

LD 2141 proposed amendments to the animal welfare laws to clarify the disposition of dog license fees, and forfeitures for violating the animal welfare laws. It proposed a surcharge of 10% or \$10, whichever is greater, for civil violations or criminal violations of the animal welfare laws and specified that the surcharge be deposited in the Animal Welfare Fund. It proposed allocations from the Animal Welfare Fund to fund 2 District Humane Agents and a Veterinarian positions. It proposed eliminating funding for 4 of the 7 Intermittent State Humane Agents.

**Committee Amendment "A" (H-963)** proposed changes to the surcharge as proposed in the bill. It proposed a surcharge of \$10 for civil violations of animal welfare laws and 10% of the penalty for criminal violations of

## Joint Standing Committee on Agriculture, Conservation and Forestry

animal welfare laws. It proposed language to clarify that trapping animals is a violation of the cruelty to animals provisions except as permitted under the laws administered by the Department of Inland Fisheries and Wildlife. It proposed additional cross-references in statutes regarding surcharges and funds received by the courts.

### *Enacted law summary*

Public Law 2001, chapter 617 clarifies that the courts must pay to the towns fines and forfeitures imposed for violations of the Maine Revised Statutes, Title 7, Part 9 and the municipal clerk must deposit the money in the town's animal welfare account. It imposes a surcharge of \$10 on forfeitures for civil violations of the animal welfare laws. It imposes a surcharge of 10% on fines for criminal violations of the animal welfare laws. The surcharge must be deposited in the state Animal Welfare Fund. It allocates from the Animal Welfare Fund to fund 2 District Humane Agents and a Veterinarian positions. It eliminates funding for 4 of the 7 Intermittent State Humane Agents.

**LD 2156**                      **An Act to Implement the Recommendations of the Joint Standing Committee on Agriculture, Conservation and Forestry Relating to Review of the Land for Maine's Future Board Under the Government Evaluation Act**                      **PUBLIC 548**

<u>Sponsor(s)</u>		<u>Committee Report</u>		<u>Amendments Adopted</u>
-------------------	--	-------------------------	--	---------------------------

LD 2156 proposed requiring the Land for Maine's Future Board to include in its annual report an update on projects acquired and managed by a cooperating entity. It proposed allowing the Commissioner of Agriculture, Food and Rural Resources to dispose of interest in land. It also proposed dates for the next review of several agencies under the Government Evaluation Act.

### *Enacted law summary*

Public Law 2001, chapter 548 requires the Land for Maine's Future Board to include in its annual report an update on projects acquired and managed by a cooperating entity. It allows the Commissioner of Agriculture, Food and Rural Resources to dispose of interest in land. It also establishes dates for the next review of several agencies reviewed during the Second Regular Session of the 120th Legislature under the Government Evaluation Act by the Joint Standing Committee on Agriculture, Conservation and Forestry.

**LD 2168**                      **Resolve, Authorizing Certain Land Transactions by the Department of Conservation, Bureau of Parks and Lands**                      **RESOLVE 108**

<u>Sponsor(s)</u>		<u>Committee Report</u>		<u>Amendments Adopted</u>
MARTIN BUNKER		OTP-AM		S-511 S-513 MARTIN

LD 2168 proposed authorizing the Director of the Bureau of Parks and Lands within the Department of Conservation to convey 3 relatively small parcels of public reserved lands.