

MAINE STATE LEGISLATURE

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*State Of Maine
121st Legislature*

First Regular Session

Bill Summaries

*Joint Standing Committee
on
Agriculture, Conservation and Forestry*

July 2003

Members:

*Sen. Bruce S. Bryant, Chair
Sen. Richard Kneeland
Sen. Edward M. Youngblood*

*Rep. Linda Rogers McKee, Chair
Rep. Jacqueline A. Lundeen
Rep. Raymond G. Pineau
Rep. John F. Piotti
Rep. Nancy E. Smith
Rep. Roderick W. Carr
Rep. Ken Honey
Rep. Kenneth C. Fletcher
Rep. Eugene L. Churchill
Rep. John Eder*

Staff:

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Maine State Legislature



Office Of Policy And Legal Analysis Office Of Fiscal And Program Review

121st Maine Legislature First Regular Session

Summary Of Legislation Before The Joint Standing Committees

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

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 PURSUANT TO HP 1212</i>	<i>Bills carried over to the 2nd 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>P&S XXX</i>	<i>Chapter # of enacted Private & 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 that the effective date for all non-emergency legislation enacted in the First Regular Session (unless otherwise specified in a particular law) is September 13, 2003.

David C. Elliott, Director
Offices located in Room 215 of the Cross Office Building

LD 1447

An Act To Improve Enforcement of the State's Natural Resource Protection, Timber Theft and Trespass Laws

PUBLIC 454

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
PINEAU	OTP-AM	H-456 H-547 PINEAU

LD 1447 proposed authorizing certain employees of the Bureau of Forestry within the Department of Conservation to represent the bureau in District Court in matters regarding the administration and enforcement of the State's natural resources protection, timber theft and trespass laws.

Committee Amendment "A" (H-456) proposed specifying that forest rangers would be authorized to process the civil violations of forest notification and reporting requirements, trespass and unlawful cutting. It also proposed requiring a trucker or wood scaler to present a trip ticket or record of measurement to a forest ranger upon request.

House Amendment "B" to Committee Amendment "A" (H-547) proposed amending Committee Amendment "A" to strike the bill and retain only the provision in Committee Amendment "A" that requires a trucker or wood scaler to present a trip ticket or record of measurement. It proposed restricting the requirement for a truck driver to provide a forest ranger with the trip ticket to requests made at log yards and mill sites.

Enacted Law Summary

Public Law 2003, chapter 454 requires a truck driver upon request to present a copy of the trip ticket to a forest ranger in any log yard or mill site. It requires a wood scaler to present the record of measurement including the trip ticket or information contained on the trip ticket to a forest ranger upon request.

LD 1459

An Act To Bring the State into Conformity with the National Organic Program

PUBLIC 220

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
BRYANT MCKEE	OTP-AM	S-83

LD 1459 proposed repealing provisions for the certification and labeling of foods as natural, organic or from Maine.

Committee Amendment "A" (S-83) proposed retaining provisions in the Maine Revised Statutes, Title 7, chapter 103, subchapter 1-A relating to the labeling of water sold in containers.

Enacted Law Summary

Public Law 2003, chapter 220 repeals the statutes relating to the certification and labeling of foods as natural, or organic. In October of 2002, the United States Department of Agriculture's Agricultural Marketing Service established standards for the production and handling of fresh and processed organic foods, as well as labels and

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labeling requirements for organic products. Accredited agencies certify compliance with the national organic standards. The State has chosen not to become accredited under the new federal program because of limited resources within the Department of Agriculture, Food and Rural Resources and to avoid competing with private entities that provide certification services.

LD 1461 **An Act To Improve Participation in the Farms for the Future Program** **PUBLIC 167**

<u>Sponsor(s)</u> MCKEE BRYANT	<u>Committee Report</u> OTP	<u>Amendments Adopted</u>
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LD 1461 proposed changes to the eligibility criteria for participation in the Maine Farms for the Future Program.

Enacted Law Summary

Public Law 2003, chapter 167 eliminates the requirement that farmers enter into a farmland protection covenant with the State to receive state funding for development of a business plan. It also removes development pressure from the selection criteria used to award funds under the Maine Farms for the Future Program.

LD 1463 **An Act To Amend Maine's Arborist Licensing Laws** **PUBLIC 343**

<u>Sponsor(s)</u> MCKEE BRYANT	<u>Committee Report</u> OTP-AM	<u>Amendments Adopted</u> H-386
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LD 1463 proposed several changes to Maine's arborist licensing laws to bring the current law into conformity with actual practices in the arborist profession and allow individuals who are certified by the International Society of Arboriculture, ISA, to be licensed in Maine. The ISA maintains a testing and certification process as rigorous as the Department of Agriculture, Food and Rural Resource's examination. The bill proposed authorizing the department to suspend, revoke or refuse to issue or renew an arborist license, if an arborist pursues a continued course of unprofessional conduct as demonstrated by repeated verified complaints against the licensed arborist.

Committee Amendment "A" (H-386) proposed to clarify that unprofessional conduct is conduct that violates the standards of practice for the arborist profession as established in rule.

Enacted Law Summary

Public Law 2003, chapter 343 simplifies the arborist licensing provisions and brings them into conformity with actual practices in the arborist profession. It allows the Department of Agriculture, Food and Rural Resources to waive the examination requirement when a nonresident applicant for an arborist's license is certified by the International Society of Arboriculture. It authorizes the department to suspend, revoke or refuse to issue or renew an arborist license, if an arborist repeatedly violates the standards of practice for the arborist profession as established in rule.