

MAINE STATE LEGISLATURE

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*State Of Maine
121st Legislature*

*Second Regular Session and
Second Special Session*

Bill Summaries

*Joint Standing Committee
on
Agriculture, Conservation and Forestry*

May 2004

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. Eugene L. Churchill
Rep. Kenneth C. Fletcher*

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
Second Regular Session and
Second Special 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/billsumm.htm).

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
- 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 that the effective date for all non-emergency legislation enacted in the Second Regular Session (unless otherwise specified in a particular law) is April 30, 2004; and non-emergency legislation enacted in the Second Special Session is July 30, 2004. Four bills (LD's 1572, 1629, 1636 and 1637) that were considered at the First Special Session in August 2003 are also included in these summaries.

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

Joint Standing Committee on Agriculture, Conservation and Forestry

LD 1693

An Act To Improve the Property Boundary Marking Laws for Purposes of Timber Harvesting

PUBLIC 550

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
BRYANT MCKEE	OTP-AM	S-385 S-393 BRYANT

LD 1693 proposed requiring persons cutting or harvesting trees near a property boundary line to clearly mark the line. It also proposed prohibiting the harvesting of trees growing on a property boundary line without prior approval from owners of the abutting property.

Committee Amendment "A" (S-385) proposed changes to the definition of "line tree" and specifying civil penalties for failure to mark property lines prior to harvest and harvesting a line tree without the abutting landowner's permission.

Senate Amendment "A" to Committee Amendment "A" (S-393) proposed an exemption for timber harvesting performed on a parcel of land that is 5 acres or less.

Enacted Law Summary

Public Law 2003, chapter 550 requires a landowner authorizing the person conducting a harvest near a property boundary line to clearly mark any established property boundary line within 200 feet of the area to be harvested. It prohibits the harvesting of trees growing on a property boundary line unless prior approval is obtained from owners of the abutting property. Exemptions are provided for tree cutting performed by the Department of Transportation, public utilities or municipal employees or agents and for harvests on a parcel of land that is 5 acres or less.

LD 1719

Resolve, Authorizing the Transfer of a Parcel of Land on Peaks Island to the Peaks Island Land Preserve

RESOLVE 129

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
BRENNAN DUDLEY	OTP-AM	S-455

LD 1719 proposed conveying a conservation easement on land owned by the State and located on Peaks Island in Cumberland County to the Peaks Island Land Preserve. The Resolve incorrectly identified the Bureau of Parks and Lands within the Department of Conservation as the agency with authority to convey an easement on the property, which is classified as a wildlife management area.

Committee Amendment "A" (S-455) proposed replacing the original Resolve to authorize the Commissioner of Inland Fisheries and Wildlife to transfer fee ownership of land on Peaks Island designated as a state-owned wildlife management area to the Peaks Island Land Preserve.