

# 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*

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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](http://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*

hauling timber on reserved or nonreserved land to include a provision prohibiting a person who is not a United States resident from cutting, skidding or hauling timber on or from reserved or nonreserved land.

**Committee Amendment "A" (H-714)** proposed replacing the bill. It proposed requiring a contract to harvest timber on the public reserved and nonreserved lands to specify wage or piece rates and equipment allowances that equal or exceed rates and allowances established by the Department of Labor. It proposed authorizing the Director of the Bureau of Parks and Lands to establish wages or piece rates and allowances to apply on the reserved and nonreserved lands if a prevailing wage or piece rate or equipment allowance had not been established by the Department of Labor for a specific harvesting occupation or type of equipment.

### ***Enacted Law Summary***

Public Law 2003, chapter 549 requires a contract to harvest timber on the public reserved and nonreserved lands to include a provision requiring that timber harvesters be paid a wage or piece rate not less than the prevailing wage or rate established by the Department of Labor and equipment allowances equal to or greater than the allowances established by the Department of Labor. If a prevailing wage or piece rate is not established by the Department of Labor for a specific harvesting occupation or an equipment allowance is not established by the Department of Labor for a specific type of equipment, the Director of the Bureau of Parks and Lands is authorized to establish wages or piece rates and allowances to apply on the reserved and nonreserved lands.

**LD 1852**

**An Act To Extend the Dairy Stabilization Subsidy Through  
May 31, 2004**

**PUBLIC 522  
EMERGENCY**

Sponsor(s)  
COLWELL  
BRYANT

Committee Report  
OTP

Amendments Adopted

The budget bill enacted as Public Law 2003, chapter 513, included language extending the dairy stabilization subsidy program through June 0f 2004. LD 1852 proposed to remove the dairy stabilization subsidy from the recently enacted budget and enact it as separate, emergency legislation in order for the financial assistance to be available immediately upon enactment.

### ***Enacted Law Summary***

Public Law 2003, chapter 522 extends dairy stabilization payments for milk produced between January 1, 2004 and May 31, 2004 and caps the total amount to be distributed for this period at \$2,100,000. During the First Session of the 121<sup>st</sup> Legislature, Public Law 2003, chapter 120 established provisions for distributing payments to Maine's dairy farmers for any month from September through December of 2004 in which the base price of milk fell below \$16.94 per hundredweight. Chapter 120 provided for payments based on 55% of the difference between the target price of \$16.94 and the base price. Chapter 522 retains the target price of \$16.94 but provides for payments to be calculated based on 40% of the difference in target price and base price.

Public Law 2003, chapter 522 was enacted as an emergency measure effective February 20, 2004.