

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

Chapter 648 directs the Department of Agriculture, Food and Rural Resources to develop a course of action for implementing other recommendations of the Governor's Task Force on the Sustainability of the Dairy Industry in Maine presented in the task force's report dated November 18, 2003. It also requires the joint standing committee of the Legislature having jurisdiction over agricultural matters to review the price support provisions enacted by chapter 648 and authorizes the committee to report out a bill to implement the committee's recommendations regarding each program. The bills are authorized for submission to the First Regular Session of the 123rd Legislature. Public Law 2003, chapter 648 was enacted as an emergency measure effective April 16, 2004.

LD 1947 **Resolve, To Clarify Title to Land Related to the Waldo-Hancock Bridge Replacement** **RESOLVE 141**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MARLEY HATCH PH	OTP	

This resolve proposed authorizing the transfer of management responsibility for a small portion of Fort Knox State Historic Site by the Director of the Bureau of Parks and Lands within the Department of Conservation to the Department of Transportation.

Enacted Law Summary

Resolve 2003, chapter 141 authorizes the transfer of management responsibility for a small portion of Fort Knox State Historic Site by the Director of the Bureau of Parks and Lands within the Department of Conservation to the Department of Transportation for the purpose of constructing and maintaining a portion of the Waldo-Hancock Bridge replacement. It also confirms that portions of State Route 174 and U.S. Route 1 that cross Fort Knox State Park were constructed, and are occupied and maintained for highway purposes. The area subject to this transfer of management responsibility is approximately 5 acres, approximately 4.75 acres of which is currently occupied by State Route 174 and U.S. Route 1. No funds will be exchanged in connection with this transfer.

LD 1952 **An Act to Regulate the Breeding and Sale of Small Mammals** **PUBLIC 642**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
		H-851

LD 1952 was the report of the Joint Standing Committee on Agriculture, Conservation and Forestry authorized under Public Law 2003, chapter 350. It proposed directing the Commissioner of Agriculture, Food and Rural Resources to adopt rules concerning the breeding and sale of small mammals, including guinea pigs, hamsters and rabbits.

House Amendment "A" (H-851) proposed clarifying that the rules authorized by this bill apply only to breeders and sellers of small mammals who are not currently licensed or regulated by the Department of Agriculture, Food and Rural Resources.

Joint Standing Committee on Agriculture, Conservation and Forestry

Enacted Law Summary

Public Law 2003, chapter 642 is the report of the Joint Standing Committee on Agriculture, Conservation and Forestry. It directs the Commissioner of Agriculture, Food and Rural Resources to adopt rules concerning the breeding and sale of small mammals, including guinea pigs, hamsters and rabbits, to apply to breeders and sellers who are not currently required to be licensed or otherwise regulated by the department.

LD 1962 **Resolve, Regarding Legislative Review of Chapter 23: Standards for Timber Harvesting To Substantially Eliminate Liquidation Harvesting, a Major Substantive Rule of the Department of Conservation** **RESOLVE 144**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
	OTP-AM MAJ	H-966
	OTP-AM MIN	

LD 1962 proposed authorization for final adoption of Chapter 23: Standards for Timber Harvesting to substantially eliminate Liquidation Harvesting, a major substantive rule of the Department of Conservation.

Committee Amendment "A" (H-966) is the majority report of the Joint Standing Committee on Agriculture, Conservation and Forestry. It proposed authorizing final adoption of the provisionally adopted rule provided certain revisions are made. The majority report was adopted.

Committee Amendment "B" (H-967), which was not adopted, is the minority report of the Joint Standing Committee on Agriculture, Conservation and Forestry. This amendment proposed authorizing final adoption of a rule to regulate liquidation harvesting. It would have required extensive revisions to the provisionally adopted rule prior to final adoption.

Enacted Law Summary

Resolve 2003, chapter 144 authorizes final adoption of Chapter 23 Standards for Timber Harvesting to Substantially Eliminate Liquidation Harvesting. Final adoption of the provisionally adopted rule is authorized providing revisions proposed by the Maine Forest Service and dated April 27, 2004 are made as well as additional changes specified in the Resolve. The Resolve requires that 2 exemptions in the rule be based on timberland acreage rather than total land ownership acreage or total parcel size. The Resolve requires the Commissioner of Conservation to make available to the public a document that allows comparison of the rule provisionally adopted on April 14, 2004 and the rule authorized and finally adopted.