

# MAINE STATE LEGISLATURE

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*State Of Maine  
122nd Legislature*

*First Regular Session and  
First Special Session*

*Bill Summaries*

*Joint Standing Committee  
on  
Agriculture, Conservation and Forestry*

*August 2005*

**Members:**

*Sen. John M. Nutting, Chair  
Sen. Bruce S. Bryant  
Sen. Kevin L. Raye*

*Rep. John F. Piotti, Chair  
Rep. Jacqueline A. Lundeen  
Rep. Raymond G. Pineau  
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Rep. Donald G. Marean*

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Maine State Legislature

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122nd Legislature
First Regular Session and First Special Session

Summary of Legislation Considered by the Joint Standing Committees
August 2005

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 organized by committees 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. A subject index for each committee is included immediately before the bill summaries for that committee, and a numerical index by LD number is included 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:

- CARRIED OVER ..... Bill Carried Over to Second Regular Session
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
OTP ND/NT..... Committee report Ought To Pass In New Draft/New Title
P&S XXX..... Chapter # of enacted Private & Special Law
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 the effective date for all non-emergency legislation enacted in the First Regular Session (unless otherwise specified in a particular law) is June 29, 2005; and for non-emergency legislation enacted in the First Special Session is September 17, 2005.

*Joint Standing Committee on Agriculture, Conservation and Forestry*

LD 1224 proposed a concept draft of a resolve to establish a study committee to examine methods to assist the potato industry.

**LD 1256**                      **An Act To Ensure Public Awareness of Pesticide Applications**                      **ONTP**

<u>Sponsor(s)</u> STRIMLING DAVIS P		<u>Committee Report</u> ONTP		<u>Amendments Adopted</u>
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LD 1256 proposed requiring persons certified to apply pesticides to provide written notice of pesticide application to the Board of Pesticides Control concerning the type and amount of pesticide and the time and place of application. It proposed requiring the board to then make that information easily available to the public.

**LD 1309**                      **An Act To Exempt Agricultural Guard Dogs and Herding Dogs from the Barking Dog Ordinances**                      **PUBLIC 138**

<u>Sponsor(s)</u> TRAHAN		<u>Committee Report</u> OTP-AM		<u>Amendments Adopted</u> H-331
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LD 1309 proposed exempting agricultural guard dogs and dogs used for herding livestock from barking dog ordinances.

**Committee Amendment "A" (H-331)** proposed language to clarify that agricultural guard dogs and herding dogs when working are exempt from municipal ordinances prohibiting or limiting barking.

*Enacted law summary*

Public Law 2005, chapter 138 exempts dogs engaged in guarding livestock or herding livestock from municipal ordinances prohibiting or limiting barking.

**LD 1368**                      **An Act To Protect Small Forest Landowners**                      **PUBLIC 358**

<u>Sponsor(s)</u> CARR		<u>Committee Report</u> OTP-AM		<u>Amendments Adopted</u> H-629
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LD 1368 proposed providing confidentiality for forest management plans and documentation of forest management activities on private forest lands, when such documentation is held by the Department of Conservation, Bureau of Forestry for the purpose of administering landowner assistance programs. It also proposed making confidential the addresses, telephone numbers and electronic mail addresses of forest landowners owning less than 1,000 acres statewide and contained in harvest notifications and reports of assessors to the Bureau of Forestry.

## *Joint Standing Committee on Agriculture, Conservation and Forestry*

**Committee Amendment "A" (H-629)** proposed clarifying confidentiality provisions for information held by the Department of Conservation, Bureau of Forestry. It proposed requiring the Director of the Bureau of Forestry to provide names, addresses and electronic mail addresses upon request to a nonprofit organization that provides educational services to forest landowners regarding sound forest management.

### *Enacted law summary*

Public Law 2005, chapter 358 clarifies confidentiality provisions for information held by the Department of Conservation, Bureau of Forestry. It requires the Director of the Bureau of Forestry to keep addresses and electronic mail addresses confidential for landowners owning less than 1,000 acres of forest land statewide but requires this information to be provided upon request to a nonprofit organization that provides educational services to forest landowners for the purpose of distributing information on forest management. The bill as amended was reviewed and evaluated by the Joint Standing Committee on Judiciary pursuant to the Maine Revised Statutes, Title 1, section 434, which requires review and evaluation of new exceptions to laws governing public records.

LD 1368, as amended, was reviewed and evaluated by the Joint Standing Committee on Judiciary pursuant to MRSA 1, §434, which requires review and evaluation of new exceptions to laws governing public records.

**LD 1393**                      **Resolve, To Direct the Department of Conservation To Seek Public Access to Certain Prominent Water Bodies**                      **RESOLVE 92**

<u>Sponsor(s)</u> MILLS P		<u>Committee Report</u> OTP-AM		<u>Amendments Adopted</u> S-240
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LD 1393 proposed requiring the Department of Conservation to give priority under the Land for Maine's Future Fund to acquire, support and maintain public access to swift rivers and great ponds. It proposed specifying that the department has the authority to use eminent domain, as necessary, to acquire and maintain access to key launching points on the Dead and Kennebec Rivers.

**Committee Amendment "A" (S-240)** proposed replacing the resolve. It proposed removing explicit authorization to use the power of eminent domain. It proposed language directing the Department of Conservation to seek negotiations with landowners to acquire public access to launch sites on the Dead River and Kennebec River.

### *Enacted law summary*

Resolve 2005, chapter 92 directs the Department of Conservation to seek negotiations with landowners to acquire public access to launch sites on the Dead River and Kennebec River. It requires the department to report to the Joint Standing Committee on Agriculture, Conservation, and Forestry no later than January 6, 2006 on the status of the discussions and negotiations. It authorizes the committee to report out a bill relating to public access to the Kennebec and Dead Rivers during the Second Regular Session of the 122<sup>nd</sup> Legislature.