

MAINE STATE LEGISLATURE

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STATE OF MAINE
123RD LEGISLATURE
SECOND REGULAR AND FIRST SPECIAL SESSIONS



Summaries of bills, adopted amendments and laws enacted or finally passed
during the Second Regular or First Special Sessions of the 123rd Maine
Legislature coming from the

**JOINT STANDING COMMITTEE ON AGRICULTURE,
CONSERVATION AND FORESTRY**

May 2008

STAFF:

JILL IPPOLITI, LEGISLATIVE ANALYST
OFFICE OF POLICY AND LEGAL ANALYSIS
13 STATE HOUSE STATION
AUGUSTA, ME 04333
(207) 287-1670

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STATE OF MAINE
123RD LEGISLATURE
SECOND REGULAR & FIRST SPECIAL SESSIONS



**LEGISLATIVE DIGEST OF BILL SUMMARIES AND
ENACTED LAWS**

This *Legislative Digest of Bill Summaries and Enacted Laws* summarizes all bills and adopted amendments and all laws enacted or finally passed during the Second Regular or First Special Sessions of the 123rd Maine Legislature.

The *Digest* is arranged alphabetically by committee, and within each committee by LD number. The committee report(s), prime sponsor and lead co-sponsor(s), if designated, are listed below each bill title. All adopted amendments are summarized and listed by paper number. A subject index is included with each committee. The appendices include a summary of relevant session statistics, an index of all bills by LD number and an index of enacted laws by law type and chapter number.

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>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; bill died</i>
<i>ONTP (or Accepted ONTP report)</i>	<i>Ought Not To Pass report accepted; bill died</i>
<i>P&S XXX</i>	<i>Chapter # of enacted Private & Special Law</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>

The effective date for non-emergency legislation enacted in the Second Regular Session (R2) is June 30, 2008. The effective date for non-emergency legislation enacted in the First Special Session (S1) is July 18, 2008.¹ The effective date for legislation enacted as an emergency measure is specified in the enacted law summary for those bills. Any bill summarized in this document having an LD number less than 1932 was a bill carried over from the First Regular Session of the 123rd Legislature.

¹ The session in which each law was enacted or finally passed (R2 or S1) is included in Appendix C.

Joint Standing Committee on Agriculture, Conservation and Forestry

LD 1684 An Act To Create the Maine Agriculture Protection Act

**PUBLIC 649
EMERGENCY**

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

LD 1684 repeals the Maine Revised Statutes, Title 17, section 2805, which provides protection from nuisance suits for farm operations that use best management practices. It revises the repealed provisions for inclusion in Title 7 under a chapter proposed for enactment as the Agriculture Protection Act. The bill establishes incentives to conserve and protect agricultural land and enterprises and to further encourage agricultural development. The bill also allows the State to create agriculture protection areas to foster and strengthen agriculture development.

Committee Amendment "A" (S-455)

This amendment removes from the bill the provisions for designating agriculture protection areas and requiring a governmental entity to prepare an impact assessment prior to taking an action that would diminish agricultural property. It replaces the term "generally accepted agricultural practices" with "best management practices." It corrects cross-references. This amendment also establishes a study commission to develop recommendations for protecting farmland.

Enacted Law Summary

Public Law 2007, chapter 649 repeals the Maine Revised Statutes, Title 17, section 2805, which provides protection from nuisance suits for farm operations that use best management practices. It enacts the repealed provisions in Chapter 6 of Title 7 to be known as the Agriculture Protection Act. It establishes a study commission to develop policy initiatives to protect working farms from the impact of development and to maintain a base of commercially viable agricultural land for Maine's future. The study commission is directed to report its findings and recommendations to the joint standing committee of the Legislature having jurisdiction over agricultural matters no later than November 5, 2008.

Public Law 2007, chapter 649 was enacted as an emergency measure effective April 18, 2008.

LD 1930 Resolve, Authorizing the Department of Inland Fisheries and Wildlife To Convey Certain Lands

RESOLVE 161

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
BRYANT B	OTP-AM	S-441

LD 1930 authorizes the Commissioner of Inland Fisheries and Wildlife to sell 2 parcels of land in the Town of Kennebunk to Central Maine Power Company for appraised market value.

Committee Amendment "A" (S-441)

This amendment incorporates a fiscal note.

Enacted Law Summary

Resolve 2007, chapter 161 authorizes the Commissioner of Inland Fisheries and Wildlife to sell 2 parcels of land in the Town of Kennebunk to Central Maine Power Company for appraised market value.