

MAINE STATE LEGISLATURE

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STATE OF MAINE
123RD LEGISLATURE
FIRST REGULAR SESSION



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

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

July 2007

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

STATE OF MAINE

123RD LEGISLATURE

FIRST REGULAR SESSION

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 First Regular Session of the 123rd Maine Legislature, which was in session from December 6, 2006 to June 21, 2007.

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:

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 (or Accepted ONTP report).....	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 non-emergency legislation enacted in the First Regular Session is **September 20, 2007**. The effective date for legislation enacted as an emergency measure is specified in the enacted law summary for those bills.

Joint Standing Committee on Agriculture, Conservation and Forestry

Resolve 2007, chapter 42 authorizes final adoption of portions of Chapter 255: Imported Seed Potatoes, a provisionally adopted rule of the Department of Agriculture, Food and Rural Resources in addition to portions of Chapter 252.

Resolve 2007, chapter 42 was enacted as an emergency measure effective May 29, 2007.

LD 1798 An Act To Fund Pesticide Education in the State

PUBLIC 302

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
BLANCHARD	ONTP MAJ OTP-AM MIN	H-324

LD 1798 establishes the Maine Pesticide Education Fund. Money in the fund is to be distributed to the Integrated Pest Management Fund, the Board of Pesticides Control and the University of Maine Cooperative Extension for pest management education programs. A 15¢ per container fee is imposed on the retail sale of pesticides for deposit in the fund.

Committee Amendment "A" (H-324)

This amendment is the minority report. It removes the proposed collection of a fee on consumer containers of pesticides as a funding source.

Enacted Law Summary

Public Law 2007, chapter 302 establishes the Maine Pesticide Education Fund. Money in the fund is to be distributed to the Integrated Pest Management Fund, the Board of Pesticides Control and the University of Maine Cooperative Extension for pest management education programs. The fund is dependent on contributions from public and private sources.

LD 1891 An Act To Designate Certain Rules of the Board of Pesticides Control as Major Substantive Rules

PUBLIC 145
EMERGENCY

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
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LD 1891 designates certain rules of the Department of Agriculture, Food and Rural Resources, Board of Pesticides Control as major substantive rules. This bill was a committee report of the Joint Standing Committee on Agriculture, Conservation and Forestry.

Enacted Law Summary

Public Law 2007, chapter 145 designates certain rules proposed for adoption by the Board of Pesticides Control after July 1, 2007 as major substantive rules. This designation applies to rules relating to:

1. Drift from outside spraying;
2. Notification requirements for outside spraying;
3. Pesticides applications in occupied buildings;
4. A notification registry for indoor applications of pesticides; and

Joint Standing Committee on Agriculture, Conservation and Forestry

5. Buffers from shorelines for broadcast applications of pesticides.

Public Law 2007, chapter 145 was enacted as an emergency measure effective May 21, 2007.

LD 1913 **Resolve, Authorizing the Department of Conservation, Bureau of Parks and Lands To Convey Certain Lands**

RESOLVE 91

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
PIEH	OTP-AM	H-520

LD 1913 allows the Director of the Bureau of Parks and Lands within the Department of Conservation to convey certain parcels of land and interest in certain lands owned by the State.

Committee Amendment "A" (H-520)

This amendment authorizes conveyance of a 2nd easement across a state-owned recreational trail to provide motor vehicle access within a residential subdivision in the Town of Jay. In the bill, the 2nd easement was restricted to aboveground and below ground utilities. This amendment also authorizes conveyance of approximately 4 acres of land on Upper Richardson Lake that is currently leased with the lessee owning the buildings on the property. The amendment stipulates that the conveyance is contingent on the property being transferred as one parcel with deed restrictions prohibiting future subdivision.

Enacted Law Summary

Public Law 2007, chapter 91 allows the Director of the Bureau of Parks and Lands within the Department of Conservation to convey:

1. An easement for electric transmission lines across 2 state-owned parcels to TransCanada Maine Wind Development, Inc. The parcels are in Wyman Township abutting existing utility corridors and proximate to or abutting State Route 27 and the Appalachian Trail Corridor;
2. An easement for electric transmission lines across a state-owned parcel to Bangor Hydro-Electric Company. The parcel is in Bradley;
3. An easement for electric transmission lines across a state-owned parcel to Bangor Hydro-Electric Company. The parcel is in Township 21 in Washington County;
4. The remaining state interests in the Sandy Pond Dam to the Town of Freedom;
5. Trail crossing rights and access rights across the state-owned St. John Valley Heritage Trail in St. John Plantation;
6. Trail crossing rights across the St. John Valley Heritage Trail in the Town of St. Francis;
7. State-owned property adjacent to a state-owned abandoned rail corridor trail in the Town of Mapleton to allow a landowner to rebuild and expand following a fire;
8. Trail crossing rights to the Town of Jay for a town way across a state-owned recreational trail in the Town of Jay;
9. To Taylor Made Homes Inc. an easement across a state-owned recreational trail in Jay to provide motor vehicle access within a residential subdivision as well as an easement for utilities crossings.