

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

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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 2194 **Resolve, Regarding Legislative Review of Portions of Chapter 26: Standards for Indoor Pesticide Applications and Notification for All Occupied Buildings Except K-12 Schools, a Major Substantive Rule of the Department of Agriculture, Food and Rural Resources, Board of Pesticides Control**

**RESOLVE 153
EMERGENCY**

Sponsor(s)

Committee Report

Amendments Adopted

OTP

LD 2194 provides for legislative review of portions of Chapter 26: Standards for Indoor Pesticide Applications and Notification for All Occupied Buildings Except K-12 Schools, a major substantive rule of the Department of Agriculture, Food and Rural Resources, Board of Pesticides Control.

Enacted Law Summary

Resolve 2007, chapter 153 authorizes final adoption of Chapter 26: Standards for Indoor Pesticide Applications and Notification for All Occupied Buildings Except K-12 Schools, a major substantive rule of the Department of Agriculture, Food and Rural Resources, Board of Pesticides Control.

Resolve 2007, chapter 153 was enacted as an emergency measure effective March 17, 2008.

LD 2195 **Resolve, Regarding Legislative Review of Portions of Chapter 29: Standards for Water Quality Protection, Section 5, Restrictions on Pesticide Application To Control Browntail Moths near Marine Waters, a Major Substantive Rule of the Department of Agriculture, Food and Rural Resources, Board of Pesticides Control**

ONTP

Sponsor(s)

Committee Report

Amendments Adopted

ONTP

LD 2195 provides for legislative review of portions of Chapter 29: Standards for Water Quality Protection, a major substantive rule of the Department of Agriculture, Food and Rural Resources, Board of Pesticides Control. This resolve erroneously cited Section 5 of the chapter 29 rules as the section to be reviewed. LD 2211 was subsequently printed with the correct reference to Section 6.

LD 2211 **Resolve, Regarding Legislative Review of Portions of Chapter 29: Standards for Water Quality Protection, Section 6, Buffer Requirement, a Major Substantive Rule of the Department of Agriculture, Food and Rural Resources, Board of Pesticides Control.**

**RESOLVE 154
EMERGENCY**

Sponsor(s)

Committee Report

Amendments Adopted

OTP

LD 2211 provides for legislative review of portions of Chapter 29: Standards for Water Quality Protection, Section 6, Buffer Requirement, a major substantive rule of the Department of Agriculture, Food and Rural Resources, Board of Pesticides Control.

Enacted Law Summary

Joint Standing Committee on Agriculture, Conservation and Forestry

Resolve 2007, chapter 154 authorizes final adoption of Chapter 29: Standards for Water Quality Protection, Section 6, Buffer Requirement, a major substantive rule of the Department of Agriculture, Food and Rural Resources, Board of Pesticides Control.

Resolve 2007, chapter 154 was enacted as an emergency measure effective March 17, 2008.

LD 2237 **Resolve, Authorizing the Department of Conservation, Bureau of Parks and Lands To Convey Certain Lands and Enter into Certain Leases with the Federal Government**

RESOLVE 179

Sponsor(s)

PIEH

Committee Report

OTP-AM

Amendments Adopted

H-783

LD 2237 allows the Director of the Bureau of Parks and Lands within the Department of Conservation to convey several nonexclusive easements to GMO Renewable Resources, LLC, in townships in Franklin County and Piscataquis County, crossing various parcels of public reserved lands. The easements are all for forest management purposes. The resolve allows the bureau to swap these easements for other easements or other consideration.

The resolve also allows the Director of the Bureau of Parks and Lands to convey a trail-crossing easement in Newport to benefit abutting properties. The resolve requires that the easement be granted for negotiated value.

The resolve also allows the Director of the Bureau of Parks and Lands to convey land and buildings on Hospital Street in Augusta to Bread of Life Ministries, which operates a homeless shelter on the abutting property and currently leases the state property for administrative and program support needs of the homeless shelter. The resolve requires that the land be transferred for negotiated value not less than the assessed value.

Committee Amendment "A" (H-783)

This amendment authorizes the Director of the Bureau of Parks and Lands within the Department of Conservation to enter into a lease with the Federal Government or United States Coast Guard regarding an existing public safety communications facility located within Quoddy Head State Park in Lubec, Washington County. It removes section 3 of the resolve, which allowed the director to convey an easement in Moosehead Junction Township to GMO Renewable Resources, LLC. It also amends the resolve to specify that the proposed conveyance to the Bread of Life Ministries be for a value of not less than \$60,000.

Enacted Law Summary

Resolve 2007, chapter 179 allows the Director of the Bureau of Parks and Lands within the Department of Conservation to convey several nonexclusive easements across public lands to GMO Renewable Resources, LLC, for forest management purposes. It authorizes the director to enter into a lease with the Federal Government or United States Coast Guard regarding an existing public safety communications facility located within Quoddy Head State Park. It also authorizes conveyance of a trail-crossing easement in Newport to benefit abutting properties and land and buildings on Hospital Street in Augusta to Bread of Life Ministries.

LD 2245 **An Act To Promote the Agricultural Economy**

**PUBLIC 660
EMERGENCY**

Sponsor(s)

Committee Report

Amendments Adopted

OTP-AM

H-862

LD 2245 makes several revisions to the statutes pertaining to the Maine Farms for the Future Program and the Agricultural Marketing Loan Fund. It directs the Joint Standing Committee on Agriculture, Conservation and