

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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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
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**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

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

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

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

Joint Standing Committee on Agriculture, Conservation and Forestry

Forestry to review recommendations presented in the January 2008 report on the agricultural creative economy during authorized interim meetings and to develop legislation to implement recommendations relating to assistance, development and promotion for agricultural businesses. It authorizes the joint standing committee of the Legislature having jurisdiction over agricultural matters to submit legislation during the First Regular Session of the 124th Legislature.

Committee Amendment "A" (H-862)

This amendment removes a cross-reference to a definition of "agricultural enterprise," allowing any additional definitions needed to implement the Maine Farms for the Future Program to be established in rule. It specifies that instruction or classroom training in economics or business planning required for participation in the program must be approved by the Department of Agriculture, Food and Rural Resources. It allows a participant in the program who completes a business plan to apply for a reduced-interest loan, a grant or both. The amendment specifies that the review panel's responsibility to develop a competitive process applies to both applications for grants and eligibility to apply for reduced-interest loans. It also requires the department to review a business plan within 2 years of awarding a grant for implementation of the plan.

Enacted Law Summary

Public Law 2007, chapter 660 revises eligibility criteria for applicants to the Maine Farms for the Future Program for business development planning. Under current law the applicant must own at least 5 acres of land in agricultural use. Chapter 660 instead requires that applicants must own an agricultural business that has operated in the State for a minimum of 2 years. The bill requires ownership of 5 acres only for those entering the implementation phase and applying for a grant in exchange for a farmland protection agreement. It allows a participant in the program who has completed a business plan to apply for a reduced-interest loan of 2% from the Agricultural Marketing Loan Fund, a grant or both. It also requires the department to review a business plan within 2 years of awarding a grant for implementation of the plan.

Chapter 660 extends the time period for assembling a services package for participants in the Maine Farms for the Future Program business planning program from 12 to 18 months and requires instruction or classroom training in economics and business planning. It removes the requirement that the Commissioner of Agriculture, Food and Rural Resources approve payments of more than \$5,000 for business planning services. It extends the duration of a farmland protection agreement from 5 years to 7 years. It replaces the mandate that the Department of Agriculture, Food and Rural Resources contract out the administration of the Maine Farms for the Future program with permissive language and removes the requirement that a contracting organization provide a \$200,000 match. It also removes the cap on expenditures for administrative costs for a contracting organization. It requires that a minimum of 40% of annual state funding for the Maine Farms for the Future Program be reserved for grants to implement a business plan.

Chapter 660 expands the information to be included in the annual reports for the Maine Farms for the Future Program and the Agricultural Marketing Loan Fund. It removes the cap of \$100,000 on Agricultural Marketing Loan Fund loans for land for the start-up of a new agricultural business. It extends the time period during which grants for technical assistance and research must be expended to the 3 fiscal years following designation. It removes provisions for business planning under the Agricultural Marketing Loan Fund, eliminating the provisions of similar services under both the Maine Farms for the Future Program and the Agricultural Marketing Loan Fund.

Chapter 660 directs the Joint Standing Committee on Agriculture, Conservation and Forestry to review recommendations presented in the January 2008 report on the agricultural creative economy during regularly authorized meetings and to develop legislation to implement the report's recommendations relating to assistance, development and promotion for agricultural businesses. It authorizes the joint standing committee of the Legislature having jurisdiction over agricultural matters to submit legislation during the First Regular Session of the 124th Legislature.

Public Law 2007, chapter 660 was enacted as an emergency measure effective April 18, 2008.