

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 2256 **An Act To Modify the City of Portland's Leasing Authority for the Maine State Pier**

ONTP

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

LD 2256 requires the Director of the Bureau of Public Lands within the Department of Conservation to lease submerged lands under and adjacent to the port facilities to the City of Portland for not less than 75 years nor more than 99 years. It also makes it clear that the submerged lands may not be sold by the city but may be leased and that the use of the property is subject to the public trust doctrine. The bill also imposes conditions on the use of the property that must be included in the lease and preserves the right of the city to pursue its claim of ownership to the submerged lands.

LD 2260 **Resolve, Authorizing the Department of Inland Fisheries and Wildlife To Convey a Certain Easement Interest in Lands**

RESOLVE 194

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
NUTTING J	OTP-AM	S-556

LD 2260 authorizes the Department of Inland Fisheries and Wildlife to convey a linear transmission line easement interest in land in Webster Plantation in Penobscot County.

Committee Amendment "A" (S-556)

This amendment incorporates a fiscal note.

Enacted Law Summary

Resolve 2007, chapter 194 authorizes the Department of Inland Fisheries and Wildlife to convey an easement for a linear transmission line in Webster Plantation in Penobscot County to benefit Evergreen Wind Power V, LLC. This authorization is contingent on Evergreen Wind Power receiving necessary approvals from the Maine Department of Environmental Protection. The easement is for an area approximately 80 feet wide and 1.3 miles long.

LD 2262 **An Act Pertaining to the Definition of "Milk"**

ONTP

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

LD 2262 prohibits the sale of milk labeled as "fresh milk," "Maine fresh milk" or "Northeastern fresh milk" unless the milk meets the definition for the term used, as enacted in the bill. Civil penalties under the Maine Revised Statutes, Title 7, section 2908-A apply as well as the Commissioner of Agriculture, Food and Rural Resources' authority to apply for an injunction under Title 7, section 2910-A.

LD 2262 was submitted as a committee bill following review of the Maine Milk Commission under the Government Evaluation Act as authorized under Title 3, section 955, subsection 4. The bill was subsequently referred back to the Joint Standing Committee on Agriculture, Conservation and Forestry for a public hearing and reported out with a unanimous "Ought Not to Pass" vote.