

# MAINE STATE LEGISLATURE

The following document is provided by the  
**LAW AND LEGISLATIVE DIGITAL LIBRARY**  
at the Maine State Law and Legislative Reference Library  
<http://legislature.maine.gov/lawlib>



Reproduced from electronic originals  
(may include minor formatting differences from printed original)

**STATE OF MAINE**  
124<sup>TH</sup> LEGISLATURE  
FIRST REGULAR SESSION



Summaries of bills, adopted amendments and laws enacted or finally passed during the First Regular Session of the 124<sup>th</sup> Maine Legislature coming from the

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

July 2009

**MEMBERS:**

SEN. JOHN M. NUTTING, CHAIR  
SEN. BRUCE S. BRYANT  
SEN. ROGER L. SHERMAN

REP. WENDY PIEH, CHAIR  
REP. NANCY E. SMITH  
REP. BENJAMIN MARRINER PRATT  
REP. LEILA J. PERCY  
REP. PETER S. KENT  
REP. JEFF M. MCCABE  
REP. ANDREW ROESING O'BRIEN  
REP. PETER E. EDGECOMB  
REP. DEAN A. CRAY  
REP. JEFFERY ALLEN GIFFORD

**STAFF:**

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

# STATE OF MAINE

124<sup>TH</sup> 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 124<sup>th</sup> 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:

|   |   |
|---|---|
| CARRIED OVER.....                             | Carried over to a subsequent session of the Legislature                 |
| 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; bill died                                  |
| ONTP (or Accepted ONTP report).....           | Ought Not To Pass report accepted; bill died                            |
| P&S XXX.....                                  | Chapter # of enacted Private & Special Law                              |
| 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                          |

The effective date for non-emergency legislation enacted in the First Regular Session of the 124<sup>th</sup> Legislature is September 12, 2009. 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*

**LD 456 An Act To Provide Free Admission to State Parks to Veterans and Military Personnel**

**PUBLIC 220  
EMERGENCY**

| <u>Sponsor(s)</u> | <u>Committee Report</u> | <u>Amendments Adopted</u> |
|-------------------|-------------------------|---------------------------|
| BLISS             | OTP-AM                  | S-69<br>S-74 BLISS        |

This bill allows for free admission for any active duty member or veteran of the Armed Forces of the United States to any state-owned park, camping area or beach.

**Committee Amendment "A" (S-69)**

This amendment replaces the bill. It extends the period of time that free day use passes to state parks and historic sites for certain veterans may be issued until June 30, 2015. It also provides for the issuance of free passes to active military personnel whose home of residence is Maine.

**Senate Amendment "A" (S-74)**

This amendment adds an emergency preamble and emergency clause to the bill.

**Enacted Law Summary**

Public Law 2009, chapter 220 provides free day use admission to state parks and historic sites to active duty military personnel. It also extends until June 30, 2015 the issuing of free day use passes to state parks and historic sites to Maine residents who serve a minimum of three months outside the U.S. during a period of war or national emergency or on an operational mission for which members of the reserve were ordered to active duty. These passes are valid for a period of 12 months.

Public Law 2009, chapter 220 was enacted as an emergency measure effective May 28, 2009.

**LD 458 Resolve, Directing the Department of Agriculture, Food and Rural Resources To Study Equine Husbandry Practices in the State**

**RESOLVE 36**

| <u>Sponsor(s)</u> | <u>Committee Report</u> | <u>Amendments Adopted</u> |
|-------------------|-------------------------|---------------------------|
| NUTTING J         | OTP-AM                  | S-70                      |

This resolve directs the Department of Agriculture, Food and Rural Resources to develop a proposal to license equine boarding facilities and to submit legislation to the Second Regular Session of the 124th Legislature to implement its recommendations.

**Committee Amendment "A" (S-70)**

This amendment replaces the resolve. It directs the Commissioner of Agriculture, Food and Rural Resources to convene a working group to assist the commissioner in developing recommendations to promote good equine husbandry in the State.

**Enacted Law Summary**

## *Joint Standing Committee on Agriculture, Conservation and Forestry*

Resolve 2009, chapter 36 directs the Commissioner of Agriculture, Food and Rural Resources to convene a working group to assist the commissioner in developing recommendations to promote good equine husbandry in the State. The commissioner is required to report findings and recommendations to the Joint Standing Committee on Agriculture, Conservation and Forestry no later than January 15, 2010 and the committee is authorized to submit legislation to the Second Session of the 124th Legislature.

**LD 474      An Act To Clarify Land Planning in the Unorganized and Deorganized Townships      ONTP**

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

This bill amends the process by which the Maine Land Use Regulation Commission adopts a comprehensive land use plan for the unorganized and deorganized townships of the State. It requires the commission to submit a tentative plan to the Legislature for approval prior to the commission's final vote on the plan.

**LD 494      Resolve, Regarding Legislative Review of Portions of Chapter 22: Standards for Outdoor Application of Pesticides by Powered Equipment in Order To Minimize Off-target Deposition, a Major Substantive Rule of the Department of Agriculture, Food and Rural Resources, Board of Pesticides Control      RESOLVE 114 EMERGENCY**

| <u>Sponsor(s)</u> | <u>Committee Report</u>       | <u>Amendments Adopted</u> |
|-------------------|-------------------------------|---------------------------|
|                   | OTP-AM A<br>OTP B<br>OTP-AM C | H-508                     |

This resolve provides for legislative review of portions of Chapter 22: Standards for Outdoor Application of Pesticides by Powered Equipment in Order to Minimize Off-target Deposition, a major substantive rule of the Department of Agriculture, Food and Rural Resources, Board of Pesticides Control.

**Committee Amendment "A" (H-508)**

This amendment is the majority report of the Joint Standing Committee on Agriculture, Conservation and Forestry. It authorizes final adoption of Chapter 22 of the Board of Pesticides Control's rules, but only if specific revisions are made.

**Enacted Law Summary**

Resolve 2009, chapter 114 authorizes final adoption of the Board of Pesticides Rules Chapter 22 provided the following revisions are made.

1. The provision that a detectable pesticide residue in a sensitive area likely to be occupied is considered prima facie evidence that pesticides were not applied in a manner to minimize pesticide drift is removed and replaced with a provision that pesticides residues in a sensitive area likely to be occupied that are 1% or greater of the intended residue in the target area is prima facie evidence that the applicator did not apply the pesticides in a manner to minimize pesticide drift to the maximum extent practicable.
2. The language regarding prima facie evidence is rewritten to clarify that detection of residue is not prima