

MAINE STATE LEGISLATURE

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STATE OF MAINE
124TH LEGISLATURE
FIRST REGULAR SESSION



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

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

July 2009

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STATE OF MAINE

124TH 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 First Regular Session of the 124th 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 124th 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 1286 An Act To Amend State Dog Licensing Laws

ONTP

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

This bill repeals licensing requirements for an individual dog and institutes a \$5 surcharge per dose on all rabies vaccines, to be paid by a distributor that sells rabies vaccines in this State. The surcharge would be deposited in the Animal Welfare Fund. This bill also reduces the kennel license fee from \$42 to \$21.

LD 1293 An Act To Require Citizen Notification of Pesticide Applications Using Aerial Spray or Air-carrier Application Equipment

PUBLIC 378

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
BERRY DAMON	OTP-AM	H-522 H-543 O'BRIEN

This bill requires land managers to notify neighbors prior to the application of pesticides using aircraft or air-carrier equipment. It requires the Department of Agriculture, Food and Rural Resources, Board of Pesticides Control to establish a registry of citizens for persons desiring additional information when pesticides are being applied using aircraft or air-carrier equipment within 1,320 feet of land owned, leased or resided upon by those persons.

Committee Amendment "A" (H-522)

This amendment narrows the requirement of whom a land manager must notify prior to applying pesticides. Only abutters must be notified and a notification is good for 3 years unless the general method of application or the types of pesticides used change. It clarifies acceptable means of notifying and the information to be conveyed to abutters and to people on the registry of citizens within 1,320 feet of the application area. It refines the definition of "air-carrier equipment" to exclude equipment with nozzles directed downward. It directs a land manager to keep records of people notified of pesticide applications who ask not to be notified in the future. This amendment specifies acceptable methods to communicate required information.

House Amendment "A" To Committee Amendment "A" (H-543)

This House amendment clarifies that a land manager intending to apply pesticides must notify residents and managers of buildings on abutting property.

Enacted Law Summary

Public Law 2009, chapter 378 requires land managers intending to apply pesticides using aircraft or air carrier equipment to notify residents and managers of buildings on abutting property prior to application. A notification is good for 3 years unless the general method of application or the types of pesticides used change. It requires the Department of Agriculture, Food and Rural Resources, Board of Pesticides Control to establish a registry of citizens for persons desiring additional information when pesticides are being applied using aircraft or air-carrier equipment. A land manager intending to apply pesticides using aircraft or air carrier equipment is required to check the registry and notify persons on the registry who own, lease

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or occupy property that abuts or lies within 1320 feet of the spray area. Chapter 378 establishes acceptable methods to communicate the required information and record keeping requirements.

LD 1294 An Act To Amend the Laws Governing the Public Hearing Process for the Board of Pesticides Control **ONTP**

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

This bill requires the Board of Pesticides Control to hold a public hearing on the application for registration of certain pesticides and also on the application for registration of a product that contains a plant-incorporated protectant.

LD 1322 An Act To Amend Provisions of the Submerged Lands Law **PUBLIC 316
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
FLOOD DAMON	OTP-AM	H-428

This bill amends the definition of "fair market rental value," adjusts rental rates for submerged lands leases to be more equitable by raising the minimum lease rent from \$100 to \$150 annually and provides for gradual adjustments to rental rates based on changes in assessed property values and programmatic cost increases over time. The bill provides for the phase-in of rental increases starting in 2010 for leaseholders whose adjusted rent will increase above \$1,200 following the repeal of the \$1,200 maximum rental cap on June 30, 2009. The bill also replaces the definition of "large-scale project" with a new definition for "offshore project" and authorizes the Director of the Bureau of Parks and Lands within the Department of Conservation to negotiate rental terms for the leasing of those facilities.

Committee Amendment "A" (H-428)

This amendment revises the definition of "offshore project" to exclude offshore renewable energy projects. This amendment also adds an emergency preamble and emergency clause to the bill.

Enacted Law Summary

Public Law 2009, chapter 316 adjusts rental rates for submerged lands leases to be more equitable by raising the minimum lease rent from \$100 to \$150 annually and provides for gradual adjustments to rental rates based on changes in assessed property values and programmatic cost increases over time. It provides for the phase-in of rental increases starting in 2010 for leaseholders whose adjusted rent will increase above \$1,200 following the repeal of the \$1,200 maximum rental cap on June 30, 2009. It defines "offshore project" and authorizes the Director of the Bureau of Parks and Lands within the Department of Conservation to negotiate rental terms for leasing of these projects.

Public Law 2009, chapter 316 was enacted as an emergency measure effective June 9, 2009.