

MAINE STATE LEGISLATURE

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STATE OF MAINE
124TH LEGISLATURE
SECOND REGULAR SESSION



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

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

April 2010

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STATE OF MAINE

124TH LEGISLATURE
SECOND 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 Second 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 HOUSES..... 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 Second Regular Session of the 124th Legislature is Monday, July 12, 2010. 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

House Amendment "A" (H-824)

This amendment directs the Commissioner of Inland Fisheries and Wildlife to initiate negotiations with interested parties, including but not limited to abutting property owners, regarding granting easements on land adjacent to the Eastern Trail near the intersection of Blackpoint Road in Scarborough, Cumberland County, with such terms and conditions as the commissioner may direct.

Enacted Law Summary

Resolve 2009, chapter 209 allows the Director of the Bureau of Parks and Lands within the Department of Conservation to:

1. Convey to the municipal government of Monhegan Plantation any interests in Monhegan Plantation that may have reverted to the bureau;
2. Convey the right to cross the St. John Heritage Valley Trail in the Town of St. Francis to an abutter.
3. Convey a transmission line easement to Bangor Hydro Electric Company near Donnell Pond and Tunk Lake in the Town of Sullivan and the Town of Franklin in Hancock County providing the easement is conveyed prior to April 1, 2013;
4. Together with the Land for Maine's Future Board, to allow the Frenchman Bay Conservancy to convey a transmission line easement to Bangor Hydro Electric Company across Schoodic Bog in the Town of Sullivan in Hancock County providing the easement is conveyed prior to April 1, 2013;
5. Sell a lot with a garage in Big Lake Township in Washington County; and
6. Convey a parcel of land to the Town of Lubec.

Chapter 209 also authorizes the Commissioner of Inland Fisheries and Wildlife to convey a parcel of land in the Town of Kennebunk in York County to Central Maine Power Company and directs the Commissioner of Inland Fisheries and Wildlife to initiate negotiations to grant easements on land adjacent to the Eastern Trail near the intersection of Black Point Road in Scarborough.

LD 1806

An Act To Implement the Recommendations of the Joint Standing Committee on Agriculture, Conservation and Forestry Regarding Review of the Department of Agriculture, Food and Rural Resources under the State Government Evaluation Act

PUBLIC 552

Sponsor(s)

Committee Report

Amendments Adopted

H-686 HAYES

This bill is the report of the Joint Standing Committee on Agriculture, Conservation and Forestry authorized under the Government Evaluation Act. It changes the names of the divisions within the department to reflect the restructuring that began with the elimination of a director's position for the Division of Marketing and Production in Public Law 2009, chapter 462, An Act to Implement the Recommendations of the Initiative to Streamline State Government and to Make Other Necessary Changes to Law.

It amends Resolve 2009, c 63 to remove the requirement that the Commissioner of Agriculture, Food, and Rural Resources establish best management practices for poultry production in rule. It also updates the proposed schedule

Joint Standing Committee on Agriculture, Conservation and Forestry

for agency reviews under the Government Evaluation Act.

House Amendment "A" (H-686)

This amendment, presented on behalf of the Committee on Bills in the Second Reading, corrects dates for agency reviews under the Government Evaluation Act.

Enacted Law Summary

Public Law 2009, chapter 552 revises the names of the divisions within the department to reflect the restructuring of the Department of Agriculture, Food, and Rural Resources from 4 divisions to 3: the Division of Quality Assurance and Regulation, the Division of Agriculture Resources Development and the Division of Animal and Plant Health.. It removes the requirement that the commissioner establish best management practices for poultry production in rule. It also updates the proposed schedule for agency reviews under the Government Evaluation Act. The Department of Agriculture, Food, and Rural Resources and the Baxter State Park Authority are scheduled for review again in 2017.

It amends Resolve 2009, c 63 to remove the requirement that the Commissioner of Agriculture, Food, and Rural Resources establish best management practices for poultry production in rule. It also updates the proposed schedule for agency reviews under the Government Evaluation Act.

LD 1809 An Act To Facilitate Communication between the Department of Administrative and Financial Services, Bureau of Revenue Services and the Department of Conservation, Bureau of Forestry

**PUBLIC 568
EMERGENCY**

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

This bill requires the Department of Conservation, Bureau of Forestry, to make information contained in certain landowner reports available to the State Tax Assessor for use in administering the commercial forestry excise tax and other taxes in the Maine Revised Statutes, Title 36. It authorizes employees of the Department of Administrative and Financial Services, Bureau of Revenue Services to disclose information pertaining to the assessment and collection of the commercial forestry excise tax to the Department of Conservation to facilitate administration of the commercial forestry excise tax.

Enacted Law Summary

Public Law 2009, chapter 568 requires the Department of Conservation, Bureau of Forestry to make information in the harvest and silvicultural practices reports submitted by owners of forest land available to the State Tax Assessor for use in administering tax laws in the Maine Revised Statutes, Title 36. Prior to enactment of chapter 568, the bureau was required to make this information available to the Bureau of Revenue Services for use in administering the Tree Growth Tax Law. It also authorizes employees of the Department of Administrative and Financial Services, Bureau of Revenue Services to disclose information pertaining to the assessment and collection of the commercial forestry excise tax to the Department of Conservation to facilitate administration of the commercial forestry excise tax.

Public Law 2009, chapter 568 extends the requirement that the Department of Conservation, Bureau of Forestry make information in forest harvest reports and silvicultural practices reports available to the State Tax Assessor for use in administering the Tree Growth Tax Law, making that information available for administering the commercial forestry excise tax and other taxes laws in the Maine Revised Statutes, Title 36. It also authorizes employees of the Department of Administrative and Financial Services, Bureau of Revenue Services to disclose information pertaining to the assessment and collection of the commercial forestry excise tax to the Department of Conservation