

MAINE STATE LEGISLATURE

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STATE OF MAINE
125TH LEGISLATURE
FIRST REGULAR SESSION



Summaries of bills, adopted amendments and laws enacted or finally passed

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

July 2011

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LEGISLATIVE DIGEST OF BILL SUMMARIES AND
ENACTED LAWS

This *Legislative Digest of Bill Summaries and Enacted Laws* summarizes all LDs and adopted amendments and all laws enacted or finally passed during the First Regular Session of the 125th Maine Legislature.

The *Digest* is arranged alphabetically by committee and within each committee by Legislative Document (LD) number. The committee report(s), prime sponsor and lead co-sponsor(s), if designated, are listed below each LD 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 LD is noted to the right of the LD title. The following describes the various final actions.

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; legislation died
DIED BETWEEN HOUSES..... House & Senate disagreed; legislation died
DIED IN CONCURRENCE..... defeated in each house, but on different motions; legislation died
DIED ON ADJOURNMENT..... action incomplete when session ended; legislation died
EMERGENCY..... enacted law takes effect sooner than 90 days after session adjournment
FAILED, EMERGENCY ENACTMENT or FINAL PASSAGE emergency failed to receive required 2/3 vote
FAILED, ENACTMENT or FINAL PASSAGE..... failed to receive final majority vote
FAILED, MANDATE ENACTMENT legislation proposing local mandate failed required 2/3 vote
HELD BY GOVERNOR..... Governor has not signed; final disposition to be determined at subsequent session
LEAVE TO WITHDRAW..... sponsor's request to withdraw legislation granted
NOT PROPERLY BEFORE THE BODY ruled out of order by the presiding officer; legislation died
INDEF PP..... indefinitely postponed; legislation died
ONTP, ACCEPTED, MAJORITY, MINORITY or REPORT X... ought-not-to-pass report accepted; legislation died
P&S XXX..... chapter # of enacted private & special law
PUBLIC XXX..... chapter # of enacted public Law
RESOLVE XXX..... chapter # of finally passed resolve
VETO SUSTAINED..... Legislature failed to override Governor's veto

The effective date for non-emergency legislation enacted in the First Regular Session of the 125th Legislature is September 28, 2011. The effective date for legislation enacted as an emergency measure may be found in the enacted law summary for that legislation.

Joint Standing Committee on Agriculture, Conservation and Forestry

LD 1444 Resolve, To Enhance Agriculture and Farming

RESOLVE 101

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
CROCKETT	OTP-AM	H-533 S-361 ROSEN R

LD 1444 requires the Department of Conservation to adopt rules to streamline the permitting process for clear-cutting land to be used for agricultural purposes that was previously used for agricultural purposes.

Committee Amendment "A" (H-533)

This amendment replaces the directive to the Department of Conservation with a directive to the Department of Environmental Protection to review statutes and rules that restrict the use of certain lands for agricultural purposes and to report to the Joint Standing Committee on Agriculture, Conservation and Forestry on its findings.

Senate Amendment "A" To Committee Amendment "A" (S-361)

This amendment changes the date by which the Department of Environmental Protection must present its report to the Joint Standing Committee on Agriculture, Conservation and Forestry from January 15, 2012 to January 15, 2013. The amendment also adds an effective date of July 1, 2012. The amendment changes the one-time General Fund appropriation from fiscal year 2011-12 to fiscal year 2012-13.

Enacted Law Summary

Resolve 2011, chapter 101 directs the Department of Environmental Protection to review statutes and rules that affect a person's ability to clear or till land for agriculture. The department is directed to examine setbacks in which the tilling of soil is prohibited and to consider options to allow land formerly used for forage crops and pasture to return to those uses. It requires the department to report its findings and recommendations to the Joint Standing Committee on Agriculture, Conservation and Forestry on its findings no later than January 15, 2013. Resolve 2011, chapter 101 has a delayed effective date of July 1, 2012.

LD 1534 Resolve, To Reform the Land Use and Planning Authority in the Unorganized Territory

RESOLVE 113

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
GIFFORD THOMAS	OTP-AM MAJ OTP-AM MIN	H-561

LD 1534 eliminates the Maine Land Use Regulation Commission, effective July 15, 2012, and establishes the Land Use Planning in the Unorganized Territory Transition Advisory Board to advise the Joint Standing Committee on Agriculture, Conservation and Forestry on matters relating to the transfer of authority over land use planning in the unorganized territory to the counties in which the land is located. The board is required to render its advice to the Joint Standing Committee on Agriculture, Conservation and Forestry by December 2, 2011.

Committee Amendment "A" (H-561)

This amendment is the majority report of the Joint Standing Committee on Agriculture, Conservation and Forestry. It replaces the bill. It establishes the Commission on Reform of the Governance of Land Use

Joint Standing Committee on Agriculture, Conservation and Forestry

Planning in the Unorganized Territory. The commission consists of the 13 members, including the Commissioner of Conservation or the commissioner's designee, 4 members appointed by the Governor, 4 members appointed by the President of the Senate and 4 members appointed by the Speaker of the House. It requires the commission to meet with the Joint Standing Committee on Agriculture, Conservation and Forestry no later than October 28, 2011 to provide an update on its progress and a final report no later than January 4, 2012. It authorizes the Joint Standing Committee on Agriculture, Conservation and Forestry to submit a bill to the Second Regular Session of the 125th Legislature.

Enacted Law Summary

Resolve 2011, chapter 113 establishes the Commission on Reform of the Governance of Land Use Planning in the Unorganized Territory. The commission consists of the 13 members, including the Commissioner of Conservation or the commissioner's designee, 4 members appointed by the Governor, 4 members appointed by the President of the Senate and 4 members appointed by the Speaker of the House. The commission is charged with ensuring uniform standards across the unorganized territory for forest management and timber harvesting activities, wildlife habitat protection, and regulation under the Natural Resources Protection Act. The commission is directed to make recommendations on the role of state agencies and county government and opportunities for increased self-determination in land use planning in the unorganized territory.

It requires the commission to meet with the Joint Standing Committee on Agriculture, Conservation and Forestry no later than October 28, 2011 to provide an update on its progress and a final report no later than January 4, 2012. It authorizes the Joint Standing Committee on Agriculture, Conservation and Forestry to submit a bill to the Second Regular Session of the 125th Legislature.

LD 1568 An Act To Ensure Fair Business Competition in Agriculture

ONTP

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

LD 1568 prohibits a publicly funded nonprofit organization that receives at least 20% of its budget from federal or state funding, not including an educational institution, from engaging in an agricultural business, on a regular basis, that directly competes with a business that is not a publicly funded nonprofit organization.