

MAINE STATE LEGISLATURE

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STATE OF MAINE
125TH LEGISLATURE
SECOND REGULAR SESSION



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

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

June 2012

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STATE OF MAINE

125TH LEGISLATURE
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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 Second 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.

<i>CARRIED OVER</i>	<i>carried over to a subsequent session of the Legislature</i>
<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; legislation died</i>
<i>DIED BETWEEN HOUSES</i>	<i>House & Senate disagreed; legislation died</i>
<i>DIED IN CONCURRENCE</i>	<i>defeated in each house, but on different motions; legislation died</i>
<i>DIED ON ADJOURNMENT</i>	<i>action incomplete when session ended; legislation died</i>
<i>EMERGENCY</i>	<i>enacted law takes effect sooner than 90 days after session adjournment</i>
<i>FAILED, EMERGENCY ENACTMENT or FINAL PASSAGE</i>	<i>emergency failed to receive required 2/3 vote</i>
<i>FAILED, ENACTMENT or FINAL PASSAGE</i>	<i>failed to receive final majority vote</i>
<i>FAILED, MANDATE ENACTMENT</i>	<i>legislation proposing local mandate failed required 2/3 vote</i>
<i>HELD BY GOVERNOR</i>	<i>Governor has not signed; final disposition to be determined at subsequent session</i>
<i>LEAVE TO WITHDRAW</i>	<i>sponsor's request to withdraw legislation granted</i>
<i>NOT PROPERLY BEFORE THE BODY</i>	<i>ruled out of order by the presiding officer; legislation died</i>
<i>INDEF PP</i>	<i>indefinitely postponed; legislation died</i>
<i>ONTP, ACCEPTED, MAJORITY, MINORITY or REPORT X</i> ...	<i>ought-not-to-pass report accepted; legislation 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>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 of the 125th Legislature is Thursday, August 30, 2012. 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

This amendment allows a landowner to register farmland on an ongoing basis beginning on July 1, 2012. The bill restricted the registration to a 2-year period. The amendment revises eligibility requirements for farmland registered on or after July 1, 2012, and clarifies the landowner's responsibility for filing the registration. It requires a landowner to submit a copy of the registration to the Department of Agriculture, Food and Rural Resources and removes the requirement for a municipality to maintain a registry. To renew the registration of farmland registered in 1990 or 1991, a landowner must submit documentation of the original registration. All landowners with registered farmland must renew registration every 5 years. It changes the income-producing requirement for registering farmland from at least \$300 per acre for at least 3 of the previous 6 calendar years to at least \$2,000 from the sales value of farm products in one of the 2, or 3 of the 5, preceding calendar years.

Enacted Law Summary

Public Law 2011, chapter 608 allows a landowner to register farmland on an ongoing basis beginning on July 1, 2012. The purpose of farmland registration is to ensure a farmer's ability to engage in agricultural practices without adversely affecting neighboring landowners. An owner of abutting land may not develop or use land within 50 feet of farmland registered on or after July 1, 2012 for a well, drinking water spring or water supply intake. To retain the registration of farmland registered in 1990 or 1991, a landowner must submit documentation of the original registration. When such documentation is provided, the registration is renewed with the protections provided under the original registration. An owner of land abutting farmland registered in 1990 or 1991 is restricted in the use of land within 100 feet of the registered farmland.

All landowners with registered farmland must renew registration every 5 years. Farmland registered on or after July 1, 2012 is not required to be enrolled under the Farm and Open Space Tax law.

Public Law 2011, chapter 608 was enacted as an emergency measure with an effective date of July 1, 2012.

LD 1689

Resolve, To Revise Requirements of the Maine Land Use Regulation Commission Pertaining to Maple Sugarhouses

RESOLVE 123

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
BLACK	OTP-AM	H-716

This resolve directs the Maine Land Use Regulation Commission to amend its rules to exempt maple sugarhouses from the 1,000-foot setback requirement.

Committee Amendment "A" (H-716)

This amendment replaces the resolve. It directs the Maine Land Use Regulation Commission to revise its rules establishing setbacks for leased lots in subdivisions created to establish maple sugar processing operations. The rules must establish setbacks equal to the setbacks for maple sugar processing operations that are not in a maple sugar processing subdivision. It directs the commission to revise its rules to allow pairings of abutting lots in a maple sugar processing subdivision while requiring a 1,000-foot separation between paired lots and single lots. It also requires the deed restrictions on leased lots in a maple sugar processing subdivision to be recorded at the registry of deeds when the subdivision is created.

Enacted Law Summary

Resolve 2011, chapter 123 directs the Maine Land Use Regulation Commission to eliminate the 1,000-foot setbacks required in rule for leased lots in subdivisions created to establish maple sugar processing operations, making the setbacks from roads, great ponds, flowing waters and other development equal to the setbacks for maple sugar processing operations that are not in a maple sugar processing subdivision. It directs the commission to revise its

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rules to allow pairings of abutting lots in a maple sugar processing subdivision while requiring a 1,000-foot separation between paired lots and single lots. It also requires the deed restrictions on leased lots in a maple sugar processing subdivision to be recorded at the registry of deeds when the subdivision is created.

**LD 1734 Resolve, Regarding Legislative Review of Portions of Chapter 41:
Special Restrictions on Pesticide Use, a Major Substantive Rule of the
Department of Agriculture, Food and Rural Resources, Board of
Pesticides Control** **RESOLVE 118
EMERGENCY**

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

This resolve provides for legislative review of portions of Chapter 41: Special Restrictions on Pesticide Use, a major substantive rule of the Department of Agriculture, Food and Rural Resources, Board of Pesticides Control.

Enacted Law Summary

Resolve 2011, chapter 118 authorizes final adoption of amendments to a Board of Pesticides Control rule pertaining to the sale and use of BT corn seed, seeds with a plant incorporated protectant. The revisions to rule Chapter 41 remove the requirement that a seed dealer ensure that purchasers are trained prior to selling them seed and extends the length of time between required refresher training for growers from 2 to 3 years.

Resolve 2011, chapter 118 was finally passed as an emergency measure effective March 5, 2012.

LD 1739 An Act To Change Regulation of Forestry Activities **PUBLIC 599**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
SHERMAN	OTP-AM	S-471

This bill transfers authority for regulation of timber harvesting activities in protection districts in the unorganized territory from the Maine Land Use Regulation Commission to the Department of Conservation, Maine Forest Service. It directs the Maine Forest Service to adopt rules to establish standards for the enhancement of brook trout habitat, specifically the placement of wood in stream channels. The bill provides that the initial rules adopted are routine technical rules and amendments to these rules are major substantive rules.

Committee Amendment "A" (S-471)

This amendment clarifies and expands on provisions in the bill. It provides more specific direction to the Commissioner of Conservation for adopting rules to allow wood to be placed in stream channels for the purpose of enhancing cold water fisheries habitat. It amends the directive regarding oversight of timber harvesting and timber harvesting activities within the jurisdiction of the Maine Land Use Regulation Commission. The department and the commission are directed to review the commission's rules regarding these activities and particularly standards for land management roads, water crossings and gravel pits to protect historic, scenic, scientific, recreational and aesthetic resources in areas identified as requiring special protection.

It provides for the Bureau of Forestry to administer and enforce timber harvesting and timber harvesting activities in