

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.

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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

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shoreland areas for municipalities that:

1. Have repealed their ordinances;
2. Have adopted ordinances identical to the statewide standards and request the bureau to assume administrative and enforcement responsibilities; or
3. Have ordinances that are consistent with laws and rules in effect on December 31, 2005 and request the bureau to assume responsibility. The bureau may agree to assume the responsibility after reviewing the ordinance but is not required to do so. The bureau may not assume responsibility for administering or enforcing ordinances that are more stringent than or significantly different from requirements under shoreland zoning.

Enacted Law Summary

Public Law 2011, chapter 599 directs the Commissioner of Conservation to adopt rules to allow wood to be placed in stream channels for the purpose of enhancing cold water fisheries habitat. The Commissioner is required to consult with the Commissioner of Inland Fisheries and Wildlife and the Commissioner of Marine Resources in developing techniques to be used by licensed foresters to implement habitat enhancement. Only licensed foresters trained in these techniques are allowed to implement the habitat enhancement known as "chop and drop." It provides an exemption from permit requirements under the Natural Resources Protection Act for the placement of wood in stream channels when the placement is in compliance with rules adopted by the Department of Conservation for this activity.

Chapter 599 transfers responsibility for the regulation of timber harvesting and timber harvesting activities in protection and management districts within the jurisdiction of the Maine Land Use Regulation Commission to the Maine Forest Service beginning November 1, 2012. It provides for the Maine Forest Service to also administer and enforce the construction and maintenance of land management roads, water crossings and gravel pits of less than 5 acres in these areas. It allows the Maine Forest Service to establish a fee schedule for activities relating to timber harvesting, land management roads, water crossings and gravel pits in protection and management districts.

It provides for the Bureau of Forestry to administer and enforce timber harvesting and timber harvesting activities in shoreland areas for certain municipalities before the 252 -municipality threshold for adoption of statewide standards is reached.

LD 1740 An Act To Remove the Repeal Date for Outcome-based Forestry

**PUBLIC 488
EMERGENCY**

Sponsor(s)
SHERMAN

Committee Report
OTP

Amendments Adopted

This bill removes the repeal for laws governing outcome-based forestry. As defined in statute, "outcome-based forest policy" means a science-based, voluntary process to achieve agreed-upon economic, environmental and social outcomes in the State's forests, as an alternative to prescriptive regulation, demonstrating measurable progress towards achieving statewide sustainability goals and allowing landowners to use creativity and flexibility to achieve objectives, while providing for the conservation of public trust resources and the public values of forests. The provisions are scheduled to be repealed July 1, 2012.

Enacted Law Summary

Public Law 2011, chapter 488 removes the repeal on provisions pertaining to outcome-based forestry.