

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
SECOND REGULAR SESSION



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

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**

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

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.

Joint Standing Committee on Agriculture, Conservation and Forestry

Public Law 2011, chapter 488 was enacted as an emergency measure effective March 8, 2012.

LD 1741 An Act To Streamline the Paperwork Requirements of the State's Forest Practices Laws

PUBLIC 532

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
SHERMAN	OTP-AM	S-409

This bill eliminates and simplifies paperwork requirements of the State's forest practices laws. The bill repeals the requirement that the Director of the Bureau of Forestry within the Department of Conservation publish an annual report on clear cutting in the State. The bill also changes the requirement that the director issue a state of the State's forests report every 2 years to a requirement that the director issue the report every 5 years. The bill expands the scope of rulemaking by the Commissioner of Conservation and requires the adoption of rules by November 1, 2012.

Committee Amendment "A" (S-409)

This amendment deletes the section of the bill that revises rule-making authority governing forest practices. It revises the requirement for filing a notification with the Bureau of Forestry prior to beginning a timber harvest to apply only to harvesting for the primary purpose of selling or processing forest products. It retains the requirement in current law that a harvest notification form indicate if the land being harvested is taxed under the Maine Tree Growth Tax Law but removes the requirement that the notification include a statement that the harvest is consistent with the forest management and harvest plan required under Title 36. It clarifies the bureau's authority to modify the notification process for harvests under 10 acres and harvesting for the purpose of land use conversion. It directs the bureau to adopt rules pertaining to timber harvesting notifications.

Enacted Law Summary

Public Law 2011, chapter 532 repeals the requirement that the Director of the Bureau of Forestry within the Department of Conservation publish an annual report on clear cutting in the State. Information on clear-cuts over 75 acres, total acres planted and total acres precommercially thinned will be included in the director's annual report on harvesting practices. Chapter 532 also changes the requirement that the director issue a state of the State's forests report from every 2 years to every 5 years. It revises the requirement for filing a notification with the Bureau of Forestry prior to beginning a timber harvest to apply only to harvesting for the primary purpose of selling or processing forest products. It removes the requirement that the notification include a statement that the harvest is consistent with the forest management and harvest plan required under Title 36. It clarifies the bureau's authority to modify the notification process for harvests under 10 acres and harvesting for the purpose of land use conversion. It directs the bureau to adopt routine technical rules pertaining to timber harvesting notifications separate from rules pertaining to forest practice. It directs the Commissioner of Conservation to amend rules to eliminate the requirement that regeneration standards for Category 2 and 3 clear-cuts be certified. For other revisions to rulemaking to implement forest practices provisions, see the bill summary for LD 1739.

LD 1758 An Act To Eliminate the Deposit Requirements for Containers of Limited and Restricted Use Pesticides

PUBLIC 510

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
SAVIELLO	OTP-AM	S-392