

# MAINE STATE LEGISLATURE

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**STATE OF MAINE**  
125<sup>TH</sup> 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

125<sup>TH</sup> 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 125<sup>th</sup> 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 &amp; 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&amp;S XXX</i> .....	<i>chapter # of enacted private &amp; 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 125<sup>th</sup> 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*

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

***Joint Standing Committee on Agriculture, Conservation and Forestry***

This bill repeals the deposit requirements for containers of limited and restricted use pesticides.

**Committee Amendment "A" (S-392)**

This amendment provides purchasers who paid a deposit on pesticide containers an opportunity to recover the deposit if the containers are returned before December 31, 2017.

**Enacted Law Summary**

Public Law 2011, chapter 510 repeals the deposit requirements for containers of limited and restricted use pesticides. It provides purchasers who paid a deposit on pesticide containers an opportunity to recover the deposit if the containers are returned before December 31, 2017.

**LD 1759 An Act To Amend the Laws Governing the Pull Events Commission**

**PUBLIC 487**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
CRAY	OTP-AM	H-701

This bill reduces the number of members on the Pull Events Commission from 9 members to 5 members.

**Committee Amendment "A" (H-701)**

This amendment increases the membership of the Pull Events Commission from 9 to 10 and revises the membership. It provides for the staggering of the terms of members appointed in 2012. It requires 6 members of the 10-member commission to be present to transact business. A majority vote of those present is necessary to approve any action.

**Enacted Law Summary**

Public Law 2011, chapter 487 increases the membership of the Pull Events Commission from 9 to 10 and revises the membership by specifying that 2 members are appointed by farmers associations representing owners of animals who participate in pull events. It specifies that the fair superintendent who serves on the commission is appointed by the Commissioner of Agriculture, Food and Rural Resources. It provides for a member to be appointed by a state association of agricultural fairs. It eliminates the member representing the animal pulling industry appointed by the Commissioner of Agriculture, Food and Rural Resources. It provides for the staggering of the terms of members appointed in 2012. Subsequent appointments are for 3 years. It requires 6 members of the 10-member commission to be present to transact business and a majority vote of those present to approve any action.

**LD 1798 An Act To Reform Land Use Planning in the Unorganized Territory**

**PUBLIC 682**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
	OTP-AM	H-918 S-611 ROSEN R

This bill contains statutory changes to implement the recommendations of the Commission on Reform of the Governance of Land Use Planning in the Unorganized Territory. This bill is submitted by the Joint Standing Committee on Agriculture, Conservation and Forestry pursuant to Resolve 2011, chapter 113, section 9.