

# MAINE STATE LEGISLATURE

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**STATE OF MAINE**  
126<sup>TH</sup> LEGISLATURE  
FIRST REGULAR SESSION



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

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

July 2013

**STAFF:**

CHRISTOPHER J. SPRUCE, LEGISLATIVE  
OFFICE OF POLICY AND LEGAL ANALYSIS  
13 STATE HOUSE STATION  
AUGUSTA, ME 04333  
(207) 287-1670

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# STATE OF MAINE

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## LEGISLATIVE DIGEST OF BILL SUMMARIES AND ENACTED LAWS

This *Legislative Digest of Bill Summaries and Enacted Laws* contains summaries of all LDs and adopted amendments and all laws enacted or finally passed during the First Regular Session of the 126<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.

*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 126<sup>th</sup> Legislature is October 9, 2013. 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*

assistance. Public Law 2013, chapter 65 also updates the name of the College of Agriculture of the University of Maine System to the College of Natural Sciences, Forestry and Agriculture of the University of Maine throughout the Maine Revised Statutes.

**LD 290      An Act To Eliminate the Forest Certification Incentive Cost-share Fund      PUBLIC 11**

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

This bill eliminates the Forest Certification Incentive Cost-share Fund, a program that has no funding and that has never been used.

**Enacted Law Summary**

Public Law 2013, chapter 11 eliminates the Forest Certification Incentive Cost-share Fund, a program that has no funding and that has never been used.

**LD 291      An Act To Transfer Responsibility for the Returnable Beverage Container Laws from the Department of Agriculture, Conservation and Forestry to the Department of Environmental Protection      ONTP**

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

This bill proposes to transfer administration of the provisions regarding returnable beverage containers from the Department of Agriculture, Conservation and Forestry to the Department of Environmental Protection. Although the committee voted unanimously "ought-not-to-pass" on the bill, it authorized the committee co-chairs to send a letter to the Commissioner of Agriculture, Conservation and Forestry and to the Commissioner of Environmental Protection requesting that the commissioners discuss the changes proposed in LD 291 to determine if the proposed transfer of responsibility for the bottle bill from one department to the other is merited or feasible. The committee requested a report from the commissioners on the results of their discussions by December 15, 2013.

**LD 292      Resolve, Directing the Department of Agriculture, Conservation and Forestry To Develop a Plan for the Protection of the Public Health from Mosquito-borne Diseases      RESOLVE 13**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
GIFFORD SHERMAN	OTP-AM	H-54

This bill authorizes the Department of Agriculture, Conservation and Forestry to conduct appropriate mosquito-control activities in response to mosquito-borne disease public health threats. In addition, the bill authorizes municipalities to cooperate in controlling mosquitoes through the formation of mosquito-control districts. It establishes the Maine Mosquito Control Fund to provide funding for mosquito-control activities. Finally, the bill authorizes the Commissioner of Health and Human Services to declare a mosquito-borne disease public health threat.

**Committee Amendment "A" (H-54)**

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

This amendment is the unanimous report of the Joint Standing Committee on Agriculture, Conservation and Forestry. It replaces the bill with a resolve that directs the Department of Agriculture, Conservation and Forestry, in cooperation with appropriate personnel from the Department of Health and Human Services, to develop a plan for the protection of the public health from mosquito-borne diseases. The resolve also requires that the department report on its plan to the Joint Standing Committee on Agriculture, Conservation and Forestry by December 15, 2013, and authorizes the committee to report out a bill on the plan to the Second Regular Session of the 126th Legislature.

**Enacted Law Summary**

Resolve 2013, chapter 13 directs the Department of Agriculture, Conservation and Forestry, in cooperation with appropriate personnel from the Department of Health and Human Services, to develop a plan for the protection of the public health from mosquito-borne diseases. The resolve also requires that the department report on its plan to the Joint Standing Committee on Agriculture, Conservation and Forestry by December 15, 2013 and authorizes the committee to report out a bill on the plan to the Second Regular Session of the 126th Legislature.

**LD 312      An Act To Release a Restriction on Former State Land in  
Passadumkeag Currently Owned by Dale Ross**

**P & S 12**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
TURNER CAIN	OTP-AM ONTP	H-101

This bill rescinds the statutory restriction of only agricultural or forestry purposes on former state land in Passadumkeag currently owned by Dale Ross and directs the Department of Agriculture, Conservation and Forestry to issue a deed to Dale Ross releasing the restriction on that land.

**Committee Amendment "A" (H-101)**

This amendment is the majority report of the Joint Standing Committee on Agriculture, Conservation and Forestry. It amends the bill by requiring that Dale Ross, the owner of the property that is subject to the deed restriction, and the Department of Agriculture, Conservation and Forestry agree that the State must be held harmless regarding any and all claims related to the property and the ownership of the property by the State and any previous owners. The amendment also requires that the release of the deed restriction and hold harmless clause become part of the deed and bind all successors in title. The amendment also requires that Dale Ross pay all legal costs associated with the release of the deed restriction and the hold harmless agreement. The amendment also requires, pursuant to the Constitution of Maine, an affirmative vote of 2/3 of the members of the Legislature.

**Enacted Law Summary**

Private and Special Law 2013, chapter 12 rescinds the statutory restriction of only agricultural or forestry purposes on former state land in Passadumkeag currently owned by Dale Ross and directs the Department of Agriculture, Conservation and Forestry to issue a deed to Dale Ross releasing the restriction on that land. It requires that Dale Ross, the owner of the property that is subject to the deed restriction, and the Department of Agriculture, Conservation and Forestry agree that the State must be held harmless regarding any and all claims related to the property and the ownership of the property by the State and any previous owners. Private and Special Law 2013, chapter 12 requires that the release of the deed restriction and hold harmless clause become part of the deed and bind all successors in title. It also requires that Dale Ross pay all legal costs associated with the release of the deed restriction and the hold harmless agreement.