

# MAINE STATE LEGISLATURE

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**STATE OF MAINE**  
126<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**

May 2014

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**STATE OF MAINE**  
**126<sup>TH</sup> LEGISLATURE**  
**SECOND REGULAR SESSION**  
**LEGISLATIVE DIGEST OF BILL SUMMARIES AND**  
**ENACTED LAWS**

The *Digest* is arranged 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.

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 Second Regular Session of the 126<sup>th</sup> Legislature is August 1, 2014. 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*

consulting with affected municipalities, to conduct appropriate mosquito management activities in response to mosquito-borne disease public health threats. In addition, the law authorizes municipalities to cooperate in managing mosquitoes through the formation of mosquito management districts. It establishes the Maine Mosquito Management Fund to provide funding for mosquito management activities.

### **LD 1823     An Act To Amend the Outcome-based Forestry Experiment Laws**

**ONTP**

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

This bill amends the laws governing outcome-based forest policy experimental areas. It amends the membership of the technical panel assessing those experimental areas. It requires the technical panel to prepare an independent assessment and amends reporting requirements. It also repeals these laws July 1, 2021.

### **LD 1838     An Act To Expand Affordable Heating Investments with Maine's Public Resources**

**Accepted Majority  
(ONTP) Report**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
YOUNGBLOOD	ONTP OTP-AM	

This bill establishes the Affordable Heating from Maine's Forests Fund, administered by the Efficiency Maine Trust. The fund receives revenue from the sale of timber and other things of value from Maine's public reserved lands. In 2014, a total of \$1,000,000 will be transferred from the Public Reserved Lands Management Fund to the Affordable Heating from Maine's Forests Fund, and in subsequent years, \$1,250,000 or \$1,000,000 will be transferred annually depending on the quantity of wood harvested. The Efficiency Maine Trust is required to use the funding for measures that reduce residential heating costs.

#### **Committee Amendment "A" (S-480)**

This amendment, which is the minority report, renames the Affordable Heating from Maine's Forests Fund established in the bill the Low-income Affordable Heating Assistance from Maine's Forests Fund.

The amendment provides that the fund administered by the Efficiency Maine Trust must be used for investments in affordable measures that reduce residential heating costs for individuals eligible for the federal Low-income Home Energy Assistance Program. The amendment also provides that the Treasurer of State is required to transfer funds from the Public Reserved Lands Management Fund to the Low-income Affordable Heating Assistance from Maine's Forests Fund, but only if the Director of the Bureau of Parks and Lands within the Department of Agriculture, Conservation and Forestry determines that the transfer of funds will not significantly impair management of public lands. It also provides that the transfer of funds will begin September 1, 2014 rather than March 1, 2014. It also removes the emergency preamble and the emergency clause. Finally, the amendment adds an appropriations and allocations section.

### **LD 1847     An Act To Clarify Outcome-based Forestry**

**PUBLIC 542**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
BOYLE CRAY	OTP-AM	S-502

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

This bill amends the laws governing outcome-based forest policy experimental areas. It amends the membership of the technical panel assessing those experimental areas to consist of at least six members, at least one of whom is a member of the public, and specifies that they must have expertise in the areas of outcome-based principles. The technical panel is required to determine whether the practices applied in an experimental area provide at least equivalent forest and environmental protection as provided by the local, state and federal rules and regulations that would otherwise apply to that experimental area.

This bill requires the Director of the Bureau of Forestry, within the Department of Agriculture, Conservation and Forestry to brief the joint standing committee of the Legislature having jurisdiction over forestry matters prior to entering into an outcome-based forestry experiment agreement. The bill also requires the director and the technical panel each to submit two different reports to the joint standing committee. The first is an annual report regarding the progress on the outcome-based forestry experiment and the second is a report that must be completed every five years after entering into an agreement, which must include an analysis as to whether the practices applied on the experimental area provide at least the equivalent forest and environmental protection as provided by rules and regulations in existence on the date of the agreement.

The bill also amends current reporting requirements to require the director to make a recommendation to continue, change or discontinue the outcome-based forestry experiment.

### **Committee Amendment "A" (S-502)**

This amendment replaces the term "experimental area" with "outcome-based forestry area" in the laws governing forestry practices. The amendment requires the Director of the Bureau of Forestry, within the Department of Agriculture, Conservation and Forestry to seek to designate outcome-based forestry areas of various sizes owned by different landowners. The amendment explicitly authorizes the director to renew an outcome-based forestry agreement if all applicable requirements are met. The amendment provides that the term of a subsequent outcome-based forestry agreement may not exceed five years.

The amendment provides that the panel of technical experts, when conducting an assessment, may consider information provided by the Bureau of Forestry, the landowner, or a third-party forest certification program auditor. The amendment strikes the requirement as proposed in the bill that the panel of technical experts must include at least one member representing the public.

The amendment adds forest health and economic and social considerations to the list of outcome-based forestry principles.

The amendment makes changes to the reporting requirements as proposed in the bill. The amendment requires the Director of the Bureau of Forestry, in consultation with the technical panel, beginning March 1, 2015, and annually thereafter, to submit a report to the joint standing committee of the Legislature having jurisdiction over forestry matters detailing the progress on each outcome-based forestry agreement. The amendment also provides that when an initial outcome-based forestry agreement is approved by the Director of the Bureau of Forestry, the director is required to notify the joint standing committee of the Legislature having jurisdiction over forestry matters within 15 days. In the notification, the director is required to address how the proposed agreement will provide at least the equivalent forest and environmental protection as provided by applicable rules and regulations. The amendment provides that when an outcome-based forestry agreement is renewed, the director is required to notify the joint standing committee of the Legislature having jurisdiction over forestry matters within 15 days. The amendment also requires that reports, notifications and other information relating to outcome-based forestry projects must be placed on the Department of Agriculture, Conservation and Forestry's publicly accessible website.

The amendment retains the provision in the bill that provides that the exemption for outcome-based forestry projects pertains to clear-cutting requirements only.

The amendment also retains the provision in the bill that provides that the state of the State's forests report include a

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

recommendation to continue, change or discontinue designated outcome-based forestry projects.

### **Enacted Law Summary**

Public Law 2013, chapter 542 replaces the term "experimental area" with "outcome-based forestry area" in the laws governing forestry practices. The law requires the Director of the Bureau of Forestry, within the Department of Agriculture, Conservation and Forestry to seek to designate outcome-based forestry areas of various sizes owned by different landowners. It explicitly authorizes the director to renew an outcome-based forestry agreement if all applicable requirements are met. The law provides that the term of a subsequent outcome-based forestry agreement may not exceed five years.

The law provides that the panel of technical experts, when conducting an assessment, may consider information provided by the Bureau of Forestry, the landowner or a third-party forest certification program auditor.

The law also adds forest health and economic and social considerations to the list of outcome-based forestry principles.

The law requires the Director of the Bureau of Forestry, in consultation with the technical panel, beginning March 1, 2015, and annually thereafter, to submit a report to the joint standing committee of the Legislature having jurisdiction over forestry matters detailing the progress on each outcome-based forestry agreement. The law also provides that when an initial outcome-based forestry agreement is approved by the Director of the Bureau of Forestry, the director is required to notify the joint standing committee of the Legislature having jurisdiction over forestry matters within 15 days. In the notification, the director is required to address how the proposed agreement will provide at least the equivalent forest and environmental protection as provided by applicable rules and regulations.

The law provides that when an outcome-based forestry agreement is renewed, the director is required to notify the joint standing committee of the Legislature having jurisdiction over forestry matters within 15 days. It also requires that reports, notifications and other information relating to outcome-based forestry projects must be placed on the Department of Agriculture, Conservation and Forestry's publicly accessible website.

The law provides that the exemption for outcome-based forestry projects pertains to clear-cutting requirements only.

It also provides that the state of the State's forests report include a recommendation to continue, change or discontinue designated outcome-based forestry projects.

### **LD 1859      An Act To Amend the Laws Governing Poultry Processing**

**PUBLIC 567**

Sponsor(s)

DILL

Committee Report

Amendments Adopted

This bill was acted upon without reference to committee. This bill makes a technical correction by adding language to Title 22, section 2517-C, subsection 1 that was inadvertently omitted from Committee Amendment "A" to LD 218, An Act to Promote Small-scale Poultry Farming, in the First Regular Session of the 126th Legislature.

### **Enacted Law Summary**

Public Law 2013, chapter 567 makes a technical correction by adding language to Title 22, section 2517-C, subsection 1 that was inadvertently omitted from Committee Amendment "A" to LD 218, An Act to Promote Small-scale Poultry Farming, in the First Regular Session of the 126th Legislature.