

MAINE STATE LEGISLATURE

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STATE OF MAINE
127TH LEGISLATURE
FIRST REGULAR SESSION



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

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

August 2015

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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 127th 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. An appendix provides a summary of relevant session statistics.

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 First Regular Session of the 127th Legislature is October 15, 2015. 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 2015, chapter 58 repeals notification and reporting provisions for forest insect aerial pesticide spray projects. The bill eliminates provisions related to government pesticide supervisors, spotters and monitors, including the certification, licensing and associated reporting requirements.

LD 828

**An Act To Improve Regulatory Consistency within the Jurisdiction of
the Maine Land Use Planning Commission**

PUBLIC 265

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
DUNPHY L WOODSOME	OTP-AM ONTP	H-374 S-307 SAVIELLO

This bill:

1. Amends the legislative findings of the Maine Wind Energy Act, adding emphasis to public consideration and participation in decisions related to expedited wind energy development siting;
2. Directs the Maine Land Use Planning Commission, through rulemaking, to create a provisional expedited permitting area comprised of unorganized and deorganized areas of the State, which were previously included in the expedited permitting area, with specific exceptions to recognize existing expedited wind energy developments; and
3. Amends the statutory criteria for adding specified places to the expedited permitting area and adds a requirement that a petition to add a specified place to the expedited permitting area must involve a public hearing if written requests for a public hearing are received from five or more persons.

Committee Amendment "A" (H-374)

This amendment, which is the majority report of the committee, replaces the bill. It amends the laws governing expedited permitting of wind energy development in the Maine Revised Statutes, Title 35-A, chapter 34-A. It makes the following changes to current law.

1. It provides the Maine Land Use Planning Commission with the authority to remove, by rule, a specified place within the unorganized and deorganized areas from the expedited permitting area.
2. It provides that the Maine Land Use Planning Commission is not required to provide notice to the Legislature when it adopts a rule to remove a specified place from the expedited permitting area.
3. It amends existing definitions, adds new definitions and provides corresponding cross-references in Title 12 and in the public law that enacted Title 35-A, chapter 34-A to the new removal process.

House Amendment "A" To Committee Amendment "A" (H-393)

This amendment adds a requirement for notice and public hearing on a petition to remove a specified place from the expedited permitting area and requires the Maine Land Use Planning Commission to determine whether the specified place meets the existing requirements for additions to the expedited permitting area. This amendment also reduces the percentage of resident voters who must sign a petition seeking removal of a specified place from the expedited permitting area from 50 percent, as proposed in Committee Amendment "A," to 10 percent.

This amendment was not adopted.

Senate Amendment "A" To Committee Amendment "A" (S-307)

This amendment establishes consistency between the review processes for adding and removing specified places from the expedited permitting area. The amendment also establishes that when 10 percent, instead of 50 percent as in the committee amendment, of the registered voters in a township, plantation or municipality that voted in the

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most recent gubernatorial election petition for removal of a specified place in the unorganized and deorganized areas from the expedited permitting area, after the required notice, if no person requests substantive review of the petition the specified place must be removed. If review is requested, there must be an opportunity for public comment and, if requested by five or more persons, a public hearing. The Maine Land Use Planning Commission may recover the actual cost of a requested review of a petition from the person making the request. When conducting substantive review of a petition for removal, the commission must grant the petition and remove the specified place from the expedited permitting area if the commission determines the removal will not have an unreasonable adverse effect on the State's ability to meet its goals for wind energy development and is consistent with the principal values and the goals of the commission's comprehensive land use plan. The amendment removes the requirement that all signers of a petition must be permanent residents of the township, plantation or municipality, extends the deadline by which petitions may be filed to June 30, 2016 and establishes an effective date of the legislation of January 1, 2016.

Enacted Law Summary

Public Law 2015, chapter 265 amends the laws governing expedited permitting of wind energy development in the Maine Revised Statutes, Title 35-A, chapter 34-A, as follows:

1. It adds new definitions for "specified place" and "unorganized and deorganized areas;"
2. It provides the Maine Land Use Planning Commission with the authority to remove, by rule, a specified place within the unorganized and deorganized areas from the expedited permitting area and establishes consistency between the review processes for adding and removing specified places from the expedited permitting area. It establishes that when 10 percent of the registered voters in a township, plantation or municipality that voted in the most recent gubernatorial election petition for removal of a specified place in the unorganized and deorganized areas from the expedited permitting area, after the required notice, if no person requests substantive review of the petition the specified place must be removed. If review is requested, there must be an opportunity for public comment and, if requested by five or more persons, a public hearing. The Maine Land Use Planning Commission may recover the actual cost of a requested review of a petition from the person making the request. When conducting substantive review of a petition for removal, the commission must grant the petition and remove the specified place from the expedited permitting area if the commission determines the removal will not have an unreasonable adverse effect on the State's ability to meet its goals for wind energy development and is consistent with the principal values and the goals of the commission's comprehensive land use plan;
3. It establishes a deadline by which petitions may be filed to June 30, 2016;
4. It provides that the Maine Land Use Planning Commission is not required to provide notice to the Legislature when it adopts a rule to remove a specified place from the expedited permitting area;
5. It provides corresponding cross-references in Title 12 and in the public law that enacted Title 35-A, chapter 34-A to the new removal process; and
6. It establishes an effective date of January 1, 2016.

LD 839 An Act To Increase Conservation District Funding

PUBLIC 341

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
BLACK SAVIELLO	OTP-AM	H-88 S-325 HAMPER

This bill provides ongoing funding of \$200,000 per fiscal year to the Department of Agriculture, Conservation and Forestry for soil and water conservation districts.