

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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STATE OF MAINE

127TH LEGISLATURE
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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.

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 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

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.

Joint Standing Committee on Agriculture, Conservation and Forestry

Committee Amendment "A" (H-88)

This amendment incorporates a fiscal note.

Senate Amendment "A" (S-325)

This amendment reduces from \$200,000 per fiscal year to \$70,000 per fiscal year funding to the Department of Agriculture, Conservation and Forestry for soil and water conservation districts.

Enacted Law Summary

Public Law 2015, chapter 341 provides ongoing funding of \$70,000 per fiscal year to the Department of Agriculture, Conservation and Forestry for soil and water conservation districts.

LD 866 An Act To Ensure Efficiency and Safety in the Bureau of Forestry CARRIED OVER

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
BURNS NADEAU		

This bill requires the Director of the Bureau of Forestry within the Department of Agriculture, Conservation and Forestry to appoint no fewer than 16 Forest Ranger IIIs, subject to the Civil Service Law, who are each to be armed with a firearm and are selected from forest rangers employed by the bureau. The bill provides that a Forest Ranger III is required to meet the same training, certification and evaluation requirements as a full-time law enforcement officer as established by the department and Board of Trustees of the Maine Criminal Justice Academy. The bill provides that a Forest Ranger III has the same powers and duties as a sheriff or sheriff's deputy to enforce criminal and civil laws, with an emphasis on forestry, natural resource and wildfire protection laws.

This bill requires the director to appoint the state supervisor and no fewer than 32 Forest Ranger IIs, subject to the Civil Service Law, who serve in a role similar to that of current forest rangers and who must be provided ballistic vests and electronic control devices for their safety while performing their duties.

This bill changes the duties of forest rangers to include investigating, planning and implementing measures regarding forest health issues, including the control of invasive forest insect species, and providing support to the units within the bureau that are responsible for forest health and insect disease control. It also changes the duties of forest rangers to include providing assistance in disasters and emergencies, including search and rescue operations.

This bill removes the prohibition of the purchase of firearms, ballistic vests and other firearms-related equipment by the Department of Conservation.

This bill was carried over to any special or regular session of the 127th Legislature by joint order, H.P. 992.

LD 870 An Act To Amend the Maine Spruce Budworm Management Laws PUBLIC 314

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
DILL NOON	OTP-AM	S-252 H-466 BLACK

This bill updates the Maine Spruce Budworm Management Act to eliminate outdated language, such as that referring to pesticide spraying, and to add language governing presalvage and salvage harvesting of forest