

# MAINE STATE LEGISLATURE

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**STATE OF MAINE**  
127<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 2016

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# STATE OF MAINE

127<sup>TH</sup> LEGISLATURE

SECOND REGULAR SESSION



## 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 Second Regular Session of the 127<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. 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 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 127<sup>th</sup> Legislature is July 29, 2016. 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***

This resolve directs the Director of the Bureau of Parks and Lands within the Department of Agriculture, Conservation and Forestry to reconvey to the Sinclair Sanitary District land that was previously conveyed to the district pursuant to Resolve 1991, chapter 75. This resolve also authorizes the Sinclair Sanitary District to lease a portion of that land to Bay Communications II, LLC to build a commercial telecommunications tower.

This resolve was incorporated into another bill considered by the Joint Standing Committee on Agriculture, Conservation and Forestry. LD 1559, An Act To Authorize the Sinclair Sanitary District To Lease Land for Telecommunications Purposes incorporates the content of this resolve and was enacted as Private and Special Law 2015, chapter 18.

**LD 1629**

**An Act To Implement the Recommendations of the Commission To Study the Public Reserved Lands Management Fund**

**Veto Sustained**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
	OTP-AM	H-648

This bill was reported by the committee pursuant to Public Law 2015, chapter 267, Pt. GGGG, section 7 and then referred back to the committee for processing in the normal course.

It implements the recommendations of the Commission To Study the Public Reserved Lands Management Fund.

Part A of this bill prohibits any expenditures from the Public Reserved Lands Management Fund other than for the general operations of the Department of Agriculture, Conservation and Forestry, Bureau of Parks and Lands with respect to management of public reserved lands, unless the fund has at least \$2,500,000 at the start of the fiscal year.

It gives the joint standing committee of the Legislature having jurisdiction over public reserved lands matters the authority to approve all expenditures from the Public Reserved Lands Management Fund. This authority was repealed by Public Law 2013, chapter 368, Part LLLL, section 2.

It requires the bureau's annual report dealing with public reserved lands to include a breakdown of growth and yield in any regional public reserved lands units, identifying any harvesting that occurred during the preceding fiscal year in individual management units where yield exceeds annual growth.

It directs the bureau to establish an educational grant program to provide one-time grants to eligible public secondary and postsecondary institutions for educational programs related to logging. Funding for the grants comes from the Public Reserved Lands Management Fund.

Part B of this bill reestablishes the Commission To Study the Public Reserved Lands Management Fund, which was originally established in Public Law 2015, chapter 267, Part GGGG to review and analyze issues regarding the Public Reserved Lands Management Fund and the proper harvest levels on state land.

**Committee Amendment "A" (H-648)**

This amendment implements additional recommendations of the Commission To Study the Public Reserved Lands Management Fund that were not included in the original bill. These recommendations include:

1. Directing the Department of Agriculture, Conservation and Forestry to conduct a detailed forest inventory of the State's public reserved lands and public nonreserved lands by March 15, 2017 and every five years thereafter;
2. Establishing additional guidelines that must be followed by the Department of Agriculture, Conservation and Forestry before it may adopt any rule that would make changes to the annual allowable harvesting level for public

*Joint Standing Committee on Agriculture, Conservation and Forestry*

reserved lands;

3. Directing the Bureau of Parks and Lands within the Department of Agriculture, Conservation and Forestry to identify areas where the State does not currently have deeded access to the State's public reserved lands. This amendment also requires the bureau to direct regional foresters in the bureau who are familiar with the physical landscape and landowners to develop goals and priorities regarding increased access to the State's public reserved lands and requires the bureau to submit their findings to the joint standing committee of the Legislature having jurisdiction over public reserved lands matters by March 1, 2018;

4. Directing the Bureau of Parks and Lands within the Department of Agriculture, Conservation and Forestry to develop a statewide priority list of recreational infrastructure projects for the State's public reserved lands and a statewide priority list of projects under the federal Americans with Disabilities Act of 1990 for the State's public reserved lands. The priority lists must be presented to the joint standing committee of the Legislature having jurisdiction over public reserved lands matters by March 1, 2018. After receipt of the lists, the joint standing committee is required to hold a meeting for the purpose of obtaining public input related to the lists; and

5. Directing the Bureau of Parks and Lands within the Department of Agriculture, Conservation and Forestry to review its bid process for timber harvesting and road construction projects, including any liability concerns related to the bid process. The bureau is directed to report to the joint standing committee of the Legislature having jurisdiction over public reserved lands matters with any recommended changes to the bid process by March 15, 2017.

This amendment also strikes the section of the bill that provides the joint standing committee of the Legislature having jurisdiction over public reserved lands matters the authority to approve all expenditures from the Public Reserved Lands Management Fund.

In addition, this amendment includes a legislative findings section that addresses the consistency of the educational grant program's providing one-time grants to eligible public secondary and postsecondary institutions for educational programs related to logging with the permitted uses of the Public Reserved Lands Management Fund and finds that the Legislature, in permitting such transfers, is acting pursuant to their authority as trustee of the State's public reserved lands.

Finally, this amendment adds an appropriations and allocations section.

**LD 1659 An Act To Authorize the Sinclair Sanitary District To Lease Land for Telecommunications Purposes**

**P & S 18**

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

This bill was reported ought to pass by the committee pursuant to joint order, H.P. 1113.

This bill authorizes the Sinclair Sanitary District to lease a portion of the land conveyed pursuant to Resolve 1991, chapter 75 to Bay Communications II, LLC, to build a telecommunications tower. It directs the Director of the Bureau of Parks and Lands within the Department of Agriculture, Conservation and Forestry to convey to the Sinclair Sanitary District a deed modification that expressly authorizes this use.

**Enacted Law Summary**

Private and Special Law 2015, chapter 18 authorizes the Sinclair Sanitary District to lease a portion of the land conveyed pursuant to Resolve 1991, chapter 75 to Bay Communications II, LLC, to build a telecommunications tower. It directs the Director of the Bureau of Parks and Lands within the Department of Agriculture, Conservation