

MAINE STATE LEGISLATURE

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STATE OF MAINE
128TH LEGISLATURE
FIRST REGULAR SESSION



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

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

August 2017

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STATE OF MAINE

128TH LEGISLATURE
FIRST 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 First Regular Session of the 128th 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 128th Legislature is Wednesday, November 1, 2017. 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

LD 586

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

**PUBLIC 289
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
SAVIELLO T	OTP-AM	S-202 H-517 BLACK R

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

The bill establishes 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 reserved lands and nonreserved public lands. The bill directs the department to conduct a detailed forest inventory of the State's public reserved lands and nonreserved public lands by March 15, 2018 and every five years thereafter.

The bill prohibits any expenditures from the Public Reserved Lands Management Fund other than for the general operations of the Bureau of Parks and Lands within the department with respect to management of public reserved lands, unless the fund has at least \$2,500,000 at the start of the fiscal year. The bill requires the bureau's annual report dealing with public reserved lands to include a breakdown of growth based on the most recent physical forest inventory and of harvest in each region of any public reserved lands units established by the bureau, identifying any harvesting that occurred during the preceding fiscal year in individual management units where harvest exceeds annual growth.

The bill 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.

The bill directs the bureau to identify areas where the State does not currently have deeded access to the State's public reserved lands. The bill 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, 2019.

The bill directs the bureau 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, 2019. 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.

Finally, the bill directs the bureau 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, 2018. The bill also provides allocations for educational grants, infrastructure projects and a detailed forest inventory.

Committee Amendment "A" (S-202)

This amendment:

1. Changes the date in the bill that a detailed forest inventory of the State's public reserved lands and nonreserved public lands must be conducted by from March 15, 2018 to March 15, 2021 and keeps the requirement that an

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inventory must be done every five years thereafter;

2. Reenacts a provision of law regarding expenditures from the Public Reserved Lands Management Fund in the statute governing revenue from public reserved lands that states that money may not be expended without allocation by the Legislature. The allocations must be approved by the joint standing committee of the Legislature having jurisdiction over appropriations and financial affairs;
3. Adds a list and description of roads built and roads maintained in the preceding fiscal year and a list and description of roads to be built and roads to be maintained in the succeeding fiscal year to the items that must be included in the annual report dealing with public reserved lands submitted by the Department of Agriculture, Conservation and Forestry, Bureau of Parks and Lands;
4. Adds forestry to the programs eligible to receive funding under the educational grant program established in the bill;
5. Adds career and technical education programs to the types of programs that are eligible to apply for an educational grant related to logging and forestry;
6. Removes language specifying that educational grants are only one-time grants, specifies that those grants may be given to an approved eligible educational program if funds are available, and provides that the total distributions from the Public Reserved Lands Management Fund under the grant program may not exceed \$300,000 in the state budget biennium; and
7. Requires the joint standing committee of the Legislature having jurisdiction over public reserved lands matters, after public input, to rank the statewide priority list of recreational infrastructure projects for the State's public reserved lands and the statewide priority list of projects under the federal Americans with Disabilities Act of 1990 for the State's public reserved lands submitted by the Department of Agriculture, Conservation and Forestry, Bureau of Parks and Lands and to make recommendations, if funding is available, to the joint standing committee of the Legislature having jurisdiction over appropriations and financial affairs for funding projects.

This amendment adds an appropriations and allocations section.

House Amendment "A" To Committee Amendment "A" (H-517)

This amendment changes the emergency preamble to specify that road building for fiscal year 2017-18 begins July 1, 2017 and that clarity with regard to funding for that road building needs to be provided immediately. The amendment also makes the following changes to expenditures from the Public Reserved Lands Management Fund:

1. It provides that money in the Public Reserved Lands Management Fund may not be expended in excess of or in any manner inconsistent with the legislative allocation of the fund by the Legislature;
2. It provides that the joint standing committee of the Legislature having jurisdiction over public lands matters, referred to as "the jurisdictional committee," must review all allocations or subdivisions of allocations from the fund;
3. It provides that before January 15th of each odd-numbered year, the Commissioner of Agriculture, Conservation and Forestry must submit to the jurisdictional committee a detailed proposed budget for expenditures from the fund for the budgetary biennium. Before January 15th of each even-numbered year, the commissioner must submit to the jurisdictional committee a detailed budget for any proposed modifications to the legislative allocations of the fund during the remainder of the budgetary biennium; and
4. It provides that, after receiving a budget submission, the jurisdictional committee must review the proposed budget or budget modification and must determine the appropriate allocations or modifications of existing

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allocations of the fund. The jurisdictional committee must submit its recommended allocations or modifications to the joint standing committee of the Legislature having jurisdiction over appropriations and financial affairs, which must include those recommended allocations or modifications of allocations in an appropriate biennial budget or supplemental budget bill.

Enacted Law Summary

Public Law 2017, chapter 289 does the following:

1. Establishes 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 reserved lands and nonreserved public lands. Public Law 2017, chapter 289 directs the department to conduct a detailed forest inventory of the State's public reserved lands and nonreserved public lands by March 15, 2021 and every five years thereafter;
2. Prohibits any expenditures from the Public Reserved Lands Management Fund other than for the general operations of the Bureau of Parks and Lands within the department with respect to management of public reserved lands, unless the fund has at least \$2,500,000 at the start of the fiscal year. Money in the Public Reserved Lands Management Fund may not be expended in excess of or in any manner inconsistent with the legislative allocation of the fund by the Legislature;
3. Requires the annual report dealing with public reserved lands submitted by the Department of Agriculture, Conservation and Forestry, Bureau of Parks and Lands to include a breakdown of growth based on the most recent physical forest inventory and of harvest in each region of any public reserved lands units established by the bureau, identifying any harvesting that occurred during the preceding fiscal year in individual management units where harvest exceeds annual growth. Public Law 2017, chapter 289 also adds a list and description of roads built and roads maintained in the preceding fiscal year and a list and description of roads to be built and roads to be maintained in the succeeding fiscal year to the items that must be included in the annual report dealing with public reserved lands submitted by the Department of Agriculture, Conservation and Forestry, Bureau of Parks and Lands;
4. Directs the bureau to establish an educational grant program to provide grants to approved eligible career and technical education programs, and public secondary and postsecondary institutions, if funds are available, for educational programs related to logging and forestry. Total distributions from the Public Reserved Lands Management Fund under the grant program may not exceed \$300,000 in the state budget biennium;
5. Directs the bureau to identify areas where the State does not currently have deeded access to the State's public reserved lands. Public Law 2017, chapter 289 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, 2019;
6. Directs the bureau 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, 2019. 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. Public Law 2017, chapter 289 requires the joint standing committee of the Legislature having jurisdiction over public reserved lands matters, after public input, to rank the statewide priority list of recreational infrastructure projects for the State's public reserved lands and the statewide priority list of projects under the federal Americans with Disabilities Act of 1990 for the State's public reserved lands submitted by the Department of Agriculture, Conservation and Forestry, Bureau of Parks and Lands and to make recommendations, if funding is available, to the joint standing committee of the Legislature having jurisdiction over appropriations and financial affairs for funding projects;

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7. Directs the bureau 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, 2018;

8. Reenacts a provision of law regarding expenditures from the Public Reserved Lands Management Fund in the statute governing revenue from public reserved lands that states that money may not be expended without allocation by the Legislature. The allocations must be approved by the joint standing committee of the Legislature having jurisdiction over appropriations and financial affairs;

9. Provides that the joint standing committee of the Legislature having jurisdiction over public lands matters, referred to as "the jurisdictional committee," must review all allocations or subdivisions of allocations from the fund;

10. Provides that before January 15th of each odd-numbered year, the Commissioner of Agriculture, Conservation and Forestry must submit to the jurisdictional committee a detailed proposed budget for expenditures from the fund for the budgetary biennium. Before January 15th of each even-numbered year, the commissioner must submit to the jurisdictional committee a detailed budget for any proposed modifications to the legislative allocations of the fund during the remainder of the budgetary biennium; and

11. Provides that, after receiving a budget submission, the jurisdictional committee must review the proposed budget or budget modification and must determine the appropriate allocations or modifications of existing allocations of the fund. The jurisdictional committee must submit its recommended allocations or modifications to the joint standing committee of the Legislature having jurisdiction over appropriations and financial affairs, which must include those recommended allocations or modifications of allocations in an appropriate biennial budget or supplemental budget bill.

Public Law 2017, chapter 289 was enacted as an emergency measure effective July 20, 2017.

LD 594 An Act To Modify the Definition of "General Use Pesticide"

PUBLIC 59

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

This bill amends the definition of "general use pesticide" in the laws governing the Department of Agriculture, Conservation and Forestry, Board of Pesticides Control by removing reference to pesticides registered by the United States Environmental Protection Agency and adding reference to pesticides registered by the board.

Enacted Law Summary

Public Law 2017, chapter 59 amends the definition of "general use pesticide" in the laws governing the Department of Agriculture, Conservation and Forestry, Board of Pesticides Control by removing reference to pesticides registered by the United States Environmental Protection Agency and adding reference to pesticides registered by the board.