

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 1114 An Act To Amend the Rules Regulating Invasive Terrestrial Plant Species

ONTP

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
VOLK A VACHON K	ONTP	

This bill restricts the rule-making authority of the Commissioner of Agriculture, Conservation and Forestry regarding nonnative invasive terrestrial plants to allow the commissioner to adopt rules regarding those nonnative terrestrial plants that are determined to be invasive. The commissioner may not adopt rules to regulate plants that are likely or potentially invasive.

LD 1126 An Act Relating to the Use and Leasing of Public Reserved Lands

**PUBLIC 262
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
BLACK R DAVIS P	OTP-AM	H-417

This bill provides that the Director of the Bureau of Parks and Lands within the Department of Agriculture, Conservation and Forestry may lease observation stands and shelters and convey trail easements on public lands for private use, in addition to campsites, garages and other structures that currently may be leased. It provides that the director must lease up to one observation stand or shelter and convey up to a mile of trail easement for each lodging room at a commercial sporting camp. It specifies that the site location and trail easement must be as requested by the commercial sporting camp owner unless the director determines the location is inconsistent with other uses of the public reserved land or with applicable laws or rules. It provides for a minimum annual commercial sporting camp observation stand or shelter lease fee of \$100.

Committee Amendment "A" (H-417)

This amendment replaces the bill and changes the title to reflect the content of the amendment.

This amendment requires the Bureau of Parks and Lands to amend its rules expressly to permit bear baiting at sites that are not accessible by road but are accessible by water. It also requires the bureau to issue a permit to place bear bait at a site not accessible by road but accessible by water to any licensed Maine guide who applies in 2017 for such a permit if the applicant held such a permit for that site in 2016 and has not become ineligible for such a permit, unless the bureau finds there is a valid land management reason placement of bait at the site is no longer feasible and the bureau provides the applicant a written explanation of that reason. If the permit is denied for a valid land management reason, the bureau must work with the applicant to seek to find a suitable alternative site that meets the needs of the applicant.

This amendment directs the Director of the Bureau of Parks and Lands within the Department of Agriculture, Conservation and Forestry to issue a revised lease of land in Township 16, Range 6 current as of the effective date of this Act from the State to Eagle Lake Sporting Camps, that changes its term from 15 years to 30 years, notwithstanding the limitation in current law for such leases to be no longer than 15 years. The amendment also provides for successive renewals for terms of 30 years each as long as the land continues to be used for a year-round sporting camp or Class A restaurant and lodge open to the public, as specified in the lease agreement, and the lessee complies with all other terms and conditions of the lease and all other applicable laws and rules of the State. The lessee may request such a 30-year renewal during the 10 calendar years prior to the end of the term of any then-existing lease. A renewal commences at the end of the term of the then-existing lease. The director is also authorized to allow, on reasonable terms and conditions, a transfer of the leasehold interests to another entity if the

Joint Standing Committee on Agriculture, Conservation and Forestry

Eagle Lake Sporting Camps business is sold to another entity, as long as the sale of the business is at an appraised fair market value and the leased land continues to be used for a year-round sporting camp or Class A restaurant and lodge open to the public, as specified in the lease agreement, and the transferee agrees to comply with all terms and conditions of the lease and all other applicable laws and rules of the State.

This amendment also adds an emergency preamble and emergency clause to the bill, but the provisions relating to the Eagle Lake Sporting Camps take effect 90 days after the adjournment of the First Regular Session of the 128th Legislature.

Enacted Law Summary

Public Law 2017, chapter 262 requires the Bureau of Parks and Lands within the Department of Agriculture, Conservation and Forestry to amend its rules expressly to permit bear baiting at sites that are not accessible by road but are accessible by water. It also requires the bureau to issue a permit to place bear bait at a site not accessible by road but accessible by water to any licensed Maine guide who applies in 2017 for such a permit if the applicant held such a permit for that site in 2016 and has not become ineligible for such a permit, unless the bureau finds there is a valid land management reason placement of bait at the site is no longer feasible and the bureau provides the applicant a written explanation of that reason. If the permit is denied for a valid land management reason, the bureau must work with the applicant to seek to find a suitable alternative site that meets the needs of the applicant.

Public Law 2017, chapter 262 directs the Director of the Bureau of Parks and Lands within the Department of Agriculture, Conservation and Forestry to issue a revised lease of land in Township 16, Range 6 current as of the effective date of this Act from the State to Eagle Lake Sporting Camps, that changes its term from 15 years to 30 years, notwithstanding the limitation in current law for such leases to be no longer than 15 years. The amendment also provides for successive renewals for terms of 30 years each as long as the land continues to be used for a year-round sporting camp or Class A restaurant and lodge open to the public, as specified in the lease agreement, and the lessee complies with all other terms and conditions of the lease and all other applicable laws and rules of the State. The lessee may request such a 30-year renewal during the 10 calendar years prior to the end of the term of any then-existing lease. A renewal commences at the end of the term of the then-existing lease. The director is also authorized to allow, on reasonable terms and conditions, a transfer of the leasehold interests to another entity if the Eagle Lake Sporting Camps business is sold to another entity, as long as the sale of the business is at an appraised fair market value and the leased land continues to be used for a year-round sporting camp or Class A restaurant and lodge open to the public, as specified in the lease agreement, and the transferee agrees to comply with all terms and conditions of the lease and all other applicable laws and rules of the State.

Public Law 2017, chapter 262 was enacted as an emergency measure effective June 27, 2017, except that those provisions of the law relating to the Eagle Lake Sporting Camps take effect 90 days after the adjournment of the First Regular Session of the 128th Legislature.

LD 1127 An Act To Provide Occupants of Motor Vehicles with Gold Star Family CARRIED OVER
Registration Plates Free Entry to State Parks

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
SHEATS B CARSON B	OTP-AM	H-376

This bill provides for free entry to state parks for those persons who have gold star family registration plates on their motor vehicles, and their passengers.

Committee Amendment "A" (H-376)

This amendment incorporates a fiscal note.