

MAINE STATE LEGISLATURE

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STATE OF MAINE
128TH LEGISLATURE
FIRST SPECIAL, SECOND REGULAR AND SECOND SPECIAL SESSIONS



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

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

October 2018

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STATE OF MAINE

128TH LEGISLATURE

FIRST SPECIAL, SECOND REGULAR AND SECOND SPECIAL SESSIONS



LEGISLATIVE DIGEST OF BILL SUMMARIES AND ENACTED LAWS

This *Legislative Digest of Bill Summaries and Enacted Laws* contain summaries of all LDs and adopted amendments and all laws enacted or finally passed during the First Special, Second Regular and Second Special Sessions 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 dates for non-emergency legislation enacted in the First Special, Second Regular or Second Special Sessions of the 128th Legislature are: Monday, February 5, 2018; Wednesday, August 1, 2018; and Thursday, December 13, 2018, respectively. 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

of the annual report from April 1, 2018 to February 15, 2019.

The amendment also adds an appropriations and allocations section.

Enacted Law Summary

Public Law 2017, chapter 371 repeals the Harness Racing Promotional Board and requires the State Harness Racing Commission to promote harness racing in the State through the formation of advisory subcommittees, facilitation and marketing plans, the expenditure or granting of funds, and by inviting input on the promotion of harness racing from stakeholders.

Public Law 2017, chapter 371 changes the date of the annual harness racing report to February 15, 2019, and annually thereafter, and requires the report to include an account of the commission's operations and actions regarding the promotion of harness racing, a summary of income and expenses of the Harness Racing Promotion Fund, including any receipts and disbursements, and an assessment of the economic condition of the harness racing industry in this State.

Public Law 2017, chapter 371 establishes the Harness Racing Promotional Fund to be used solely for the marketing and promotion of harness racing in the State and transfers all unexpended balances of the Harness Racing Promotional Board to the Harness Racing Promotional Fund.

LD 1773 Resolve, Directing the Bureau of Parks and Lands To Transfer Land in RESOLVE 51
the Town of Pittston

| <u>Sponsor(s)</u> | <u>Committee Report</u> | <u>Amendments Adopted</u> |
|-----------------------|-------------------------|---------------------------|
| HANLEY J CUSHING A | OTP-AM | H-620 |

This resolve directs the Director of the Bureau of Parks and Lands within the Department of Agriculture, Conservation and Forestry to transfer a portion of a parcel of land situated on Arnold Road in the Town of Pittston to the First Congregational Church of Pittston.

Committee Amendment "A" (H-620)

This amendment incorporates a fiscal note.

Enacted Law Summary

Resolve 2017, chapter 51 directs the Director of the Bureau of Parks and Lands within the Department of Agriculture, Conservation and Forestry to transfer a .30 acre parcel of land situated on Arnold Road in the Town of Pittston, Kennebec County and recorded on the Town of Pittston property tax map U-13, Lot 9 to the First Congregational Church of Pittston.

LD 1789 An Act Authorizing Changes to the Ownership and Leases of Certain PUBLIC 362
Public Lands

| <u>Sponsor(s)</u> | <u>Committee Report</u> | <u>Amendments Adopted</u> |
|-------------------|-------------------------|---------------------------|
| DAVIS P | OTP-AM | S-416 |

This bill transfers those leases of public reserved lands granted by an act of the Legislature before the establishment of an agency in the executive branch of State Government for managing leases of public reserved lands to the Department of Agriculture, Conservation and Forestry, Bureau of Parks and Lands.

Joint Standing Committee on Agriculture, Conservation and Forestry

The bill authorizes the Director of the Bureau of Parks and Lands to sell certain parcels of public reserved lands on the southwest side of West Richardson Pond to the individual lessees, sell another lot in that area via public sale and enter into a land exchange to separate common and divided interests in a parcel of land in Aroostook County.

The bill amends Resolve 2015, chapter 29, which authorized the partitioning and consolidation of common and undivided interests in the Scopan Unit and other locations. Chapter 29 involved lands in Township 11, Range 4 WELS, Township 13, Range 13 WELS and Township 12, Range 13 WELS, which are not owned by the same group of owners as those lands involved in the proposed partition of interests in Township 10, Range 4 WELS and Township 13, Range 5 WELS. At present, the partitioning and exchange of interests in Township 10, Range 4 WELS and Township 13, Range 5 WELS are ready to move forward. The bill amends chapter 29 to allow the Township 10, Range 4 WELS and Township 13, Range 5 WELS transaction to take place and further authorizes negotiations by the bureau for the State's acquisition of all of the minority common and undivided interests in Township 11, Range 4 WELS E/2 owned by parties whose interests are managed by Prentiss and Carlisle Management Company.

Committee Amendment "A" (S-416)

This amendment is the majority report of the committee and replaces the bill.

The amendment does the following:

1. Removes the provision authorizing the transfer of leases of public reserved land granted by an act of the Legislature before the establishment of an agency in the Executive Branch for managing leases and instead authorizes the Director of the Bureau of Parks and Lands within the Department of Agriculture, Conservation and Forestry to allow the lessee of land at Long Falls Dam Road to sublease a portion of the parcel to the Maine Huts and Trails system for a parking area;
2. Amends Resolve 2013, chapter 56, which authorized the sale of lease lots in Richardson Lake public reserved lands to an association of lessees, to instead authorize the director to sell to individual lessees, and authorizing the sale of an additional parcel of public reserved lands on a small island in West Richardson Pond, and provides a description of the parcel and corrects the number of lessees as described in chapter 56;
3. Amends Resolve 2015, chapter 29, which authorizes the director to partition and consolidate common and undivided interests in lands in Township 10, Range 4 WELS and Township 13, Range 5 WELS, to remove language in the bill allowing the director to reconfigure tracts and or reconfigure the parcels to be conveyed and allowing the director to acquire interests managed by Prentiss and Carlisle Management Company in Township 11, Range 4 WELS E/2; and
4. Requires the Bureau to report to the joint standing committee of the Legislature having jurisdiction over nonreserved public lands and public reserved lands matters on the amount of funds in the public nonreserved lands acquisition fund and the Public Reserved Lands Acquisition Fund by county, including the funds received pursuant to transactions authorized by this legislation.

Enacted Law Summary

Public Law 2017, chapter 362 does the following:

1. Authorizes the Director of the Bureau of Parks and Lands within the Department of Agriculture, Conservation and Forestry to allow the lessee of land at Long Falls Dam Road to sublease a portion of the parcel to the Maine Huts and Trails system for a parking area;
2. Amends Resolve 2013, chapter 56, which authorized the sale of lease lots in Richardson Lake public reserved lands to an association of lessees, to instead authorize the director to sell to individual lessees, and authorizing the

Joint Standing Committee on Agriculture, Conservation and Forestry

sale of an additional parcel of public reserved lands on a small island in West Richardson Pond, and provides a description of the parcel and corrects the number of lessees as described in chapter 56;

3. Amends Resolve 2015, chapter 29, which authorizes the director to partition and consolidate common and undivided interests in lands in Township 10, Range 4 WELS and Township 13, Range 5 WELS, to remove language in the bill allowing the director to reconfigure tracts and or reconfigure the parcels to be conveyed and allowing the director to acquire interests managed by Prentiss and Carlisle Management Company in Township 11, Range 4 WELS E/2; and

4. Requires the bureau to report to the joint standing committee of the Legislature having jurisdiction over nonreserved public lands and public reserved lands matters on the amount of funds in the public nonreserved lands acquisition fund and the Public Reserved Lands Acquisition Fund by county, including the funds received pursuant to transactions authorized by this public law.

LD 1809 An Act To Amend the Laws Governing the Issuance of Burn Permits

**PUBLIC 449
EMERGENCY**

| <u>Sponsor(s)</u> | <u>Committee Report</u> | <u>Amendments Adopted</u> |
|------------------------|-------------------------|---------------------------|
| SAVIELLO T HANLEY J | OTP-AM | S-417 S-517 HAMPER J |

This bill was carried over on the Special Appropriations Table from the Second Regular Session to the next special session by joint order S.P. 748.

This bill requires the Director of the Bureau of Forestry within the Department of Agriculture, Conservation and Forestry to allow municipalities to use burn permit software purchased from a private party to issue a permit to burn, if issuance of the permit using the burn permit software meets certain statutory requirements. The bill provides that a person may not be charged a fee for a permit to burn issued using the burn permit software and that a person may apply for a permit to burn using the burn permit software or as otherwise provided in law. The bill requires the director to approve burn permit software within 10 days after a town forest fire warden or deputy submits a request for review to the director if the burn permit software meets the requirements for approval. The bill authorizes the director to adopt major substantive rules relating to burn permit software requirements.

Committee Amendment "A" (S-417)

This amendment does the following:

1. Allows a person who is issued a burn permit electronically to produce the permit on an electronic device;
2. Removes the \$7 fee for applying for a burn permit electronically using the system developed by the State to issue burn permits;
3. Requires the Director of the Bureau of Forestry within the Department of Agriculture, Conservation and Forestry to allow municipalities to use burn permit software acquired from a private party to issue a permit to burn if issuance of the permit using the private party burn permit software meets certain statutory requirements;
4. Limits the number of private party burn permit software programs that may be approved and in operation in the State to two private systems. To be approved, the vendor or owner of the private party burn permit software must submit a request for review to the director. The director must approve or deny approval of the software within 10 business days. If the director denies approval of the software, the director must notify the vendor or owner of the reasons why in writing;
5. Establishes that a person who uses private party burn permit software to apply for a permit to burn may not be