

MAINE STATE LEGISLATURE

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Joint Standing Committee on Agriculture, Conservation and Forestry

The law increases the maximum of race day credits that may be awarded per commercial track during the months of March and December from 12 to 16.

The law provides that if the commission determines that a commercial track ceased or agreed to cease operation prior to March 1, 2021 following a request from a bona fide statewide organization of horsemen to facilitate the prospect that a modernized commercial track might open, notwithstanding the requirements of the Maine Revised Statutes, Title 8, section 275-D, the operator of the former commercial track or an entity controlled by its owners is entitled to a license to operate an off-track betting facility in the same municipality of the commercial track at or after the time the commercial track ceases operation as a commercial track.

LD 1719 An Act To Improve Geographic Information System Data Acquisition and Maintenance

CARRIED OVER

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

This bill was carried over from the First Regular Session of the 129th Legislature on the Special Appropriations Table by joint order, H.P. 1322. The bill was taken off the Special Appropriations Table and recommitted to the committee in the Second Regular Session.

The bill moves the Maine Library of Geographic Information, the Geolibrary, from the Department of Administrative and Financial Services to the Department of Agriculture, Conservation and Forestry and establishes the Maine Library of Geographic Information Board in the Department of Agriculture, Conservation and Forestry to administer the Geolibrary. The bill adds a Geolibrarian and a GIS information officer, appointed by the Commissioner of Agriculture, Conservation and Forestry, to the staff of the Maine Library of Geographic Information, to collect, preserve and disseminate data, manage funds and direct the Geolibrary's activities. The bill repeals language allowing the administrator of the Office of Geographic Information Systems to enter into agreements with other agencies and to accept funds from public and private organizations, repeals language describing licensing agreement and fee requirements for geographic information system data and repeals language allowing the Maine Library of Geographic Information Board to hear and resolve disputes related to geographic information system data.

Committee Amendment "A" (S-261)

This amendment makes changes to the composition of the Maine Library of Geographic Information Board. The amendment adds an appropriations and allocations section.

This bill, which had been voted but not yet reported out of committee, was carried over in committee to any special session of the 129th Legislature by joint order, S.P. 788.

LD 1726 An Act To Penalize Violators of Wood Shipment and Quarantine Laws

PUBLIC 595

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
BLACK R HICKMANC	OTP-AM	S-412

This bill was carried over in committee from the First Regular Session of the 129th Legislature by joint order, H.P. 1322.

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The bill provides for penalties for violation of Department of Agriculture, Conservation and Forestry, Bureau of Forestry rules governing plant or wood products that may cause the introduction or spread of a dangerous forest insect or disease and rules governing the quarantine of forest or shade trees or part of a forest or shade tree capable of supporting a disease or insect infestation.

The bill sets fines at \$100 to \$1,000 for each day of a violation and from \$1,000 to \$2,000 for each day of a violation by a violator that violated the rules within the previous five-year period. It allows maximum fines to be increased to account for economic benefit and provides for the award of litigation costs in any action or proceeding brought by the Attorney General.

Committee Amendment "A" (S-412)

This amendment clarifies that the penalty in the bill applies to a person who violates:

1. A rule governing the quarantine of forest or shade trees or part of a forest or shade tree capable of supporting disease or insect infestation; or
2. A condition or term of an order, permit or notice issued by the Director of the Bureau of Forestry within the Department of Agriculture, Conservation and Forestry or the Commissioner of Agriculture, Conservation and Forestry governing plant or wood products that may cause the introduction or spread of a dangerous forest insect or disease.

The amendment also clarifies that the court, rather than the Department of Agriculture, Conservation and Forestry as in the bill, must consider the costs avoided or the enhanced value accrued at the time of the violation by the violator as a result of not complying with the applicable legal requirements.

The amendment reduces the penalty in current law for a violation of a Department of Agriculture, Conservation and Forestry rule governing the quarantine of any class of nursery stock, plant, fruit, seed or other article of any character capable of supporting a disease or insect infestation from a Class E crime to a civil violation and sets fines at \$100 to \$1,000 for each day of a violation and from \$1,000 to \$2,000 for each day of a violation by a violator that violated the rules within the previous five-year period. It allows maximum fines to be increased to account for economic benefit and provides for the award of litigation costs in any action or proceeding brought by the Attorney General. These penalty provisions are the same as those in the bill for violations with respect to trees and plant or wood products.

Enacted Law Summary

Public Law 2019, chapter 595 clarifies the penalty for person who violates:

1. A rule governing the quarantine of forest or shade trees or part of a forest or shade tree capable of supporting disease or insect infestation; or
2. A condition or term of an order, permit or notice issued by the Director of the Bureau of Forestry within the Department of Agriculture, Conservation and Forestry or the Commissioner of Agriculture, Conservation and Forestry governing plant or wood products that may cause the introduction or spread of a dangerous forest insect or disease.

The law also clarifies that the court, rather than the Department of Agriculture, Conservation and Forestry, must consider the costs avoided or the enhanced value accrued at the time of the violation by the violator as a result of not complying with the applicable legal requirements.

Public Law 2019, chapter 595 reduces the penalty for a violation of a Department of Agriculture, Conservation and Forestry rule governing the quarantine of any class of nursery stock, plant, fruit, seed or other article of any

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character capable of supporting a disease or insect infestation from a Class E crime to a civil violation and sets fines at \$100 to \$1,000 for each day of a violation and from \$1,000 to \$2,000 for each day of a violation by a violator that violated the rules within the previous five-year period. It allows maximum fines to be increased to account for economic benefit and provides for the award of litigation costs in any action or proceeding brought by the Attorney General.

LD 1770 An Act To Amend the Forestry Laws Regarding Responsibility for Compliance with Those Laws ONTP

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

This bill was carried over in committee from the First Regular Session of the 129th Legislature by joint order, H.P. 1322.

The bill clarifies in the laws governing forest practices and forest landowner and wood processor reporting requirements that the parties responsible for compliance with those laws include the landowner, the landowner's designated agent, the professional forester, the professional forester's employee and the person who conducts timber harvesting activities.

LD 1788 An Act To Eliminate Online Burn Permit Fees for All Areas of the State CARRIED OVER

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
DILL J	OTP-AM	S-395

This bill was carried over in committee from the First Regular Session of the 129th Legislature by joint order, H.P. 1322.

This bill eliminates online burn permit fees for all areas of the State.

Committee Amendment "A" (S-395)

This amendment clarifies that a person may not be charged a fee to obtain an online burn permit.

The amendment also allows a vendor or owner of a private party burn permit software system to charge a municipality for use of private party burn permit software.

The amendment also adds an appropriations and allocations section.

This bill was carried over on the Special Appropriations Table to any special session of the 129th Legislature by joint order, S.P. 788.

LD 1888 An Act To Protect Children from Toxic Chemicals CARRIED OVER

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
GRAMLICH L CARSON B		