

Agriculture, Conservation and Forestry

Agriculture

Enacted

LD 109 Resolve, To Study the Promotion and Expansion of the Maine Maple Sugar Industry.

MFPC Position: Support

Enacted Law Summary

Resolve 2011, chapter 48 directs the Commissioner of Agriculture, Food and Rural Resources to convene a task force to study the promotion and expansion of the Maine Maple Sugar Industry. It requires the Commissioner of Agriculture, Food and Rural Resources to submit a final report to the Joint Standing Committee on Agriculture, Conservation and Forestry no later than December 7, 2011. It authorizes the Joint Standing Committee on Agriculture, Conservation and Forestry to submit legislation to the Second Regular Session of the 125th Legislature.

Resolve 2011, chapter 48 was finally passed as an emergency measure effective May 25, 2011.

IMPACT TO THE FOREST INDUSTRY, NOTES FROM MFPC: *MFPC is supporting the task force.*

Department of Agriculture-Regulation

Not Enacted

LD 155 Resolve, To Require the Department of Agriculture, Food and Rural Resources To Develop Rules for the Moisture Content of Commercial Firewood

Land Preservation and Public Access

Not Enacted

LD 99 An Act To Allow the Use of Public Funds for the Repair and Maintenance of Private Roads and Bridges and To Ensure Public Access to the Seboomook Lake Region

LD 362 Resolve, Directing the Department of Conservation To Acquire an Easement To Provide Access to the Dead River [Jon, check to make sure this was not carried over].

LD 1249 An Act To Require the Land for Maine's Future Fund To Expend Funds for Deer Wintering Areas

Maine Land Use Regulation Commission

Enacted

LD 1534 Resolve, To Reform the Land Use and Planning Authority in the Unorganized Territory

MFPC Position: Support

Enacted Law Summary

Resolve 2011, chapter 113 establishes the Commission on Reform of the Governance of Land Use Planning in the Unorganized Territory. The commission consists of the 13 members, including the Commissioner of Conservation or the commissioner's designee, 4 members appointed by the Governor, 4 members appointed by the President of the Senate and 4 members appointed by the Speaker of the House. The commission is charged with ensuring uniform standards across the unorganized territory for forest management and timber harvesting activities, wildlife habitat protection, and regulation under the Natural Resources Protection Act. The commission is directed to make recommendations on the role of state agencies and county government and opportunities for increased self-determination in land use planning in the unorganized territory. It requires the commission to meet with the Joint Standing Committee on Agriculture, Conservation and Forestry no later than October 28, 2011 to provide an update on its progress and a final report no later than January 4, 2012. It authorizes the Joint Standing Committee on Agriculture, Conservation and Forestry to submit a bill to the Second Regular Session of the 125th Legislature.

IMPACT TO THE FOREST INDUSTRY, NOTES FROM MFPC: *The original amendment to the bill supported by MFPC and the Association of County Commissioners reformed LURC in the following ways: 1. MFS assumed control of forestry rules; 2. wildlife habitat was governed under NRPA; 3. DEP assumed responsibility for large projects triggered by site law; 4. Counties assumed local control over residential, small commercial development and zoning under MSRA title 30A. Time constraints limited discussions to establishing a Commission on Reform that currently includes several MFPC members.*

Not Enacted

LD 17 An Act To Reform the Land Use and Planning Authority within the Unorganized Territories of the State

LD 819 Resolve, To Improve the Predictability of Land Use Regulation in the Unorganized Territories

LD 1258 An Act To Improve Land Use Planning and Permitting in Unorganized Territories

Pesticides

Enacted

LD 228 An Act To Revise Notification Requirements for Pesticide Application

MFPC Position: Support

Enacted Law Summary

Public Law 2011, chapter 332 repeals the laws that govern the development and maintenance of a citizen's registry of properties used to notify residents, lessees and property owners of registered properties in advance of the outdoor application of pesticides using aircraft or air-carrier equipment. It directs the Department of Agriculture, Food and Rural Resources, Board of Pesticides Control to amend its rules governing the process for requesting notification of outdoor applications of pesticides to establish a distance from an aerial application of pesticides within which a person is entitled to receive notification of the application. The rule must further specify that an owner, lessee or other legal occupant of a sensitive area receive notification of aerial applications of pesticides made within 1,000 feet of the sensitive area.

IMPACT TO THE FOREST INDUSTRY, NOTES FROM MFPC: *This law resets notification provisions to those for forestry under Chapter 51. This action continues the adversarial relationship between the commercial farmers and MOFGA members.*

Not Enacted

LD 16- An Act To Revise Notification Requirements for Pesticides Applications Using Aircraft or Air-carrier Equipment

LD 591 An Act To Prohibit the Use of Pesticides in Certain Circumstance

LD 1041 An Act To Simplify and Enhance Pest Control Notification

Committee on Labor, Commerce, Research, and Economic Development

Economic Development Programs

Enacted

LD 679 Resolve, To Leverage Federal Opportunities for Job Creation in Maine

MFPC Position: Support

Enacted Law Summary

Resolve 2011, chapter 29 directs the Department of Economic and Community Development to review federal initiatives and pending federal legislation that promote the development of new employment, particularly employment in the manufacturing sector. The department is required to identify initiatives to be undertaken on a state and local level that have the potential to leverage federal funding and report to the Joint Standing Committee on Labor, Commerce, Research and Economic Development by December 1, 2011.

IMPACT TO THE FOREST INDUSTRY, NOTES FROM MFPC: *MFPC will advocate for consideration of forest industry opportunities.*

Not Enacted

LD 1050 An Act To Encourage the Promotion of Outdoor Recreational Activities

Employment Practices

Not Enacted

LD 314 An Act To Improve Employment Opportunities for Workers in the Forest Industry

LD 340 An Act Regarding Timber Harvesting on State Land

Carried Over

LD 1383 An Act To Improve the Process by Which Logging Contractors Hire Legal Foreign Workers

MFPC Position: Support

This bill significantly amends title 26, sections 872 & 873 to eliminate red tape and excessive fines and emphasizes a collaborative approach to administering the federal H2A program. This bill was carried over to any special and/or regular session of the 125th Legislative by joint order, H.P. 1190.

Independent Contractor Status

Enacted

LD 1420 An Act To Modify the Laws Regarding Status as an Independent Contractor

MFPC Position: Support

Enacted Law Summary

Public Law 2011, chapter 292 defines services provided by an individual to be employment subject to the unemployment compensation laws unless the individual is free from control or direction in performing the services and either:

1. The service is outside the usual course of business or is performed outside of the place of business; or
2. The individual is engaged in an independently established trade or occupation.

Public Law 2011, chapter 292 creates a stakeholder group of interested parties to develop an employment test that can be used across all occupations and in the administration of unemployment compensation law, workers' compensation law and labor standards programs. The presumption that services performed by an individual for remuneration are considered employment unless certain conditions are met is repealed on December 31, 2012.

Public Law 2011, chapter 292 was enacted as an emergency measure effective June 10, 2011

IMPACT TO THE FOREST INDUSTRY, NOTES FROM MFPC: *MFPC will work with the stakeholder process on an employment test appropriate for the forest industry.*

Carried Over

LD 1314 An Act To Standardize the Definition of "Independent Contractor" (see above)

Wages

Not Enacted

LD 447 An Act To Raise the Minimum Wage

LD 457 An Act To Provide a Livable Wage for Maine Families

LD 698 An Act To Bring Wage Equity to the Workplace

LD 994 An Act To Promote Responsible Business Practices through a Livable Wage

LD 1450 An Act To Enforce Wage Laws

Workers Compensation

Carried Over

LD 1571 An Act To Amend the Laws Governing Workers' Compensation

Not Enacted

LD 1055 An Act Regarding the Computation of Workers' Compensation Rates Based on Past Claims

LD 1065 An Act To Amend the Laws Governing the Determination of Permanent Impairment under the Maine Workers' Compensation Act of 1992

LD 1078 An Act To Amend the Audit and Enforcement Functions of the Workers' Compensation Board

Island Fisheries and Wildlife

All-Terrain Vehicles

Not Enacted

LD 1058 Resolve, To Create a Mitigation Fund for Damage Caused by Unauthorized All-terrain Vehicle Use on Private Land

Authority to stop Recreational Vehicles

Enacted

LD 254 An Act To Amend the Standards by Which Law Enforcement Officers May Stop an All-terrain Vehicle Operating on Private Property

MFPC Position: Support

Enacted Law Summary

Public Law 2011, chapter 248 authorizes a law enforcement officer to stop an all-terrain vehicle without a reasonable and articulable suspicion to believe a violation of the law has occurred.

IMPACT TO THE FOREST INDUSTRY, NOTES FROM MFPC: *This was an important policy milestone to reverse past legislative actions to limit law enforcement. The provision returns enforcement action to the Warden Service that is similar to the rules for snowmobiles and other activities on private land. This was a collaborative effort with SWOAM, ATV Maine, and MSA.*

Not Enacted

LD 413 An Act To Clarify Standards by Which Recreational Vehicles May Be Stopped

LD 1209 An Act Regarding Stops of All-terrain Vehicles and Snowmobiles by Law Enforcement Officers

Not Enacted

LD 1080 An Act To Ban the Use of Traps and Dogs in Bear Hunting

Coyote Control

Enacted

LD 927 An Act To Change the Coyote Night Hunting Law

MFPC Position: Monitor

Enacted Law Summary

Public Law 2011, chapter 216 authorizes the Commissioner of Inland Fisheries and Wildlife to appoint agents to hunt for coyotes at night using artificial illumination during the period of time when hunting for coyotes at night is currently prohibited. It also directs the commissioner to develop policies to notify the affected public and affected

IMPACT TO THE FOREST INDUSTRY, NOTES FROM MFPC: *This legislation will increase deer predator control measures.*

Not Enacted

LD 101 An Act To Institute a Snaring Program for Coyotes

LD 372 An Act To Reduce Deer Predation

LD 640 An Act To Encourage Coyote Management

Deer

Enacted

LD 1569 An Act To Restore the White-tailed Deer Population and Improve Maine's Wildlife Economy and Heritage

MFPC Position: Support

Enacted Law Summary

Public law 2011, chapter 381 does the following:

1. It makes the conservation and protection of deer wintering areas a priority for acquisitions funded by the Land for Maine's Future Fund;

2. It requires the Department of Inland Fisheries and Wildlife to establish 5-year benchmarks for managing the deer population in each wildlife management district and report annually to the joint standing committee of the Legislature having jurisdiction over inland fisheries and wildlife matters with updates on meeting each 5-year benchmark;
3. It provides that prior to final negotiations and legislative and administrative review for the sale of designated lands or an interest in designated lands that contain deer wintering habitat, the Commissioner of Inland Fisheries and Wildlife or the Commissioner of Conservation must notify the joint standing committee of the Legislature having jurisdiction over inland fisheries and wildlife matters and the joint standing committee of the Legislature having jurisdiction over agriculture, conservation and forestry matters about the intent to make such a sale;
4. It establishes a Predator Control and Deer Habitat Fund to fund predator control and to enhance deer habitat. It directs the Commissioner of Inland Fisheries and Wildlife to provide check off options on its online licensing system to allow a person to make donations to the fund;
5. It directs the Department of Inland Fisheries and Wildlife to secure revenue to enhance the department's efforts in protecting and expanding Maine's deer population;
6. It directs the Department of Inland Fisheries and Wildlife, in cooperation with the Department of Conservation, to develop and implement a plan for all state-owned lands to control predation on deer and a plan to protect, manage and enhance deer wintering areas;
7. It directs the Department of Inland Fisheries and Wildlife to develop plans to restructure and increase the budget of the Division of Public Information and Education and to create an ongoing relationship with the State's deer hunters using surveys, newsletters and its publicly accessible website to keep hunters current and involved in the implementation of the department's Maine Game Plan for Deer;
8. It directs the Department of Inland Fisheries and Wildlife to expand its Maine Game Plan for Deer to the entire State;
9. It directs the Department of Inland Fisheries and Wildlife to develop and implement a program to control predation on deer; and
10. It directs the Department of Inland Fisheries and Wildlife to report to the Joint Standing Committee on Inland Fisheries and Wildlife regarding the department's efforts and progress made to meet the goals of controlling predation on deer as required by this law by February 1, 2012.

Public law 2011, chapter 381 also establishes a reporting date of February 1, 2012 for the Department of Inland Fisheries and Wildlife to report to the Joint Standing Committee on Inland Fisheries and Wildlife concerning several provisions of this law.

IMPACT TO THE FOREST INDUSTRY, NOTES FROM MFPC: *Landowners will be required to manage identified deer yards using voluntary Deer Habitat Management Guidelines.*

Not Enacted

LD 1242 An Act To Restore the Deer Herd in Certain Wildlife Management Districts in Maine

Department of Inland Fisheries and Wildlife

Enacted

LD 251 Resolve, To Establish the Wilderness Rescue Task Force

MFPC Position: Support

Enacted Law Summary

Resolve 2011, chapter 15 directs the Department of Inland Fisheries and Wildlife to create the Wilderness Rescue Task Force to study the necessity and feasibility of establishing first aid stations and helicopter landing areas in remote locations where access and first aid supplies may not be readily available to search and rescue personnel. It also requires the department to report the task force's findings and recommendations to the Joint Standing Committee on Inland Fisheries and Wildlife by February 1, 2012.

IMPACT TO THE FOREST INDUSTRY, NOTES FROM MFPC: *Landowners will need to be involved in the task force process and determine appropriate program design.*

LD 271 Resolve, To Direct the Department of Inland Fisheries and Wildlife To Prepare a Deer Winter Feeding Strategy

MFPC Position: Support

Enacted Law Summary

Resolve 2011, chapter 20 directs the Department of Inland Fisheries and Wildlife to prepare a comprehensive deer winter feeding strategy and to report to the Joint Standing Committee on Inland Fisheries and Wildlife by January 5, 2012.

IMPACT TO THE FOREST INDUSTRY, NOTES FROM MFPC: *This effort is primarily designed to encourage more input from IF&W biologists in conducting deer winter feeding programs.*

LD 792 Resolve, Establishing a Task Force To Examine the Decline in the Number of Nonresident Hunters

MFPC Position: Monitor

Enacted Law Summary

Resolve 2011, chapter 51 authorizes the Department of Inland Fisheries and Wildlife to examine the decline in the number of nonresident hunters and the national trends regarding nonresident hunters over the past 5 years by establishing a task force consisting of guides and outfitters, tourism officials, a person from each tourism region, a marketing director from the department and a nonresident sportsman. It also requires the Department of Inland Fisheries and Wildlife to report its findings and recommendations to the Joint Standing Committee on Inland Fisheries and Wildlife by December 1, 2011.

IMPACT TO THE FOREST INDUSTRY, NOTES FROM MFPC: *An important issue for MFPC to monitor.*

Not Enacted

LD 682 An Act To Establish the Moose Biologist Fund To Support a Moose Biologist Position

LD 1327 Resolve, To Study the Organization of the Fisheries Management Activities of the Department of Inland Fisheries and Wildlife and Make Recommendations To Improve Efficiency and Effectiveness

Hunting

Not Enacted

LD 173 Resolve, To Allow the Possession of an Unlimited Number of Game Birds

Illegal Dumping

Enacted

LD 112 An Act To Discourage Illegal Dumping in the State

MFPC Position: Support

Enacted Law Summary

Public Law 2011, chapter 208 does the following:

1. It increases the fine for subsequent offenses of illegally disposing of 15 pounds or less or 27 cubic feet or less of litter from a minimum of \$200 to \$500 and the maximum from \$500 to \$1,000;
2. It amends the fine structure for subsequent offenses of illegally disposing of 15 pounds or more or 27 cubic feet or more of litter by increasing the minimum fine to \$2,000;
3. It provides that the court shall require a person who illegally dumps more than 15 pounds or more than 27 cubic feet of litter to pay a party sustaining damages treble the actual damages or \$200, whichever amount is greater, plus the injured party's court costs and attorney's fees;
4. It provides that the court shall require a person who illegally dumps more than 15 pounds or more than 27 cubic feet of litter to perform not less than 100 hours of public service relating to the removal of litter;
5. It provides that the court, when practical, shall require a person who illegally dumps more than 15 pounds or more than 27 cubic feet of litter to remove the litter;
6. It provides that in the case of a person who illegally dumps more than 15 pounds or more than 27 cubic feet of litter, the court may suspend that person's motor vehicle operator's license for a period of not less than 30 days or more than one year and requires the court to suspend certain licenses, permits and registrations issued by the Department of Inland Fisheries and Wildlife. The court may also suspend any license, permit, registration or certification issued by a state agency or municipality to the person. It exempts a motor vehicle operator's license, professional license, permit, registration or certification required for that person to operate or establish a business or necessary for the person's primary source of employment unless the items dumped were related to the person's profession or occupation; and
7. It provides that the Department of Inland Fisheries and Wildlife's Landowners and Sportsmen Relations Advisory Board shall establish a program to work with courts to identify public service opportunities for violators of litter control laws that could improve landowner and sportsman relations

IMPACT TO THE FOREST INDUSTRY, NOTES FROM MFPC: *Increases the regulatory tools for dealing with dumping on private land.*

Landowners

Enacted

LD 559 An Act To Protect Owners of Private Property against Trespass

MFPC Position: Supported amendments

Enacted Law Summary

Public Law 2011, chapter 432 does the following:

1. Provides that a person may not place or hunt over bait without the oral or written permission of the landowner or the landowner's agent;
2. Provides that a person may not hunt bear, coyote or bobcat with a dog unless the dog has a collar that legibly provides the name, telephone number and address of the owner of that dog;
3. Prohibits the use of a dog to hunt a coyote during the period from 30 minutes after sunset to 30 minutes before sunrise;
4. Limits the number of dogs a person or persons may use to hunt coyotes or bobcats to 6 dogs; and
5. Adds another method of posting private property to the current method of horizontal silver paint stripes by allowing a vertical paint mark with the color and type of paint determined by the Department of Conservation, Bureau of Forestry. Public Law 20011, chapter repeals the current silver paint marking provisions on September 12, 2012.

Public Law 2011, chapter 432 was enacted as an emergency measure effective July 6, 2011.

IMPACT TO THE FOREST INDUSTRY, NOTES FROM MFPC: *Strengthens landowner permission requirements and increasing options for posting private property. Worked on collaboratively with SWOAM and the Hunting and Trapping community.*

Not Enacted

LD 223 An Act To Require Written Permission for Recreational Access to Cropland, Pastureland and Orchards

LD 1121 An Act To Provide for Incentives and Reparations to Landowners in Connection with All-terrain Vehicle Access

Moose

Not Enacted

LD 274 An Act To Increase the Moose Permit Allocations for Zones 2 and 3

Sunday Hunting

Not Enacted

LD 749 An Act To Allow Sunday Hunting in Northern Maine

LD 810 An Act To Allow Hunting on Sunday in Certain Wildlife Management Districts

LD 906 An Act To Allow Sunday Hunting for Small Game and Wild Birds

LD 910 An Act To Allow Hunting on Sunday for Landowners

Trapping

Not Enacted

LD 107 An Act To Allow Trapping in Northern Maine without the Written Consent of the Landowner

Committee on Environment and Natural Resources

Department of Environmental Resources

Not Enacted

LD 614 An Act To Expedite the Review of Certain Maine Land Use Regulation Commission and Department of Environmental Protection Applications

Natural Resource Protection Act

Enacted

LD 1031 An Act To Amend the Laws Governing Significant Wildlife Habitat

MFPC Position: Supported

Enacted Law Summary

Public Law 362 directs the Department of Environmental Protection to amend its rules to:

1. Provide that if a vernal pool depression is bisected by a property boundary, only that portion of the vernal pool depression located on the property of the landowner proposing to cause an impact may be considered in determining whether the vernal pool is significant;
2. Provide that an artificial vernal pool is exempt from regulation as long as the vernal pool was not created in connection with a compensation project; and

3. Remove seasonal precipitation as a factor in determining that a vernal pool habitat is not significant.

IMPACT TO THE FOREST INDUSTRY, NOTES FROM MFPC: *This law clarifies vernal pool regulations.*

LD 1387 An Act To Restore Exemptions in the Natural Resources Protection Act

MFPC Position: Support

Enacted Law Summary

Public Law 2011, chapter 205 amends the exemption for certain maintenance and repair activities in the Natural Resources Protection Act and eliminates a longstanding duplicate exemption applying to stream crossings. It replaces the exemption for existing crossings. It also requires that the Department of Environmental Protection, the Department of Inland Fisheries and Wildlife, the Department of Marine Resources and the Department of Transportation present the final draft of a statewide aquatic conservation and restoration strategy plan to the joint standing committee of the Legislature having jurisdiction over natural resources matters by January 31, 2013. The plan may include recommended legislation, and the committee is authorized to report out a bill to the First Regular Session of the 126th Legislature.

IMPACT TO THE FOREST INDUSTRY, NOTES FROM MFPC: *MFPC working with SWOAM to clarify and strengthen Forestry exemption provision in current law as part of the report back to the legislature.*

Not Enacted

LD 156 An Act To Clarify the Regulation of Impacts to Significant Vernal Pool Habitats under the Natural Resources Protection Act

LD 341 An Act To Exempt Artificial Wetlands and Artificial Significant Vernal Pool Habitats from State Regulation

LD 872 An Act To Clarify the Natural Resources Protection Act

Oil/Fuel

Enacted

LD 253 Resolve, To Establish a Single Construction Permit for Certain Aboveground Oil Storage Tanks in Gravel Pits and Quarries

MFPC Position: Support

Enacted Law Summary

Resolve 2011, chapter 26 requires the Department of Environmental Protection in consultation with the Office of the State Fire Marshal to establish a permit-by-rule process for obtaining a single construction permit for aboveground oil storage tanks that are used for the supply of diesel fuel and located in excavations for borrow, clay, top soil or silt and quarries that meets the requirements of the Maine Revised Statutes, Title 25, section 2483 and Title 38, sections 490-D and 490-Z.

IMPACT TO THE FOREST INDUSTRY, NOTES FROM MFPC: *This bill stream-lines permitting process for operational fuel storage tanks used in gravel pits.*

Shoreland Zoning

Not Enacted

LD 219 An Act To Amend the Laws Governing Shoreland Zoning

LD 888 An Act To Allow Flexibility under Municipal Shoreland Zoning Ordinances

Site Location of Development

Enacted

LD 159 An Act To Foster Economic Development by Improving Administration of the Laws Governing Site Location of Development and Storm Water Management

MFPC Position: Support

Enacted Law Summary

Public Law 2011, chapter 359:

1. Exempts trail management activities from review under the laws governing storm water management on snowmobile trails developed as part of the Maine Trails System under the Maine Revised Statutes, Title 12, section 1892;
2. Provides that rules adopted by the Department of Environmental Protection after January 1, 2010 pursuant to the laws governing storm water management are major substantive rules, with certain limited exceptions for minor clerical corrections and technical clarifications;

3. Requires the Department of Environmental Protection to apply the standards adopted in rule pursuant to the Natural Resources Protection Act for significant vernal pool habitat to significant vernal pool habitat reviewed under the laws governing the site location of development. It prohibits the department from requiring a buffer strip adjacent to significant vernal pool habitat under the laws governing site location of development unless the buffer strip is established for another protected natural resource;
4. Provides that rules related to standards for development adopted by the Department of Environmental Protection after January 1, 2010 pursuant to the laws governing site location of development are major substantive rules, except for standards for blasting and wind energy development or offshore wind power projects;
5. Directs the Department of Environmental Protection to adopt rules to allow activities in, on or over high and moderate value waterfowl and wading bird habitat to be eligible for permit by rule under the Natural Resources Protection Act; and
6. Authorizes the Joint Standing Committee on Environment and Natural Resources to report out a bill relating to high and moderate value waterfowl and wading bird habitat to the Second Regular Session of the 125th Legislature.

IMPACT TO THE FOREST INDUSTRY, NOTES FROM MFPC: *Also part of the process MFPC is involved with to clarify the forestry exemption for IWW Habitat to be reported back to the legislature.*

Solid Waste

Enacted

LD 1567 Resolve, To Authorize the State To Acquire a Landfill in the Town of East Millinocket

MFPC Position: Support

Enacted Law Summary

Resolve 2011, chapter 90 authorizes the Executive Department, State Planning Office to acquire and cause to be operated an existing licensed and generator-owned solid waste disposal facility in the Town of East Millinocket known as the Dolby Landfill. The State Planning Office may only acquire real estate associated with the solid waste disposal facility by donation. The donation of real estate associated with the disposal facility is conditioned on the execution of an agreement by a buyer for the acquisition of the pulp and paper mills; the office's endeavoring to identify and implement measures to mitigate the State's closure costs, including the consideration of cost caps on the closure costs; and the office's having received from the buyer

an acceptable business plan, including employment projections. Chapter 90 expressly preserves the sovereign immunity of the State with respect to any agreement authorized under the resolve. Under chapter 90, the municipality in which the disposal facility is located may not regulate the operation of the disposal facility and, if the type of waste permitted to be disposed of at the disposal facility changes, the municipal officials of the Town of East Millinocket and the Town of Millinocket are directed to establish a joint citizen advisory committee regarding the disposal facility. Chapter 90 directs the Executive Department, State Planning Office to submit a report to the Joint Standing Committee on Environment and Natural Resources by February 15, 2012 on the acquisition of the disposal facility and a review of the operations related to the disposal facility.

Resolve 2011, chapter 90 was finally passed as an emergency measure effective June 17, 2011.

IMPACT TO THE FOREST INDUSTRY, NOTES FROM MFPC: *An important provision to the sale and revival of the Millinocket mills.*

Water Quality

Not Enacted

LD 154 An Act To Change the Classification of the Lower Androscoggin River

Committee on Appropriations and Financial Affairs

LD 100 An Act To Make Supplemental Appropriations and Allocations for the Expenditures of State Government and To Change Certain Provisions of the Law Necessary to the Proper Operations of State Government for the Fiscal Year Ending June 30, 2011

MFPC Position: Supported provisions

Enacted Law Summary

PART H transfers unexpended funds from the Division of Forest Protection, Other Special Revenue Funds account within the Department of Conservation to the unappropriated surplus of the General Fund.

PART W provides that for a transfer \$400,000 from the Division of Forest Protection, General Fund account in the Department of Conservation to the General Fund unappropriated surplus if the balance of the former account exceeds a specified amount on June 1, 2011. If the balance does not exceed the specified amount the Department of Conservation is authorized to sell a Jet Ranger helicopter and transfer \$400,000 from the proceeds to the General Fund unappropriated surplus.

LD 1043 An Act Making Unified Appropriations and Allocations for the Expenditures of State Government, General Fund and Other Funds, and Changing Certain Provisions of the Law Necessary to the Proper Operations of State Government for the Fiscal Years Ending June 30, 2011, June 30, 2012 and June 30, 2013

Enacted Law Summary

PART ZZZ directs the Governor to implement specific recommendations of the 2008 plan developed by the natural resources agency task force and requires a report by the commissioners of the natural resources agencies to the Joint Standing Committee on Appropriations and Financial Affairs.

Committee on Regulatory Fairness and Reform

LD 1 An Act To Ensure Regulatory Fairness and Reform

MFPC Position: *These are just selected issues in LD1 that have been important to the forest industry.*

1. Full funding to BETR program restored, last session this was reduced to 90%
2. Estate tax exemption from \$1 million to \$2 million and establish a progressive tax rate.
3. Increase the period of time required before a nonresident performing services in Maine becomes subject to Maine's income tax.

Judiciary Committee

Courts and court procedure

Enacted

LD 281 An Act To Create a 6-year Statute of Limitations for Environmental Violations

Position: Supported

Enacted Law Summary

Public Law 2011, chapter 350 establishes a 6-year statute of limitations for actions for civil penalties for violations of laws administered by the Department of Environmental Protection. An action must be commenced within 6 years of when the Commissioner of Environmental Protection or the Attorney General discovers the act or omission giving rise to the violation or identifies the party responsible for the violation, or of the last day of a continuing violation, whichever occurs latest. Chapter 350 specifies that an enforcement action is commenced when any of the following occurs:

1. The commissioner proposes an administrative consent agreement in writing to the violator;
2. The commissioner schedules an enforcement hearing on the alleged violation;
3. The commissioner, with the prior approval of the Attorney General, files a complaint in District Court; and
4. The Attorney General files a complaint in District Court or Superior Court.

Commencing an action tolls the statute of limitations.

Implications: *An important law that limits long term liability for mill owners.*

Real Property, Property Rights and Eminent Domain

LD 1477 Resolve, To Review Issues Dealing with Regulatory Takings

Enacted Law Summary

Resolve 2011, chapter 111 establishes the Committee to Review Issues Dealing with Regulatory Takings. The committee consists of 11 members including five Legislators as well as representatives of various interested groups, appointed by the President of the Senate and the Speaker of the House, and the Attorney General or the Attorney General's designee.

The committee will study issues associated with property rights and the public welfare and report to the Joint Standing Committee on Judiciary by December 7, 2011.

Resolve 2011, chapter 111 was finally passed as an emergency measure effective July 8, 2011.

Implications: Don White from Prentiss & Carlisle and Clark Granger will be serving on this commission and representing landowner perspectives. This is a landmark issue that is important to all Maine landowners.

Not Enacted

LD 526 An Act To Protect Persons Who Have Buildings on Leased Land

LD 1135 An Act To Protect the Rights of Property Owners

Torts and immunity, General

Not Enacted

LD 616 An Act To Clarify Landowner Liability for Environmental Damage Caused by Others

Transportation Committee

General Highway Fund

Not Enacted

LD 383 An Act To Eliminate the Annual Indexing of Fuel Tax Rates

Motor Carriers

Enacted

LD 722 An Act To Reduce Fines for Certain Trucking Violations

Position: Support

Enacted Law Summary

Public Law 2011, chapter 219 provides that the maximum fine for a violation of a state rule that adopts by reference the Federal Motor Carrier Safety Administration regulations and that does not meet the definition of an out-of-service order is \$250. It also provides that the maximum fine for a violation of a state rule that adopts by reference the Federal Motor Carrier Safety Administration regulations and that meets the definition of an out-of-service order is \$500.

The law provides that an out-of-service order means a declaration by a law enforcement officer authorized to enforce Federal Motor Carrier Safety Administration regulations that a driver, a commercial motor vehicle or a motor carrier operation is out of service pursuant to federal law.

LD 796 An Act To Continue the Axle Fine Waiver during the Midwinter Season

MFPC Position: Support

Enacted Law Summary

Public Law 2011, chapter 86 repeals the repeal date for the provision waiving axle fines during the midwinter season on public ways.

Public Law 2011, chapter 86 was enacted as an emergency measure effective May 16, 2011.

Implications: This has been a successful law revision that is now permanently established.

Not Enacted

LD 770 Resolve, To Establish a Study Group To Update Weight Regulations (*note: this was an attempt to decrease log truck exemptions for loader weight.*)

Railroads

Not Enacted

LD 1544 An Act To Promote Rail Competition in Northern Maine

Roads

Not Enacted

LD 1052 An Act To Require Equal Treatment of All Roads in a Road Association

LD 1367 An Act To Restore Maine's Secondary Roads

Traffic Regulations

Enacted

LD 736 An Act To Prohibit Texting while Driving

Enacted Law Summary

Public Law 2011, chapter 207 provides that a person may not operate a motor vehicle while engaging in text messaging. The law defines "text messaging" as reading or manually composing electronic communications, including text messages, instant messages and e-mails, using a portable electronic device. "Text messaging" does not include using a global positioning or navigation system.

LD 1557 An Act To Raise the Speed Limit on Interstate 95 between the City of Old Town and the Town of Houlton

Enacted Law Summary

Public Law 2011, chapter 415 raises the speed limit on Interstate 95 from 65 miles per hour to 75 miles per hour on the highway from the City of Old Town to the Town of Houlton.

Committee on Taxation

Commercial Forestry Excise Tax

Enacted

LD 921 An Act To Clarify the Collection Process for the Commercial Forestry Excise Tax

Position: Supported

Enacted Law Summary

Public Law 2011, chapter 462 limits the period of the supplemental assessment under the commercial forestry excise tax to the prior 3 years if the landowner signs an affidavit stating that the landowner was unaware of the requirement to file a return and that penalties and interest must be waived or abated if the tax is paid within 30 days after receipt of the notice of supplemental assessment. These provisions apply to property tax years beginning on or after April 1, 2011.

Implications: *This law clarified collection of retroactive taxes because MRS was accessing the maximum penalty when non-paying landowners were identified.*

Estate Tax

Not Enacted

LD 195 An Act To Provide Relief from Estate Tax Valuation Requirements for Surviving Spouses

LD 423 An Act To Eliminate Maine's Estate Tax

LD 490 An Act To Exempt the Value of Family Farms from the Estate Tax

LD 898 An Act To Reform the Maine Estate Tax (*Changes included in LD1*)

LD 1147 An Act To Conform Maine's Estate Tax to the Federal Estate Tax

Excise tax

Not Enacted

LD 436 An Act To Base the Motor Vehicle Excise Tax on the Purchase Price of a Motor Vehicle

LD 1216 An Act To Impose an Excise Tax on the Extraction of Water for Bottling

Income Tax-Reform

Carried Over

LD 849 An Act To Provide Tax Relief for Maine’s Citizens by Reducing Income Taxes

This bill requires that 30% of any revenues that exceed the so-called LD 1 limitation and 20% of the amount of any unappropriated surplus be transferred to a “Tax Relief Fund.” The fund would be used to increase income tax brackets by 20% and then to incrementally reduce the top marginal income tax rate until it reaches 6.5%

Income Tax Credits, Exemptions, Deductions and Incentives

Not Enacted

LD 140 An Act To Eliminate the Restriction on Net Operating Loss Carry-forwards

LD 338 An Act To Provide an Income Tax Credit for Persons Engaged in Commercial Forestry

Property Tax-Current Use

Enacted

LD 507 An Act To More Closely Coordinate the Classification of Forested Farmland under the Farm and Open Space Tax Laws with the Maine Tree Growth Tax Law

Enacted Law Summary

Public Law 2011, chapter 404 addresses the circumstance where a landowner transfers Tree Growth property into the farmland tax program under the Farm and Open Space Tax Law. The law allows municipalities to receive reimbursement for the forested acreage that is transferred to the farmland program at the reimbursement amount allowed under the Tree Growth Law.

LD 1142 Resolve, Directing the Department of Administrative and Financial Services, Bureau of Revenue Services To Review the Farm and Open Space Tax Law

Enacted Law Summary

Resolve 2011, chapter 86 requires the Department of Administrative and Financial Services, Bureau of Revenue Services to work with guidance from the Department of Agriculture, Food and Rural Resources to evaluate land used for agricultural activities enrolled in the farm and open space tax law and to consider land within the footprint of agriculture-related buildings. It requires the bureau’s review to consider the method for the valuation of such lands under a current use valuation methodology and an assessment of the thresholds for acreage and income that allows farmland to be assessed at current use. It requires the bureau to invite the participation of representatives from municipalities and a statewide farming association. It requires the bureau to submit a report with recommendations and suggested legislation to the

Joint Standing Committee on Taxation and the Joint Standing Committee on Agriculture, Conservation and Forestry. It authorizes the Joint Standing Committee on Taxation to submit a bill pertaining to the recommendations of the report to the Second Regular Session of the 125th Legislature.

Implications: MFPC will be monitoring the open space Tax Law revisions and comparing these to participation in the Tree Growth Tax law program.

Not Enacted

LD 191 An Act To Define Lienholder Rights under the Maine Tree Growth Tax Law

LD 459 An Act To Improve Municipal Reimbursement under the Maine Tree Growth Tax Law

Carried over:

LD 1138 An Act To Prevent Unnecessary Expulsion of Landowners from the Maine Tree Growth Tax Law Program

LD 1470 An Act To Ensure Harvesting of Timber on Land Taxed under the Maine Tree Growth Tax Law *(Note: this will be an important bill to monitor and participate in since the intent is to address alleged abuses of this tax along the coast.)*

Sales Tax

Not Enacted

LD 563 RESOLUTION, Proposing an Amendment to the Constitution of Maine To Use a Portion of the Sales and Use Tax for the Protection of Maine's Fish and Wildlife

Sales Tax Exemptions, Exclusions or Refunds

Not Enacted

LD 42 An Act Regarding the Tax on Fuel Used for Commercial Agriculture, Fishing and Forestry

Tax Increment Financing

Enacted

LD 533 An Act To Clarify the Use of Tax Increment Financing Funds for Recreational Development

Enacted Law Summary

Public Law 2011, chapter 102 amends the laws regarding municipal development districts to clarify that once the Department of Economic and Community Development has determined that new or existing recreational trails within a municipality have significant potential to promote economic development, the project costs for planning, design, construction, maintenance, grooming and improvements with respect to the trails, which may include bridges that are part of the trail corridor, are authorized for multiple projects or project phases related to the trails.

Not Enacted

LD 1157 An Act To Protect Property Tax Revenue in the Unorganized Territory

Unorganized Territory

Enacted

LD 1459 An Act To Establish Municipal Cost Components for Unorganized Territory Services To Be Rendered in Fiscal Year 2011-12

Enacted Law Summary

Public Law 2011, chapter 235 establishes municipal cost components for state and county services provided to the unorganized territory that would be paid for by a municipality. The municipal cost components constitute the property tax for the unorganized territory.

Public Law 2011, chapter 235 was enacted as an emergency measure effective June 6, 2011.

MFPC Implications: *MFPC Landowners are encouraged to participate in the local county budget process and influence outcomes before they are presented to the legislature.*

Not Enacted

LD 808 An Act Regarding Property Taxes in the Unorganized Territories

Committee on Energy, Utilities, and Technology

Renewable Resource

Enacted

LD 1570 An Act To Reduce Energy Prices for Maine Consumers

Enacted Law Summary

Public Law 2011, chapter 413 provides a definition of “to refurbish” as it applies to new renewable capacity resources. It requires the Public Utilities Commission to conduct a rulemaking to ensure that consumers will benefit from long-term contracts. It requires legislative approval for long-term contracts for energy efficiency capacity resources that result in a fee or an assessment on ratepayers.

Sale of electricity by a competitive electricity provider to a Pine Tree Development Zone business is exempt from the requirements of the portfolio standard established under the Maine Revised Statutes, Title 35-A, section 3210 unless a qualified Pine Tree Development Zone business requests a waiver from the exemption. The Public Utilities Commission may adopt routine technical rules to implement the exemption.

Finally, this law directs the Public Utilities Commission to conduct an in-depth analysis of the new renewable capacity resources portfolio requirements. The commission must report to the committee by January 31, 2011. The committee may submit a bill related to the findings to the Second Regular Session of the 125th Legislature.

Impact on Members, Notes from MFPC *Manufacturers and biomass energy members will need to monitor this process closely. The administration is singularly focused on reducing energy costs.*

Not Enacted

LD 502 An Act To Place a Moratorium on Expedited Permitting of Grid-scale Wind Energy Development

LD 600 An Act To Promote a Safe and Sustainable Environment by Extending the Portfolio Standard

LD 956 An Act To Improve Maine's Renewable Portfolio Standard LD 1236 An Act To Amend the Legislative Findings in the Maine Wind Energy Act

Agency Matters-PUC/OPA/OEIS

Not Enacted

LD 789 An Act To Eliminate the Governor's Office of Energy Independence and Security

Electricity

Enacted

LD 793 An Act To Protect Ratepayers While Enhancing Energy Independence and Security

Enacted Law Summary

Public Law 2011, chapter 277 requires the State to withdraw from the regional greenhouse gas initiative if other states that participate in the regional greenhouse gas initiative and in the same wholesale electricity market administered and overseen by the regional transmission organization as Maine have a total carbon dioxide emissions budget for the calendar year 2009 that totals less than 35,000,000 tons.

Not Enacted

LD 68 Resolve, Directing the Public Utilities Commission To Examine the Purchase of Low-cost Electric Power from Quebec

Boards, Commissions, and Interim Study Groups

Commission on Reform of the Governance of Land Use Planning in the Unorganized Territory

Committee to Review Issues Dealing with Regulatory Takings

Study the Promotion and Expansion of the Maine Maple Sugar Industry

Deer Winter Feeding Strategy Report

Plan for Aquatic Restoration for Stream Crossings

Review of Farm and Open Space Laws