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Legislative Document

No. 1741

S.P. 598

In Senate, January 4, 2012

An Act To Streamline the Paperwork Requirements of the State's Forest Practices Laws

Submitted by the Department of Conservation pursuant to Joint Rule 204.
Reference to the Committee on Agriculture, Conservation and Forestry suggested and
ordered printed.

Joseph G. Carleton Jr.

JOSEPH G. CARLETON, JR.
Secretary of the Senate

Presented by Senator SHERMAN of Aroostook.

1 **Be it enacted by the People of the State of Maine as follows:**

2 **Sec. 1. 12 MRSA §8867-A, first ¶**, as enacted by PL 1997, c. 720, §2, is repealed
3 and the following enacted in its place:

4 The Commissioner of Conservation shall adopt rules in accordance with Title 5,
5 chapter 375 to implement this chapter. Rules adopted pursuant to this paragraph are
6 routine technical rules as defined in Title 5, chapter 375, subchapter 2-A.

7 **Sec. 2. 12 MRSA §8878-A**, as enacted by PL 1997, c. 720, §13, is repealed.

8 **Sec. 3. 12 MRSA §8879**, as amended by PL 2005, c. 683, Pt. A, §15, is further
9 amended to read:

10 **§8879. Report on the state of the State's forests**

11 The director shall publish a ~~biennial~~ report on the state of the State's forests every 5
12 years. The director must submit a copy of the report to the joint standing committee of
13 the Legislature having jurisdiction over forestry matters by January 1st ~~of odd-numbered~~
14 every 5 years beginning January 1, 1999 2016.

15 **1. Content.** The report must describe the condition of the State's forests based on
16 historical information and information collected and analyzed by the bureau for the
17 ~~biennium~~ 5-year period. The report must provide an assessment at the state level of
18 progress in achieving the standards developed pursuant to section 8876-A, including
19 progress of the outcome-based forestry experiment authorized under section 8003,
20 subsection 3, paragraph Q. The director shall also provide observations on differences in
21 achieving standards by landowner class. The report must summarize importing and
22 exporting of forest products for foreign and interstate activities. The director shall obtain
23 public input during the preparation of the report through ~~public hearings and other~~
24 appropriate methods.

25 **1-A. Report on changes in ownership of forest land.** Using information received
26 under Title 36, section 581-G, the director shall monitor changes in ownership of parcels
27 of forest land that are 1,000 acres or greater in area within the municipalities of the State
28 and classified under the Maine Tree Growth Tax Law. Using information received under
29 Title 36, sections 581-F and 581-G, the director shall monitor the number of parcels
30 classified under the Maine Tree Growth Tax Law and the distribution of parcels by size.
31 The ~~biennial~~ report must include information on the number of parcels, classified by size
32 categories, for the organized and unorganized territories of the State. The information
33 must be presented in a manner that facilitates comparison from year to year.

34 In assessing changes in forest land ownership, the director shall also consider information
35 reported pursuant to Title 36, sections 305 and 2728. The director shall provide a
36 summary of changes in ownership of forest land in the ~~biennial~~ report.

37 **2. Recommendations.** The report must include recommendations for state and
38 private actions designed to address the needs identified in the assessment.

1 A. State action recommendations must be defined in terms of necessary policies,
2 programs, staff and budgetary requirements to achieve specific goals.

3 B. Recommendations for actions on privately held forest lands may be developed
4 separately for large, industrial ownerships and small, nonindustrial ownerships.
5 These recommendations must be defined in terms of actions needed to achieve
6 specific goals.

7 **Sec. 4. 12 MRSA §8883-B, sub-§1**, as enacted by PL 2003, c. 452, Pt. F, §44 and
8 affected by Pt. X, §2, is amended to read:

9 **1. Notification required prior to harvest.** Unless exempted under subsection 6 or
10 by rule, prior to commencing harvesting operations the landowner or designated agent
11 shall notify the bureau of: a commercial harvest operation.

12 ~~A. A harvest operation of 50 cords or less; or~~

13 ~~B. A commercial harvest operation of more than 50 cords.~~

14 When the harvest is occurring within a municipality, the bureau shall send a copy of the
15 notification form to the municipal clerk.

16 **Sec. 5. 12 MRSA §8883-B, sub-§2, ¶G**, as enacted by PL 2003, c. 452, Pt. F,
17 §44 and affected by Pt. X, §2, is repealed.

18 **Sec. 6. 12 MRSA §8883-B, sub-§2, ¶H**, as enacted by PL 2003, c. 452, Pt. F,
19 §44 and affected by Pt. X, §2, is amended to read:

20 H. Whether the land is being harvested to convert to another use within 2 years and,
21 if so, what that use is to be;

22 ~~If the land being converted to another use is taxed under the Maine Tree Growth Tax~~
23 ~~Law, notification of a change of land use under this subsection constitutes a~~
24 ~~withdrawal from taxation under the Maine Tree Growth Tax Law of that portion of~~
25 ~~land being converted to another use. When a change in land use is indicated, the~~
26 ~~director shall notify the assessor for the jurisdiction in which the parcel is located that~~
27 ~~the land or the portion of land no longer meets the requirements of Title 36, chapter~~
28 ~~105, subchapter 2 A and must be withdrawn in accordance with Title 36, section 581;~~

29 **Sec. 7. 12 MRSA §8883-B, sub-§6**, as enacted by PL 2003, c. 452, Pt. F, §44 and
30 affected by Pt. X, §2, is amended to read:

31 **6. Notification exemption.** The following activities are exempt from the
32 notification requirement under this section:

33 A. Activities ~~where~~ when forest products are harvested for an owner's own use and
34 are not sold or offered for sale or used in the owner's primary wood-using plants;

35 B. Precommercial silvicultural forestry activities; and

36 C. Harvesting performed by the landowner within a 12-month period when the total
37 area harvested on land owned by that landowner does not exceed: 2 acres.

1 (1) ~~Two acres if the residual basal area of acceptable growing stock over 4 1/2~~
2 ~~inches in diameter measured at 4 1/2 feet above the ground is less than 30 square~~
3 ~~feet basal area per acre; or~~

4 (2) ~~Five acres if the residual basal area of acceptable growing stock over 4 1/2~~
5 ~~inches in diameter measured at 4 1/2 feet above the ground is more than 30~~
6 ~~square feet basal area per acre.~~

7 The bureau may develop alternative notification methods for a harvest occurring on a
8 parcel of land that is 2 acres or less in size and for harvesters operating on multiple
9 parcels of land that are no more than 2 acres in size.

10 **Sec. 8. 12 MRSA §8883-B, sub-§7**, as enacted by PL 2003, c. 452, Pt. F, §44 and
11 affected by Pt. X, §2, is amended to read:

12 **7. Penalties.** The following penalties apply to the failure to notify the bureau
13 pursuant to this section. Each day of failure to notify is a separate offense.

14 ~~A. Failure to notify the bureau of a harvest operation of 50 cords or less constitutes a~~
15 ~~civil violation for which a fine of not more than \$50 may be adjudged.~~

16 ~~B. Providing inaccurate information on a notification form for a harvesting operation~~
17 ~~of 50 cords or less is a civil violation for which a fine of not more than \$50 may be~~
18 ~~adjudged.~~

19 C. Failure to notify the bureau of a commercial harvest operation ~~of more than 50~~
20 ~~cords~~ constitutes a civil violation for which a fine not to exceed \$1,000 for each
21 occurrence may be adjudged and for which immediate cessation of the operation may
22 be ordered by the court. Continued operation after receiving an order to cease
23 operation constitutes a civil violation for which a fine not to exceed \$1,000 for each
24 day the operation continues may be adjudged.

25 D. Providing inaccurate information on a notification form for a commercial
26 harvesting operation ~~of more than 50 cords~~ is a civil violation for which a fine of not
27 more than \$1,000 for each occurrence may be adjudged.

28 **Sec. 9. 12 MRSA §8886, sub-§1**, as enacted by PL 1989, c. 555, §12 and affected
29 by c. 600, Pt. B, §11, is amended to read:

30 **1. Harvesting practices.** Utilizing a sample of forest landowner reports and any
31 other appropriate survey methods, the director shall tabulate an annual survey of the
32 methods of harvesting and the harvest practices employed. The information on
33 harvesting ~~shall~~ must include, but ~~is~~ is not ~~be~~ limited to, the silvicultural prescriptions
34 employed, the estimated acreage of various harvest methods, including clear-cutting, ~~and~~
35 the extent of whole-tree harvesting of both solid and chipped wood, the number of
36 clear-cuts over 75 acres in size, the total acres planted and the total acres
37 precommercially thinned.

38 **Sec. 10. Adoption of rules.** The Commissioner of Conservation shall adopt rules
39 to effect the purposes of this Act no later than November 1, 2012.

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SUMMARY

The purpose of this bill is to eliminate or simplify certain redundant paperwork requirements of the State's forest practices laws. The bill repeals the requirement that the Director of the Bureau of Forestry within the Department of Conservation publish an annual report on clearcutting in the State. The bill also changes the requirement that the director issue a state of the State's forests report every 2 years to a requirement that the director issue the report every 5 years. The bill expands the scope of rulemaking by the Commissioner of Conservation and requires the adoption of rules by November 1, 2012.