

MAINE STATE LEGISLATURE

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122nd MAINE LEGISLATURE

SECOND REGULAR SESSION-2006

Legislative Document

No. 1872

H.P. 1312

House of Representatives, January 3, 2006

An Act To Provide Forest Certification Cost-share Incentives to Forest Landowners and Licensed Foresters

Submitted by the Department of Conservation pursuant to Joint Rule 204.

Received by the Clerk of the House on December 28, 2005. Referred to the Committee on Agriculture, Conservation and Forestry pursuant to Joint Rule 308.2 and ordered printed pursuant to Joint Rule 401.

Millicent M. MacFarland
MILLICENT M. MacFARLAND
Clerk

Presented by Representative PIOTTI of Unity.

Cosponsored by Representatives: BRYANT of Windham, MAREAN of Hollis, Senator:
BRYANT of Oxford.

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

Sec. 1. 12 MRSA c. 801-A, as amended, is further amended by repealing the chapter headnote and enacting the following in its place:

CHAPTER 801-A

FOREST CERTIFICATION INCENTIVE COST-SHARE FUND

Sec. 2. 12 MRSA §8011, as enacted by PL 2001, c. 439, Pt. KKKK, §1, is amended to read:

§8011. Cost-share fund established; purpose

There is established a ~~certified-forest-resource-manager grant~~ forest certification incentive cost-share fund, referred to in this chapter as the "~~grant~~ cost-share fund," from which the bureau may ~~award-grants~~ provide cost-share funds. ~~A-grant~~ Cost-share funds may be awarded to a licensed professional forester to assist that forester in obtaining initial independent 3rd-party certification as a forest resource manager ~~or to a landowner to assist the landowner in obtaining independent 3rd-party certification that the landowner's forest land is well managed. Forest-land-managed-by-a-certified-forest-resource manager-may-achieve-certification-as-a-well-managed-forest through-clear-review-and-acceptance-procedures.~~

The bureau may accept donations and grants from public and private sources for deposit in the ~~grant~~ cost-share fund. All money received from appropriations, donations and grants to the ~~grant~~ cost-share fund must be deposited in a nonlapsing, dedicated account.

Sec. 3. 12 MRSA §8012, sub-§3, as enacted by PL 2001, c. 439, Pt. KKKK, §1, is amended to read:

3. Independent 3rd-party certification. "Independent 3rd-party certification" means a system that verifies ~~sustainable forest-management-through-an-independent-3rd-party-audit-of-a licensed-professional-forester's-management-of-a-client's-forest lands,~~ that forest management is consistent with a certification program's standards through an independent 3rd-party audit of the management of forest lands. To be considered an "independent 3rd-party certification" system:

A. The certification program, including, but not limited to, the standards for awarding certification and the protocols for ascertaining compliance, must be developed and administered by an entity with no financial interest in the

2 entity seeking certification except by reason of the
3 contract for certification services; and

4 B. The organization retained to perform the certification
5 audit must receive no financial benefit from timber
6 harvesting on the land or from the entity being audited,
7 except for the contractual relationship for the audit
8 service.

10 **Sec. 4. 12 MRSA §8012, sub-§4,** as enacted by PL 2001, c. 439,
11 Pt. KKKK, §1, is amended to read:

12 **4. Licensed forester.** "Licensed professional forester"
13 means a person licensed pursuant to Title 32, chapter 75 76.

16 **Sec. 5. 12 MRSA §8013,** as enacted by PL 2001, c. 439, Pt.
17 KKKK, §1, is amended to read:

18 **§8013. Administration of cost-share fund; procedure**

20 The bureau shall administer the ~~grant~~ cost-share fund
21 pursuant to this section.

24 **1. Eligibility.** The bureau may ~~award--grants~~ provide
25 cost-share funds to a licensed professional forester seeking
26 initial who has obtained independent 3rd-party certification or
27 recertification as a forest resource manager in order that the
28 forester's client landowners may obtain the benefits accruing
29 from such certification. The bureau may provide cost-share funds
30 to a landowner who has obtained independent 3rd-party
31 certification or recertification that the landowner's forest
32 lands are well managed if that landowner does not own more than
33 1,000 acres of forest land statewide.

34 **2. Amount of cost-share funds.** The bureau may provide a
35 ~~grant~~ cost-share funds to a licensed professional forester or
36 landowner in an amount equal to 50% of the cost of obtaining
37 independent 3rd-party certification as a forest resource manager
38 or ~~\$1,000,--whichever-is-less~~ that the landowner's forest lands
39 are well-managed.

42 For purposes of this subsection, "cost of obtaining independent
43 3rd-party certification" means the fee paid by the licensed
44 forester or landowner to an external auditor.

46 **3. Repayment.** A licensed professional forester or
47 landowner who accepts a ~~grant~~ cost-share funds but who fails to
48 ~~qualify as a certified forest resource manager within one year of~~
49 ~~receiving the grant or who fails to~~ retain certification for the
50 full certification period shall repay the full amount of the

2 grant cost-share funds received to the bureau. The bureau may
impose a reasonable interest rate on the amount of the grant
3 cost-share funds.

4
5 **4. Forms.** The bureau shall provide application forms for
6 licensed professional foresters or landowners seeking grants
cost-share funds pursuant to this chapter. ~~The--bureau--shall~~
7 ~~adopt--rules--to--implement--the--purposes--of--this--chapter,---Rules~~
8 ~~adopted--pursuant--to--this--chapter--are--routine--technical--rules--as~~
9 ~~defined--in--Title--5,--chapter--375,--subchapter--II--A.~~

10
11 ~~**5.--Report.--By--January--2,--2007,--the--director--of--the--bureau**~~
12 ~~shall--submit--a--report--to--the--joint--standing--committee--of--the~~
13 ~~Legislature--having--jurisdiction--over--forestry--matters--outlining~~
14 ~~the--costs--and--benefits--of--the--certified--forest--resource--manager~~
15 ~~grant--fund.~~

16
17 ~~This--subsection--is--repealed--January--31,--2007.~~

20 SUMMARY

21
22 This bill amends the laws governing the certified forest
23 resource manager grant fund in the Department of Conservation,
24 Bureau of Forestry to establish a forest certification incentive
25 cost-share fund and include owners of 1,000 acres or less of
26 forest land as well as certified resource managers.