

MAINE STATE LEGISLATURE

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New Draft of : S. P. 480, L. D. 1332

ONE HUNDRED AND FIRST LEGISLATURE

Legislative Document

No. 1525

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
SIXTY-THREE

S. P. 575

In Senate, April 18, 1963

Reported by Minority from Committee on Natural Resources. Printed under
Joint Rules No. 10.

CHESTER T. WINSLOW, Secretary

AN ACT Establishing a Forest Products Marketing Law.

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

R. S., c. 35-B, additional. The Revised Statutes are amended by adding a new chapter 35-B, to read as follows :

'Chapter 35-B.

Forest Products Marketing Law.

Sec. 1. Purpose. It is the intent of this chapter to preserve the forest resources of the State, utilizing such measures consistent with the conservation of such resources, to the end that the people of the State shall continue to derive the maximum benefits therefrom for recreational, industrial and commercial purposes. Any wood cut in Maine for commercial purposes shall be done in accordance with a license issued by the Forest Commissioner, and the timber cut shall be wholly or partially worked within the United States. Timber is wholly or partially worked within the meaning of this chapter when it shall have undergone all treatments and manufacturing processes and after it has gone through all the stages of transformation necessary to make such timber ready for the use for which it was ultimately destined, in such a way that its products shall have acquired the final form in which the merchandise is to be delivered to the consumer.

Sec. 2. Merchantable wood products permit required. No person shall cut any merchantable wood products without first obtaining a permit from the Forest Commissioner. Application shall be made upon blanks prepared by the commissioner for this purpose, giving the names of the owners, the names and loca-

tions of the lots to be cut, the description and estimated amount of wood products to be removed and the volume to be left as growing stock, and such other information as the commissioner may require. A proper record of all applications for permits and all permits issued shall be kept by the commissioner at his office and shall be open to inspection of any person. The fee for such permit shall be determined by the commissioner, with the advice and consent of the marketing board, as hereinafter provided, and shall be enclosed with the application. Permits shall expire one year from the date of issuance or when the amount of wood products covered by the permit has been cut. Merchantable wood products include all wood products except wood used for fuel or for personal use by the owner.

Sec. 3. Forest Products Marketing Board. There is created a Forest Products Marketing Board, the function of which shall be to advise the Forest Commissioner in his administration of this chapter and to perform such other duties as may be prescribed by law. The board shall consist of 7 members who shall be citizens and residents of the State. Two of the members shall be appointed by the Governor to represent the public and 2 shall be appointed by the Maine Forest Products Council as its representatives. The members appointed by the Governor and the Maine Forest Products Council shall serve for a term of 2 years, except that at the first appointment under this chapter, one of the members representing the public and one of the members representing the Maine Forest Products Council shall be appointed for a term of 4 years. The Commissioner of Economic Development, the Dean of the School of Forestry and the Extension Director of the University of Maine shall serve as ex officio members of the board, except that each may appoint any suitable person from his agency to serve during his pleasure in his stead, but in no case longer than his term of office. A vacancy shall be filled for the unexpired term in the same manner in which a regular appointment is made. The members of the board shall serve without compensation, except that the appointed members shall receive their necessary expenses for each day actually spent in the work of the board. The members of the board shall elect a chairman who shall preside at all meetings of the board when present. The expenses of the board shall be paid from fees received under this chapter as hereinafter provided. The Forest Commissioner shall cooperate fully with the board in assisting it in the performance of its duties.

Sec. 4. Flexibility clause. Whenever the Forest Commissioner, with the advice and consent of the marketing board, shall determine that the industrial, commercial or economic conditions existing in a particular area of the State is adversely affected by this chapter, he shall issue an order, together with his findings, relaxing the restrictions within the area for such periods of time and to the extent and upon such conditions as he shall deem necessary. A copy of any order issued under this section shall be published once a week for 3 successive weeks in such newspapers as the commissioner shall deem appropriate, the first publication to be within 10 days following the issuance of the order. The order shall be withdrawn by the commissioner at such times as he, with the advice and consent of the marketing board, shall determine that the industrial, commercial or economic conditions within the area have been restored, and an appropriate order is issued and published as required under this section.

Sec. 5. Regulations of merchantable wood products. The Forest Commissioner, with the advice and consent of the marketing board, as to merchantable wood products cut in this State, by regulation, may:

I. **Determine permit fee.** Determine the fee for issuance of permits in such amounts as shall sustain the continued administration of this chapter; such fee to be pro rated on the amount of merchantable wood products cut.

II. **Necessary regulations.** Issue such other regulations, with the advice and consent of the marketing board, as shall be necessary for the proper administration of this chapter.

Sec. 6. Exemptions. This chapter shall not apply to pulpwood in any form.

Sec. 7. Revocation of permits. The Forest Commissioner may suspend or revoke the permit of any person, firm or corporation violating this chapter.

Sec. 8. Appeal. Decisions of the Forest Commissioner concerning the refusal, suspension or revocation of a permit may be appealed to the marketing board upon petition of an aggrieved party. The board shall hold a hearing on the petition within 30 days of the receipt of the petition and shall notify the petitioner to appear. The board shall determine the propriety of such refusal, suspension or revocation and either affirm the decision of the commissioner or order the issuance or reinstatement of the permit in question. Decisions by the board upon such questions shall be final.

Sec. 9. Penalty for violation. Whoever violates this chapter shall be punished by a fine of not less than \$500, nor more than \$2,000.

Sec. 10. Expenses of administration. All fees collected under this chapter shall be deposited in the General Fund to the credit of a special Forest Products Marketing Fund and shall be expended for the expenses of administering this chapter during each fiscal year.'