

# MAINE STATE LEGISLATURE

The following document is provided by the  
**LAW AND LEGISLATIVE DIGITAL LIBRARY**  
at the Maine State Law and Legislative Reference Library  
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied  
(searchable text may contain some errors and/or omissions)

STATE OF MAINE  
HOUSE OF REPRESENTATIVES (Filing No. H-955)  
109TH LEGISLATURE  
SECOND REGULAR SESSION

HOUSE AMENDMENT "C" to H.P. 1980, L.D. 2015, Bill,  
"AN ACT to Create the Maine Spruce Budworm Management Act."

Amend the bill by inserting after section 3 the following:

'Sec. 3-A. 12 MRSA §8405, first sentence, as enacted by  
PL 1979, c. 545, §3, is amended to read:

The Director of the Bureau of Forestry shall annually, prior to January 1st of each of the years 1977-1981, certify to the Bureau of the Budget his estimate of the cost, if any, of the nonfederal share for the implementation of this Part for the calendar year following that legislative session, including the cost of implementing the Spruce Budworm Environmental Monitoring Program of the Department of Human Services contained in Title 22, chapter 269.'

Further amend the bill in section 4/<sup>subsection 4,</sup> by striking out all of paragraph B and inserting in its place the following:

'B. The moneys credited to these accounts shall be used by the Bureau of Forestry to pay any expenses, debts, accounts and lawful demands incurred in connection with spray projects authorized under this subchapter, and the director shall authorize the State Controller to draw his warrant therefor at any time. The moneys shall also be used to

fund the ~~Spruce Budworm Spray Environmental Monitoring~~  
~~Program~~ of the Department of Human Services contained  
in Title 22, chapter 269. Any remaining balance in  
these accounts shall continue from year to year as  
a fund available for the purposes set out in this sub-  
chapter and for no other purposes.'

Further amend the bill in section 5 by striking out  
subsection 1 and inserting in its place the following:

'1. Pre-project excise tax. The pre-project excise tax  
on parcels of softwood forest land shall be \$1.45 per acre  
for 1980 and 1981. The pre-project excise tax on parcels  
of mixed-wood forest land shall be 73¢ per acre for 1980 and  
1981. The tax shall be assessed and billed by the State Tax  
Assessor within 30 days following the effective date of this  
section for 1980, and by  $\leftarrow$ April 1, 1981.'

Further amend the bill in section 5, subsection 2, by  
striking out paragraph A and inserting in its place the following:

'A. The Director of the Bureau of Forestry shall determine  
the total amount of costs incurred or budgeted to be ex-  
pended in connection with any spray project conducted  
during the 1980 / <sup>and 1981</sup> calendar years, including costs incurred  
or budgeted to fund the ~~Spruce Budworm Spray Environmental~~  
~~Monitoring Program~~ of the Department of Human Services.'

Further  
/ Amend the Bill in section 12 by striking out all of subsections 1 and 2 of that part designated "§8426." and inserting in their place the following:

'1. Recommendation of the director. On or before January 1st of each year, the director shall report in writing to the Bureau of the Budget and to the Legislature his estimate of the costs of implementation of any spray project proposed for that calendar year, and the costs of implementing the spruce budworm spray/<sup>environmental</sup> monitoring program of the Department of Human Services contained in Title 22, chapter 269.

2. Authorization by Legislature. Following the recommendation made in accordance with subsection 1, the Legislature shall determine, not later than February 15th, the amount, if any, authorized for expenditure for any spray project in that calendar year, including the amount authorized for implementing the spruce budworm spray monitoring program, and shall determine the pre-project excise tax rate, applicable to all acres within the spray

program area, necessary to finance the full amount so authorized. That excise tax shall be assessed and collected in accordance with section 8427, subsection 2.'

Further amend the Bill in section 12 by striking out all of paragraph B of subsection 3 of that part designated "§8426." and inserting in its place the following:

'B. The moneys credited to such accounts shall be used by the Bureau of Forestry to pay any expenses, debts, accounts and lawful demands incurred in connection with spray projects authorized under this subchapter, and the director shall authorize the State Controller to draw his warrant therefor at any time. The moneys shall also be used to fund the spruce budworm spray environmental monitoring program of the Department of Human Services contained in Title 22, chapter 269. Any remaining balance in these accounts shall continue from year to year as a fund available for the purposes set out in this subchapter and for no other purposes.'

Further amend the Bill in section 12 by striking out all of paragraph A of subsection 3 of that part designated "§8427." and inserting in its place the following:

'A. The director shall determine the total amount of costs incurred or budgeted to be expended in connection with any spray project conducted during the then current calendar year, including costs incurred or budgeted to fund the spruce budworm spray environmental monitoring program of the Department of Human Services.'

Further amend the bill by inserting after section 12 the following:

Sec. 12-A.22 MRSA c. 269 is enacted to read:

CHAPTER 269

SPRUCE BUDWORM SPRAY ENVIRONMENTAL MONITORING

§1661. Spruce budworm spray monitoring

The department shall monitor the environmental effects of aerial pesticide applications resulting from the Maine Spruce Budworm Management Act, to determine the long-term and short-term effects of spruce budworm aerial spraying.

The department shall hire one individual deemed by the commissioner to be qualified to conduct this type of monitoring.

§1662. Report

The commissioner shall make regular reports to the people of this State regarding the environmental impact of spruce budworm aerial spraying. He shall also include specific reference to the spruce budworm spray monitoring activities of the department in a report to the Legislature.

§1663. Acceptance of funds

The department is authorized to accept any public or private funds which may be available for carrying out the purposes of this chapter.

This program is to be funded by the Maine Spruce Budworm Management Act.

Statement of Fact

This amendment provides for funding of the ~~Spruce Budworm Spray Environmental Monitoring~~ Program of the Department of Human Services created by House Amendment "A", with respect to the portion of L.D. 2015, dealing with the Spruce Budworm Management Act effective until October 1, 1987.

To accomplish this, the pre-project excise tax is increased one penny per acre, from \$1.44 to \$1.45 for softwood forest land, and from 72¢ to 73¢ for mixed-wood forest land. This will raise approximately \$50,000, which is the estimated cost of such environmental monitoring.

Filed by Mrs. Prescott of Hampden  
Reproduced and distributed under the direction of the Clerk of the  
House  
3/20/80 (Filing No. H-955)