

# MAINE STATE LEGISLATURE

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EMERGENCY  
FIRST REGULAR SESSION

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ONE HUNDRED AND TENTH LEGISLATURE

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**Legislative Document**

**No. 1544**

H. P. 1359

House of Representatives, April 16, 1981

(Submitted by the Department of Conservation pursuant to Joint Rule 24)

Referred to the Committee on Energy and Natural Resources sent up for concurrence and ordered printed.

EDWIN H. PERT, Clerk

Presented by Representative J. Martin of Eagle Lake.

Cosponsors: Representative McBreairty of Aroostook, Representative Hall of Sangerville and Representative Locke of Sebec.

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STATE OF MAINE

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IN THE YEAR OF OUR LORD NINETEEN HUNDRED AND EIGHTY-ONE

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**AN ACT to Allow the Export of Wood from Public Lands under Certain Circumstances.**

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**Emergency preamble.** Whereas, Acts of the Legislature do not become effective until 90 days after adjournment unless enacted as emergencies; and

Whereas, the present law relating to the transportation of primary wood products has resulted in the inability of contractors harvesting timber on public lands to transport the timber to Canadian markets; and

Whereas, access to Canadian timber markets is essential to an orderly timber management program on public lands in the northern part of the State; and

Whereas, much of the timber on the public lands in the State must be harvested immediately in order to obtain any revenue from it before the spruce budworm destroys its value; and

Whereas, in the judgment of the Legislature, these facts create an emergency within the Constitution of Maine and require the following legislation as immediately necessary for the preservation of the public peace, health and safety; now, therefore,

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

**35 MRSA § 1560, sub-§ 1, last ¶**, as enacted by PL 1977, c. 676, § 2, is amended by inserting at the end the following new sentences:

**Any sawlogs and pulpwood harvested on lands owned by the State may be transported without the limitations provided by this section where the limitations are based solely on the source of the sawlogs and pulpwood being state-owned lands, if the Commissioner of Conservation consents to the transport. The Commissioner of Conservation shall give the consent where it is necessary to avoid severe economic hardship or to avoid the disruption of land management plans.**

**Emergency clause.** In view of the emergency cited in the preamble, this Act shall take effect when approved.

#### STATEMENT OF FACT

Chapter 676 of the public laws of 1977 provides for Maine reciprocity of certain restrictions placed by Quebec on Maine truckers hauling wood to Quebec.

The Attorney General's office has concluded that the law also embargoes from the Quebec market, wood from state-owned public lands, since Quebec does not allow Crown wood to be shipped unprocessed into Maine. The Bureau of Public Lands has inserted a provision into its timber sale contracts enforcing this interpretation of chapter 676.

The interpretation of chapter 676 has resulted in financial loss to operators and to the State on public lands as well as the disruption of a planned bureau harvest of budworm-damaged spruce and fir timber.

This bill allows the Commissioner of Conservation to lift the restriction on transportation of wood from public lands in cases of economic hardship or management disruption.