

# MAINE STATE LEGISLATURE

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1 FIRST REGULAR SESSION  
2

3 ONE HUNDRED AND TWELFTH LEGISLATURE  
4

5 Legislative Document

No. 441

6  
7 H.P. 338

House of Representatives, February 7, 1985

8 Reference to the Committee on State Government suggested and ordered  
9 printed.

10 EDWIN H. PERT, Clerk

Presented by Representative Lord of Waterboro.

11 Cosponsored by Senator McBreairty of Aroostook, Representative Dexter  
of Kingfield.

12 STATE OF MAINE  
13

14 IN THE YEAR OF OUR LORD  
15 NINETEEN HUNDRED AND EIGHTY-FIVE  
16

17 AN ACT to Establish the Department of  
18 Forestry.  
19

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

22 Sec. 1. 2 MRSA §6, sub-§1, as amended by PL  
23 1983, c. 553, §46, is further amended to read:

24 1. Range 91. The salaries of the following  
25 state officials and employees shall be within salary  
26 range 91:

27 Commissioner of Transportation;

28 Commissioner of Conservation;

29 Director of State Development Office;

30 Commissioner of Finance and Administration;

31 Commissioner of Educational and Cultural Ser-  
32 vices;

1 Commissioner of Environmental Protection;  
2 Commissioner of Human Services;  
3 Commissioner of Mental Health and Mental Retarda-  
4 tion;  
5 Commissioner of Public Safety;  
6 Commissioner of Business, Occupational and Pro-  
7 fessional Regulation;  
8 Commissioner of Labor;  
9 Commissioner of Personnel;  
10 Commissioner of Agriculture, Food and Rural Re-  
11 sources;  
12 Commissioner of Inland Fisheries and Wildlife;  
13 Commissioner of Marine Resources; and  
14 Commissioner of Corrections; and  
15 Commissioner of Forestry.

16 Sec. 2. 2 MRSA §6, sub-§3, as repealed and re-  
17 placed by PL 1981, c. 705, Pt. L, §§1 to 3, is  
18 amended to read:

19 3. Range 89. The salaries of the following  
20 state officials and employees shall be within salary  
21 range 89:

22 State Director of Public Improvements;  
23 State Budget Officer;  
24 State Controller;  
25 ~~Director of the Bureau of Forestry;~~  
26 Chief of the State Police;  
27 Director, State Planning Office;

1 Director, Energy Resources Office;  
2 Public Advocate; and  
3 Commissioner of Defense and Veterans' Services.

4 Sec. 3. 3 MRSA §507, sub-§5, ¶A, as repealed and  
5 replaced by PL 1979, c. 654, §3, is amended to read:

6 A. The evaluations and analyses of the justifi-  
7 cation reports for the programs of the following  
8 Group C-1 departments shall be reviewed by the  
9 Legislature no later than June 30, 1984:

10 (1) Department of Conservation; and

11 (2) Department of Inland Fisheries and  
12 Wildlife; and

13 (3) Department of Forestry.

14 Sec. 4. 5 MRSA §8-C, first ¶, as amended by Pl  
15 1981, c. 493, §2, is further amended to read:

16 All commissary-type facilities operated by state  
17 departments for the sale of food and food supplies to  
18 any person shall be eliminated. Purchasing of food  
19 and food supplies for any person by requisition or  
20 otherwise, is prohibited, except that the Department  
21 of Inland Fisheries and Wildlife and Bureau  
22 Department of Forestry may requisition food supplies  
23 for emergency use or special duty assignments. Meals  
24 purchased and prepared for institutional or school  
25 use may be sold to employees or to visitors based on  
26 the actual total cost of purchasing, preparing and  
27 serving such food or food supplies. In the case of  
28 institutions and schools operated by the Department  
29 of Mental Health and Mental Retardation, income de-  
30 rived from the sale of meals shall accrue to the Gen-  
31 eral Fund. With the approval of the Commissioner of  
32 Mental Health and Mental Retardation and the head of  
33 the institution involved, no charge shall be made for  
34 the provision of meals to any state employee who eats  
35 such meals within the scope of his employment and in  
36 doing so serves a function of his employment. If  
37 such approval is given, the Commissioner of Mental  
38 Health and Mental Retardation shall establish stan-

1 dards which shall be applied uniformly at all insti-  
2 tutions within the department.

3 Sec. 5. 5 MRSA §454, sub-§2, as enacted by PL  
4 1981, c. 711, §2, is amended to read:

5 2. Consultation. The board shall consult with  
6 the Commissioner of Conservation, Commissioner of  
7 Forestry, Commissioner of Environmental Protection,  
8 Commissioner of Inland Fisheries and Wildlife, the  
9 Director of the State Planning Office and such other  
10 state agencies as may be necessary in making deci-  
11 sions on the expenditures of funds or transfer of re-  
12 sponsibilities.

13 Sec. 6. 5 MRSA §935, sub-§1, ¶¶C and H, as en-  
14 acted by PL 1983, c. 729, §4, are repealed.

15 Sec. 7. 5 MRSA §939-A is enacted to read:

16 §939-A. Department of Forestry

17 1. Major policy-influencing positions. The fol-  
18 lowing position is a major policy-influencing posi-  
19 tion within the Department of Forestry. Notwithstand-  
20 ing any other provision of law, these positions and  
21 their successor positions shall be subject to this  
22 chapter:

23 A. Forest Insect Manager.

24 Sec. 8. 5 MRSA §1095, sub-§4, as amended by PL  
25 1983, c. 751, §3, is further amended to read:

26 4. Forest rangers. Each forest ranger in the  
27 Bureau Department of Forestry, Department of Censer-  
28 vation, who is employed as such before September 1,  
29 1984, shall contribute at a rate of 7.5% of earnable  
30 compensation until he has attained eligibility for  
31 retirement under section 1121, subsection 1, para-  
32 graph E. After attaining eligibility for retirement,  
33 a forest ranger shall contribute at a rate of 6.5% of  
34 earnable compensation for the remainder of his em-  
35 ployment as a forest ranger.

16 Sec. 9. 5 MRSA §1121, sub-§1, ¶E, as amended by  
17 PL 1983, c. 751, §7, is further amended to read:

1 E. Any forest ranger in the Department of ~~Con-~~  
2 ~~servati~~on, Forestry who is employed as such be-  
3 fore September 1, 1984, may retire at attained  
4 age 50 or upon completion of 25 years of total  
5 creditable service as a forest ranger in this de-  
6 partment, whichever is later. The total amount of  
7 the service retirement allowance of a forest  
8 ranger in this department, retired in accordance  
9 with this paragraph, shall be equal to 1/2 of his  
10 average final compensation and an additional 2%  
11 of his average final compensation for each year  
12 of membership service not included in the age and  
13 service conditions for retirement under this par-  
14 agraph.

15 Sec. 10. 5 MRSA §7002, sub-§2, ¶1, as enacted by  
16 PL 1981, c. 456, Pt. A, §20, is amended to read:

17 I. The director may make application for foreign  
18 trade zones.

19 (1) The director may, on behalf of the  
20 State, make applications to the Foreign  
21 Trade Zone Board and establish foreign trade  
22 zones that are to be located on state-owned,  
23 leased or otherwise controlled property. A  
24 municipality or group of municipalities may,  
25 with the approval of the department, make  
26 applications to the Foreign Trade Zone Board  
27 and establish foreign trade zones at other  
28 locations. Foreign trade zones shall be es-  
29 tablished in or adjacent to any ports of en-  
30 try in the State, where personal property in  
31 transit shall be exempt from the stock-  
32 in-trade tax and such other taxes and cus-  
33 toms as are normally levied in a port of en-  
34 try.

35 (2) Any development or activity with a for-  
36 eign trade zone established in the State is  
37 subject to the laws which the Department of  
38 Environmental Protection, Department of Con-  
39 servation, Department of Forestry, Depart-  
40 ment of Marine Resources and Department of  
41 Inland Fisheries and Wildlife are responsi-  
42 ble for administering, as well as any other  
43 law which protects the environment.

1 (3) For the purpose of this paragraph, per-  
2 sonal property in transit through the areas  
3 established under subparagraph (1) is de-  
4 fined as follows: Goods, wares and merchan-  
5 dise moving in interstate or international  
6 commerce through these zones, or which were  
7 consigned to a warehouse, public or private,  
8 within these zones, whether specified when  
9 transportation begins or afterward. This  
10 property shall not be deprived of exemption  
11 because, while in the warehouse, the proper-  
12 ty is assembled, bound, joined, processed,  
13 disassembled, divided, cut, broken in bulk,  
14 relabeled or repackaged. The exemption  
15 granted shall be liberally construed to ef-  
16 fect the purposes of this paragraph. The  
17 warehouse in which these goods, wares or  
18 merchandise are stored shall not be owned,  
19 in whole or in part, by either the consignee  
20 or consignor. This subparagraph does not ap-  
21 ply to agricultural products.

22 Sec. 11. 5 MRSA §7005, sub-§1, as amended by PL  
23 1983, c. 812, §35, is further amended to read:

24 1. Maine Vacation-travel Commission. The Maine  
25 Vacation-travel Commission, established by section  
26 12004, subsection 10, shall assist, advise, recommend  
27 and guide the Division of Tourism's operation. It  
28 shall consist of 9 members of major tourism trade as-  
29 sociations and 8 public members who shall represent  
30 their respective regions and who are experienced in  
31 the field or who have demonstrated a concern for the  
32 travel industry. The terms of the members shall be 4  
33 years each, except for the members first appointed, 4  
34 shall be appointed for a term of 4 years, 4 for 3  
35 years, 4 for 2 years and 5 for one year. The members  
36 shall be appointed by the Governor, who shall fill  
37 any vacancies in the appointed membership for the un-  
38 expired term. The commissioner or director, or his  
39 designee, of the following state departments or of-  
40 fices shall serve as ex officio, nonvoting members of  
41 the commission: State Development Office; State Plan-  
42 ning Office; Department of Conservation; Department  
43 of Forestry; Department of Transportation; Department  
44 of Inland Fisheries and Wildlife; Department of Agri-  
45 culture, Food and Rural Resources; Department of Edu-

1 cational and Cultural Services; Bureau of Public Im-  
2 improvements and Canadian Affairs Coordinator. A chair-  
3 man and vice-chairman shall be elected annually from  
4 the appointed membership.

5 Sec. 12. 6 MRSA §12, 3rd ¶, as amended by PL  
6 1981, c. 456, Pt. A, §22, is further amended to read:

7 The director shall have the care and supervision  
8 of such aircraft as may be owned by the State for the  
9 use of its departments and agencies and shall provide  
10 adequate hangar facilities and be responsible for the  
11 maintenance, repair, upkeep and operation of that  
12 aircraft. The director shall charge these departments  
13 and agencies requisitioning aircraft, amounts suffi-  
14 cient to reimburse the bureau of the full operating  
15 cost of these aircraft. All fees collected shall be  
16 credited to the General Fund. Aircraft owned by the  
17 Department of Inland Fisheries and Wildlife, the De-  
18 partment of Marine Resources, the Department of Con-  
19 servation, the Department of Forestry and the Depart-  
20 ment of Public Safety are exempt and excluded from  
21 this paragraph.

22 Sec. 13. 7 MRSA §1-B, last ¶, as enacted by PL  
23 1983, c. 532, §1, is amended to read:

24 The Legislature further finds the preservation of  
25 rural life and values in the State to be the joint  
26 responsibility of all public agencies, local, state  
27 and federal, whose policies and programs substantial-  
28 ly impact the economy and general welfare of people  
29 who reside in rural Maine, such as the development  
30 and implementation of programs which assist in the  
31 maintenance of family farms, provide specialized op-  
32 portunities for education and technical training and  
33 improve health and nutrition. The state agencies in  
34 addition to the department include, but are not lim-  
35 ited to, the Department of Educational and Cultural  
36 Services, Department of Human Services, Department of  
37 Labor, the Department of Conservation, Department of  
38 Forestry and the Division of Community Services of  
39 the Executive Department.

40 Sec. 14. 7 MRSA §403, sub-§2, as enacted by PL  
41 1981, c. 335, §1, is amended to read:



1           2. Advice. From time to time, the department  
2 shall consult regarding operation and maintenance of  
3 the building with, and for any major exhibition shall  
4 prior to the exhibition develop a plan after a public  
5 hearing and obtain advice on the proposed use of  
6 building space from, the following persons: The Com-  
7 missioner of Marine Resources; Commissioner of Inland  
8 Fisheries and Wildlife; Commissioner of Conservation;  
9 Commissioner of Forestry; and Director of the State  
10 Development Office.

11           Sec. 15. 7 MRSA §607-A, sub-§2, as enacted by PL  
12 1981, c. 335, §1, is amended to read:

13           2. Review process. In cooperation with techni-  
14 cal personnel of the Department of Environmental Pro-  
15 tection; the Department of Inland Fisheries and Wild-  
16 life; the Department of Human Services; and the De-  
17 partment of ~~Conservation~~, specifically the ~~Maine For-  
18 est Service Forestry~~, the commissioner shall conduct  
19 a review to include the following:

20           A. An environmental risk assessment to determine  
21 the effects of pesticides on the ecosystem. This  
22 assessment is to be based on available litera-  
23 ture. The commissioner shall request data that  
24 he determines necessary to carry out the purpose  
25 of this chapter, but, when the literature is not  
26 available, is inadequate or incomplete, this as-  
27 sessment shall be based on an environmental moni-  
28 toring protocol;

29           B. A health risk assessment, based on a litera-  
30 ture search of laboratory, clinical and  
31 epidemiological data available within and without  
32 the State. The commissioner shall request data  
33 he determines necessary to carry out the purpose  
34 of this chapter; and

35           C. A water residue survey to determine a repre-  
36 sentative sample of a number of wells or bodies  
37 of water, either at random, in areas of possible  
38 contamination or at other bases to be described  
39 by the commissioner, for the purpose of testing  
40 these waters and preparing a profile of the kinds  
41 and amounts of pesticides present.

1           Sec. 16. 10 MRSA §918, sub-§3, as amended by PL  
2 1983, c. 636, is further amended to read:

3           3. Ex officio corporators. Ex officio corpora-  
4 tors shall consist of the heads of the major state  
5 departments and agencies and the Chancellor of the  
6 University of Maine. State department and agency  
7 heads shall include the following:

8           Treasurer of State;

9           Director of the State Planning Office;

10          Director of the State Development Office;

11          Commissioner of Agriculture, Food and Rural Re-  
12 sources;

13          Commissioner of Business, Occupational and Pro-  
14 fessional Regulation;

15          Commissioner of Conservation;

16          Commissioner of Forestry;

17          Commissioner of Educational and Cultural Ser-  
18 vices;

19          Commissioner of Environmental Protection;

20          Commissioner of Finance and Administration;

21          Commissioner of Human Services;

22          Commissioner of Inland Fisheries and Wildlife;

23          Commissioner of Labor;

24          Commissioner of Marine Resources;

25          Commissioner of Mental Health and Mental Retarda-  
26 tion;

27          Commissioner of Transportation;

28          Chief Executive Officer of the Finance Authority  
29 of Maine;

1 Executive Director of the Maine Municipal Bond  
2 Bank; and

3 Executive Director of the Maine State Housing Au-  
4 thority.

5 Sec. 17. 10 MRSA §965, sub-§4, ¶B, as enacted by  
6 PL 1983, c. 519, §6, is amended to read:

7 B. One natural resources commissioner from the  
8 Department of Agriculture, Food and Rural Re-  
9 sources; the Department of Conservation; Depart-  
10 ment of Forestry or the Department of Marine Re-  
11 sources; and

12 Sec. 18. 10 MRSA §972, sub-§7, as enacted by PL  
13 1983, c. 519, §6, is amended to read:

14 7. Maintain a liaison with other state agencies.  
15 Maintain a close liaison with the State Development  
16 Office; Department of Agriculture, Food and Rural Re-  
17 sources; Department of Conservation; Department of  
18 Forestry; Department of Marine Resources; and Maine  
19 Natural Resource Capital Corporation and provide as-  
20 istance to its various divisions to facilitate the  
21 planning and financing of eligible projects;

22 Sec. 19. 10 MRSA §985, as amended by PL 1983, c.  
23 812, §65, is further amended to read:

24 §985. The Natural Resource Financing and Marketing  
25 Board

26 1. Membership of the board. The board of direc-  
27 tors of the division shall consist of 7 9 voting mem-  
28 bers, including the Commissioner of Conservation, the  
29 Commissioner of Forestry, the Commissioner of Marine  
30 Resources and the Commissioner of Agriculture, Food  
31 and Rural Resources, or their designees, and 4 5 pub-  
32 lic members appointed by the Governor, subject to the  
33 approval of the joint standing committee of the Leg-  
34 islature having jurisdiction over State Government  
35 and to confirmation by the Senate. The 4 5 public  
36 members shall be knowledgeable in the field of natu-  
37 ral resource enterprises or financing. Designees of  
38 the commissioners shall be limited to those persons  
39 holding major policy-influencing positions, as de-

1 fined by Title 5, section 711, subsection 2. Two of  
2 the public members shall be designated by the Govern-  
3 nor as members of the authority. The Treasurer of  
4 State shall be an ex officio, nonvoting member of the  
5 board.

6 2. Organization. The board of directors shall  
7 elect a chairman and may elect other officers from  
8 among its members. The board of directors shall meet  
9 at the call of the chairman or at the request of any  
10 3 4 members. The chairman and the other officers  
11 shall serve in those capacities for a period of one  
12 year following their election. Five members shall  
13 constitute a quorum and an affirmative vote of a ma-  
14 jority of those voting shall be necessary for any of-  
15 ficial action.

16 3. Terms of appointment and compensation. The  
17 public members shall be appointed for terms of 4  
18 years, except that, of the initial appointees, one  
19 shall be appointed for one year, one for 2 years, one  
20 for 3 years and ~~one~~ 2 for 4 years. Any vacancy shall  
21 be filled by an appointment for the remainder of the  
22 unexpired term. Each public member shall be compen-  
23 sated as provided by Title 5, chapter 379, following  
24 approval of expenses by the director.

25 4. Staff. The director of the division shall be  
26 employed pursuant to section 972, subsection 1. Other  
27 staff shall be provided by the authority pursuant to  
28 section 969, subsection 5 and section 972, subsec-  
29 tions 2 and 3. The division may establish standards  
30 pursuant to which it may delegate its powers and du-  
31 ties to the staff, but shall not delegate loan ap-  
32 proval pursuant to section 984, subsection 2, para-  
33 graphs E and G, where the loan is not secured by a  
34 mortgage.

35 Sec. 20. 10 MRSA §986, sub-§5, as enacted by PL  
36 1983, c. 519, §7, is amended to read:

37 5. Exercise of departmental authority. Upon the  
38 concurrence of the applicable commissioner, the au-  
39 thority may exercise such powers of the Department of  
40 Conservation, the Department of Forestry, the Depart-  
41 ment of Marine Resources or the Department of Agri-  
42 culture, Food and Rural Resources as may be necessary  
43 to the purposes of this subchapter.

1           Sec. 21. 12 MRSA §5013, sub-§2, as repealed and  
2 replaced by PL 1977, c. 674, §14, is repealed.

3           Sec. 22. 12 MRSA §5102, as enacted by PL 1979,  
4 c. 414, is amended to read:

5           §5102. Assessment of forest resources

6           The Department of ~~C~~onservation Forestry is hereby  
7 authorized and directed to conduct such studies, sur-  
8 veys and analyses as are necessary to provide State  
9 Government, the forest industry and Maine citizens  
10 with an adequate assessment of Maine's forest re-  
11 sources. These studies and surveys may include, but  
12 need not be limited to, surveys of wood utilization  
13 by primary and secondary wood processing industries,  
14 surveys of forest regeneration, analyses of volume  
15 tables and programs to enhance the usefulness and  
16 availability of available data.

17           Sec. 23. 12 MRSA §5103, as enacted by PL 1979,  
18 c. 414, is amended to read:

19           §5103. Annual report

20           The Commissioner of ~~C~~onservation Forestry shall  
21 provide an annual report no later than October 1,  
22 1981 to the Legislature detailing the status of work  
23 performed pursuant to this chapter.

24           Sec. 24. 12 MRSA §5105, as enacted by PL 1979,  
25 c. 414, is amended to read:

26           §5105. Authority

27           The Department of ~~C~~onservation Forestry is hereby  
28 authorized to enter into agreements, to secure the  
29 services of contractors and consultants and accept  
30 and expend funds from other governmental agencies in  
31 order to carry out the purposes of this chapter.

32           Sec. 25. 12 MRSA §5106, as enacted by PL 1983,  
33 c. 537, §1, is amended to read:

34           §5106. Forest Resource Assessment and Marketing  
35           Program

1           There is created within the Department of  
2 ~~Conservation~~ Forestry a Forest Resource Assessment  
3 and Market Program for the purpose of receiving, pro-  
4 cessing and analyzing data provided by the United  
5 States Forest Service Decennial Forest Resurvey and  
6 establishing marketing and utilization programs to  
7 address the needs and opportunities presented by the  
8 resurvey data, including, but not limited to, devel-  
9 oping expanded export markets, encouraging increased  
10 use of underutilized species, promoting in-state sec-  
11 ondary and value-added processing of Maine wood and  
12 paper products and pursuing additional markets for  
13 fuel wood and fuel wood chips.

14           Sec. 26. 12 MRSA Pt. 11, first 4 lines are re-  
15 pealed and the following enacted in their place:

16   PART 11

17   FORESTRY

18   CHAPTER 801

19   DEPARTMENT OF FORESTRY

20           Sec. 27. 12 MRSA §8001, as enacted by PL 1979,  
21 c. 545, §3, is amended to read:

22           §8001. Department of Forestry established

23           There is established ~~within~~ the Department of  
24 ~~Conservation~~ to accomplish the purposes of this Part  
25 the ~~Bureau~~ Department of Forestry, also known as the  
26 Maine Forest Service and referred to as the "~~bureau-~~  
27 department."

28           Sec. 28. 12 MRSA §8002, as amended by PL 1981,  
29 c. 542, §3, is further amended to read:

30           §8002. Department of Forestry; powers and duties

31           1. Powers and duties. The ~~bureau~~ department  
32 shall:

33           A. Have the responsibility for the control of  
34 forest fires in all areas of the State;

1 B. Conduct programs to protect the forest, shade  
2 and ornamental trees of the State against insects  
3 and diseases;

4 C. Conduct a program of service and community  
5 forestry in order to provide advice and assist-  
6 ance on forest management to small woodland own-  
7 ers and municipalities;

8 D. Provide advice and assistance on utilizing  
9 and marketing the wood products of the State, and  
10 regulate the utilization and marketing of wood  
11 products where authorized;

12 E. Have the responsibility for management of  
13 particular portions of land owned by the State  
14 when management is entrusted to the bureau  
15 department by statute or is transferred by mutual  
16 agreement of the bureau department and other  
17 state agencies; and

18 F. Conduct information, education, planning and  
19 research programs designed to promote the pur-  
20 poses of the bureau department as set forth in  
21 this Part.

22 2. Administrative powers and duties

23 A. The bureau department may, in conformity with  
24 the Maine Administrative Procedure Act, Title 5,  
25 chapter 375, adopt, amend, repeal and enforce  
26 reasonable rules and regulations, including emer-  
27 gency rules, necessary for the proper administra-  
28 tion, enforcement and interpretation of those  
29 laws which the bureau department administers.

30 B. The bureau department is authorized to accept  
31 federal, municipal and private funds for the pur-  
32 poses set forth in this Part, except federal  
33 funds received under the Stennis-McIntire Act,  
34 Public Law 87-788. The Treasurer of State shall  
35 receive allowable funds, subject to the approval  
36 of the commissioner, and the State Controller  
37 shall authorize expenditures from these funds as  
38 approved by the bureau and the commissioner.

1 C. The bureau department, at the expense of the  
2 State, may print sufficient copies of the forest-  
3 ry and forestry-related laws to inform the public  
4 and the bureau's department's employees of the  
5 provisions of these laws. The compilation of laws  
6 may be revised biennially.

7 Sec. 29. 12 MRSA §8003, as amended by PL 1983,  
8 c. 819, Pt. A, §35, is further amended to read:

9 §8003. Commissioner of Forestry

10 1. Commissioner. The executive head of the  
11 bureau department shall be the director commissioner,  
12 who shall be qualified by training, experience and  
13 skill in forestry. The commissioner shall be ap-  
14 pointed by the Governor, subject to review by the  
15 joint standing committee of the Legislature having  
16 jurisdiction over energy and natural resources and to  
17 confirmation by the Legislature. The commissioner  
18 shall serve at the pleasure of the Governor.

19 2. Conflict of interest. The director  
20 commissioner shall not, when appointed nor while in  
21 office, be directly or indirectly concerned in the  
22 purchase of state-owned lands, or the timber or grass  
23 growing or cut on these lands, except in an official  
24 capacity.

25 3. Powers and duties. The director commissioner  
26 shall exercise the powers of the office and be re-  
27 sponsible for the execution and enforcement of the  
28 duties of the bureau department as set forth in chap-  
29 ters 801 -- 809.

30 A. The director commissioner shall administer  
31 the bureau department in an efficient manner and,  
32 with the consent of the commissioner, shall or-  
33 ganize the bureau department as necessary to car-  
34 ry out the purposes of this Part.

35 B. The director commissioner is empowered to ap-  
36 point and remove the staff of the bureau  
37 department, subject to the Personnel Law, and  
38 prescribe their duties so as to implement the  
39 purposes of this Part.



1 C. The ~~direeter~~ commissioner may, with the con-  
2 sent of the ~~emmissiener~~, accept grants and funds  
3 from and enter into contracts with federal,  
4 state, local or other public and private organi-  
5 zations to carry out the purposes of this Part.

6 D. The ~~direeter~~ commissioner may, with the con-  
7 sent of the ~~emmissiener~~, employ or retain expert  
8 and professional consultants to assist in the du-  
9 ties of the bureau department to the extent of  
10 funds available.

11 E. The ~~direeter~~ commissioner may take measures  
12 to encourage an interest in forestry and shade  
13 trees in the schools, colleges and among the gen-  
14 eral public and to encourage some degree of ele-  
15 mentary instruction in forestry and conservation  
16 of natural resources.

17 F. The ~~direeter~~ commissioner shall on or before  
18 September 1st, annually, submit to the  
19 ~~emmissiener~~ Legislature a report of the bureau's  
20 department's activities during the preceding fis-  
21 cal year ending June 30th.

22 G. The ~~direeter~~ commissioner shall biennially  
23 prepare a budget for the bureau and submit it to  
24 the ~~emmissiener~~ department.

25 H. The ~~direeter~~ commissioner shall have prepared  
26 annually a forest fire plan for each administra-  
27 tive unit established according to the authority  
28 of section 8906, subsection 1. The plans shall  
29 incorporate the annual forest fire plans of mu-  
30 nicipalities.

31 I. The ~~direeter~~ commissioner is authorized to  
32 collect and classify statistics relating to the  
33 forests and connected interests of the State and  
34 research the extent to which the forests of the  
35 State are being destroyed by fires, insects, dis-  
36 eases and by wasteful cutting. The ~~direeter~~  
37 commissioner may also ascertain, to the extent  
38 possible, the effect of the diminution of the  
39 wooded surface of the land upon the watersheds of  
40 the lakes, rivers, water powers and other natural  
41 resources of the State.

1 J. The direeter commissioner is authorized to  
2 conduct inspections and investigations on any  
3 lands to survey and inspect shade, ornamental or  
4 forest trees pursuant to the authority and proce-  
5 dures set forth in chapter 803.

6 K. The direeter commissioner may issue and en-  
7 force any license or permit authorized by this  
8 Part.

9 L. The direeter commissioner may, with the con-  
10 sent of the commissioner, acquire and hold any  
11 right or interest in real or personal property on  
12 behalf of the State.

13 M. The direeter commissioner is authorized, with  
14 the consent of the commissioner, to sell, grant,  
15 lease, transfer or otherwise convey any real or  
16 personal property under the jurisdiction of the  
17 bureau department. The direeter commissioner  
18 shall deposit the proceeds from the sale or lease  
19 of property purchased with Maine Forestry Dis-  
20 trict tax funds in Forest Fire Control Accounts.  
21 This authority shall not apply to the state nur-  
22 sery or lands acquired under the authority of  
23 paragraph N.

24 N. The direeter commissioner may, with the ad-  
25 vice and consent of the Governor, purchase, when  
26 funds are available from bequests or trusts other  
27 than bequests made or inter vivos trusts created  
28 by the late Percival Proctor Baxter, or accept on  
29 the part of the State gifts of parcels or tracts  
30 of land to the State, or may purchase land in the  
31 name of the State for state forest purposes and  
32 may also designate and set aside such lands or  
33 portions thereof as natural areas. The direeter  
34 commissioner shall not under this section acquire  
35 title by purchase to more than 4% of the land ar-  
36 ea within any one municipality without the writ-  
37 ten consent of the municipal officer thereof. The  
38 title to lands acquired under this section shall  
39 be investigated and approved by the Attorney Gen-  
40 eral.

41 The purpose of acquisition of land under this  
42 paragraph is the preservation of scenic beauty

1 and recreation as nearly unrestricted and general  
2 as is practicable for the people of the State and  
3 those whom they admit to the privilege, the pro-  
4 duction of timber for watershed protection, as a  
5 crop, as state forest demonstration areas for re-  
6 search purposes and for the application of model  
7 forestry techniques under a well defined criteria  
8 of full-use management. The lands acquired by the  
9 Bureau Department of Forestry and designated by  
10 it as state forests or natural areas shall never  
11 be sold, but may be exchanged for other land to  
12 permit consolidation, better access or more effi-  
13 cient administration. Net revenues including, but  
14 not limited to, stumpage shall be paid to the  
15 Treasurer of State by the ~~director~~ commissioner  
16 and constitute a fund to be applied to the care  
17 and improvement of these lands or for the acqui-  
18 sition of other lands for similar purposes, ex-  
19 cept that 25% of such revenues shall be returned  
20 by the Treasurer of State to the municipality  
21 wherein the land is located to be used for munic-  
22 ipal purposes.

23 "Natural areas" means limited areas of land which  
24 have retained their wilderness character, al-  
25 though not necessarily completely natural and un-  
26 disturbed, or have rare or vanishing species of  
27 plant or animal life or similar features of in-  
28 terest which are worthy of preservation for the  
29 use of present and future residents of the State.  
30 Natural areas held by the State shall include and  
31 be designated as one or more of the following 3  
32 types and the location of each shall be described  
33 in the designation:

34 Type 1. Semiwilderness areas which by their size  
35 or location offer the experience of solitude and  
36 self-reliance. Whereas, lands at the higher ele-  
37 vations are important for protection of water-  
38 sheds, are ecologically vulnerable if unwisely  
39 altered by human interference and often may be  
40 uneconomic for logging or construction, it is  
41 hereby found that such lands generally may be  
42 suitable for this classification;

43 Type 2. Units of importance for all the natural  
44 sciences, especially ecology, and with outstand-

1 ing value for education and research and for the  
2 appreciation of natural processes. Preservation  
3 in the desired condition shall be the prevailing  
4 purpose of such holdings. Visitation shall be  
5 regulated so as to ensure this preservation on a  
6 permanent basis; and

7 Type 3. Areas which are not of ecological or  
8 semiwilderness stature but which have the appear-  
9 ance of being in an untouched natural state or  
10 which are capable of attaining that appearance if  
11 held and managed for this purpose.

12 Relating to natural areas of Type 1, 2 or 3, all  
13 land uses and practices shall be subject to regu-  
14 lations of the bureau department, promulgated  
15 pursuant to Title 5, chapter 375, subchapter II,  
16 in carrying out the purposes of this paragraph to  
17 manage or maintain the areas for the preservation  
18 of their natural condition. Areas designated un-  
19 der these classifications can be removed from  
20 such designation only by approval of the ~~director~~  
21 commissioner, with the advice and consent of the  
22 Governor, following public notice and hearing.  
23 All lands acquired and administered under this  
24 paragraph and all other state forests shall be  
25 managed under the same principles which govern  
26 the management of the public reserve lands, to  
27 the extent not inconsistent with this section and  
28 management of such state forests shall, in any  
29 event, be coordinated with the management of the  
30 public reserved lands in order to facilitate the  
31 accomplishment of applicable management objec-  
32 tives.

33 O. The ~~director~~ commissioner may delegate the  
34 powers and duties of this Part to the ~~director's~~  
35 commissioner's agents and representatives, in-  
36 cluding municipal forest fire wardens appointed  
37 by the ~~director~~ commissioner.

38 Sec. 30. 12 MRSA §8101, sub-§1, as enacted by PL  
39 1979, c. 545, §3, is amended to read:

40 1. Powers and duties. The ~~Director of the Bureau~~  
41 Commissioner of Forestry shall maintain sufficient  
42 resources, both personnel and technical information,  
43 within the limit of funds available, so as to:

1 A. Maintain a statewide surveillance system to  
2 detect insects and diseases potentially injurious  
3 to the forest resources of the State;

4 B. Provide information and technical advice and  
5 assistance to individuals and other state and  
6 federal agencies on the identification and control  
7 of forest insects and diseases;

8 C. Conduct and supervise control programs for  
9 forest diseases and insects where authorized; and

10 D. Assist in the enforcement of federal and  
11 state quarantine laws relating to forest insects  
12 and diseases.

13 Sec. 31. 12 MRSA §8201, as enacted by PL 1979,  
14 c. 545, §3, is amended to read:

15 The ~~director~~ commissioner may go on any land for  
16 the purpose of surveying, inspecting or detecting the  
17 presence of a forest insect or disease which may, in  
18 the judgment of the director, pose a danger or public  
19 nuisance to the shade, ornamental and forest trees of  
20 the State.

21 The ~~director~~ commissioner may do any work in-  
22 volved in ascertaining the presence of these or-  
23 ganisms. If survey work involves the use of so-called  
24 "trap" material on developed lands, the landowner  
25 shall be notified of the intent to go on the land.

26 Sec. 32. 12 MRSA §8202, as enacted by PL 1979,  
27 c. 545, §3, is amended to read:

28 §8202. Information and recommendations

29 1. Resources. The ~~director~~ commissioner shall  
30 maintain sufficient resources, including research ma-  
31 terials and technical expertise, within the limits of  
32 available funds, in order that the ~~bureau~~ department  
33 may:

34 A. Respond to requests to identify forest in-  
35 sects and diseases of concern to landowners and  
36 municipalities;

- 1 B. Determine the severity of forest insect or  
2 disease problems;
- 3 C. Provide advice on control measures;
- 4 D. Refer individuals to other state or federal  
5 agencies for technical or financial assistance;
- 6 E. Determine the results of compliance or fail-  
7 ure to comply with recommendations made according  
8 to this section; and
- 9 F. Respond to requests for information on in-  
10 sects, other than forest insects, including their  
11 identification and control.

12 2. Results of investigations. The ~~director~~  
13 commissioner shall provide the results of any inves-  
14 tigation completed pursuant to this section or sec-  
15 tion 8201 to the affected landowner and municipality.

16 Sec. 33. 12 MRSA §8301, 2nd and 3rd paragraphs,  
17 as enacted by PL 1979, c. 545, §3, are amended to  
18 read:

19 Emergencies, for the purposes of this chapter,  
20 shall be so considered when, in the opinion of the  
21 ~~director~~ commissioner, the infestation or disease is  
22 likely to kill or seriously injure trees in large  
23 numbers, or is so localized that immediate control  
24 will prevent a large possible outbreak, or is of re-  
25 cent foreign origin or is apt to create a public nui-  
26 sance.

27 In emergencies, the ~~director~~ commissioner may en-  
28 ter into agreement with municipal officials to pay up  
29 to 1/2 the cost of control if state funds are availa-  
30 ble for this purpose. Whenever the State does con-  
31 tribute funds for this purpose, it shall have the au-  
32 thority to determine the control methods to be used.  
33 The State may make similar agreements with groups of  
34 private owners if the project is approved by municipi-  
35 pal officials.

36 Sec. 34. 12 MRSA §8302, as enacted by PL 1979,  
37 c. 545, §3, is amended to read:

1       §8302. Locally requested control work

2           Whenever any municipality shall appropriate or  
3 raise a sum of money and shall pay the same into the  
4 State Treasury for the purpose of controlling, within  
5 its borders, a forest insect or disease declared a  
6 public nuisance pursuant to section 8303, the  
7 ~~direeeter~~ commissioner shall cause the amount to be  
8 expended in the municipality, together with such sum  
9 as may be determined by the ~~direeeter~~ commissioner  
10 from the state appropriation made therefor. If the  
11 ~~direeeter~~ commissioner finds it to be unnecessary or  
12 impracticable to expend the entire amount or any part  
13 thereof during the year following the payment to the  
14 Treasurer of State, the unexpended proportion shall  
15 be reimbursed to the municipality.

16           Sec. 35. 12 MRSA §8303, next to last paragraph,  
17 as enacted by PL 1979, c. 545, §3, is amended to  
18 read:

19           The ~~direeeter~~ commissioner may carry out or super-  
20 vise necessary control measures in cooperation with  
21 interested and affected local, state and federal  
22 agencies and individuals.

23           Sec. 36. 12 MRSA §8304, as enacted by PL 1979,  
24 c. 545, §3, is amended to read:

25       §8304. Control measures; protest

26           Any public agency or group of owners carrying on  
27 or planning control measures may appeal to the  
28 ~~direeeter~~ commissioner for permission to carry out the  
29 project in case the owner or owners of property in or  
30 adjacent to the control area refuses to do control  
31 work or to allow control work to be done on their  
32 property. The ~~direeeter~~ commissioner may, after care-  
33 ful inspection and survey has shown an emergency ex-  
34 ists according to the requirements of section 8301,  
35 grant authority for control measures to be carried  
36 out on the protestors' lands.

37           Sec. 37. 12 MRSA §8305, as enacted by PL 1979,  
38 c. 545, §3, is amended to read:

39       §8305. Shipment prohibited

1           The ~~director~~ commissioner may prohibit, prevent  
2 or regulate the entry into or movement within the  
3 State, from any part thereof to any other part, of  
4 any plants of the genus Ribes or other nursery or  
5 wilding plants, stock or parts of plants which may  
6 cause the introduction or spread of a dangerous for-  
7 est insect or disease. The ~~director~~ commissioner may  
8 issue the necessary orders, permits and notices nec-  
9 essary to carry out this section which shall not be  
10 considered to require or constitute an adjudicatory  
11 proceeding under the Maine Administrative Procedure  
12 Act, Title 5, chapter 375.

13           Sec. 38. 12 MRSA §8412, sub-§2, as enacted by PL  
14 1979, c. 545, §3, is amended to read:

15           2. Membership. The committee shall consist of 5  
16 citizens of the State at least 3 of whom shall be  
17 registered foresters who are knowledgeable as to com-  
18 mercial forest land management. They shall be ap-  
19 pointed for a term of 2 years each by the Commis-  
20 sioner of ~~Conservation~~ Forestry with the advice and con-  
21 sent of the Governor. Each member shall be entitled  
22 to his actual expenses and \$50 per diem to be drawn  
23 from the Budworm Suppression Fund. They shall be sub-  
24 ject to removal for cause by the commissioner with  
25 the approval of the Governor.

26           Sec. 39. 12 MRSA §8412, sub-§3, ¶D, as enacted  
27 by PL 1979, c. 545, §3, is amended to read:

28           D. Provide advice and consultation to the ~~Direc-~~  
29 ~~tor of the Bureau~~ Commissioner of Forestry with  
30 respect to the subject matter of this subchapter.

31           Sec. 40. 12 MRSA §8423-A, as enacted by PL 1981,  
32 c. 278, §2, is amended to read:

33           §8423-A. Definitions

34           As used in this subchapter, unless the context  
35 indicates otherwise, the following terms have the  
36 following meanings.

37           1. Commissioner. "Commissioner" means the Com-  
38 missioner of ~~Conservation~~ Forestry.



1           2. Designated spray area. "Designated spray ar-  
2 ea" means that land area within the district desig-  
3 nated by the director, pursuant to section 8424, sub-  
4 section 4, for inclusion within a spray project.

5           3- ~~Director.~~ "~~Director~~" means the Director of  
6 the Bureau of Forestry.

7           4. District. "District" means the Spruce Fir  
8 Forest Protection District established by section  
9 8423-B.

10          5. Forest land owners. "Forest land owners"  
11 means persons who own forest lands within the dis-  
12 trict, including, without limitation, persons owning  
13 or claiming timber and grass rights in public re-  
14 served land located within the district.

15          6. Management program. "Management program"  
16 means all activities undertaken by the Bureau  
17 Department of Forestry in connection with the short-  
18 term and long-term suppression, control and preven-  
19 tion of spruce budworm infestations, including, with-  
20 out limitation, any activities undertaken in connec-  
21 tion with spray projects, spruce budworm survey and  
22 detection activities, silvicultural, marketing and  
23 integrated pest management programs, research and re-  
24 lated activities.

25          7. Person. "Person" means any individual, part-  
26 nership, joint venture, corporation or other legal  
27 entity or any group of persons which acts as a tenan-  
28 cy in common or joint tenancy for ownership purposes  
29 and includes any government or any agency, bureau or  
30 commission thereof.

31          8. Rebate. "Rebate" means a payment by the State  
32 back to a person subject to taxation pursuant to this  
33 subchapter.

34          9. Rule. "Rule" means a duly-adopted regulation  
35 of general applicability promulgated by the Bureau  
36 Department of Forestry. These rules shall have the  
37 force and effect of law.

38          10. Spray program area. "Spray program area"  
39 means all that forest land within the district for

1 which applications have been made and approved by the  
2 ~~direeter~~ commissioner pursuant to section 8424, sub-  
3 sections 2 and 3, except as removed pursuant to sec-  
4 tion 8425, subsection 2.

5 11. Spray project. "Spray project" means all ac-  
6 tivities undertaken or caused to be undertaken by the  
7 Bureau Department of Forestry in connection with the  
8 application of insecticides or other materials  
9 against spruce budworm insects within a single year.

10 12. Spruce budworm. "Spruce budworm" means the  
11 insect of the species known as Choristoneura  
12 fumiferana, Clem., at any stage of its biological de-  
13 velopment.

14 Sec. 41. 12 MRSA §8423-B, as enacted by PL 1981,  
15 c. 278, §3, is amended to read:

16 §8423-B. Spruce Fir Forest Protection District

17 There is established a Spruce Fir Forest Protec-  
18 tion District consisting of the areas accepted by the  
19 ~~direeter~~ commissioner pursuant to section 8424, sub-  
20 section 3.

21 Sec. 42. 12 MRSA §8424, as amended by PL 1983,  
22 c. 656, §§1 and 2, is further amended to read:

23 §8424. Program planning

24 1. General authority. In accordance with the  
25 provisions of this subchapter, the Bureau Department  
26 of Forestry, acting under the supervision of the  
27 ~~direeter~~ commissioner, shall be empowered to plan for  
28 and undertake activities related to spray projects  
29 and management programs on behalf of the State.

30 2. Application for spray project eligibility.  
31 Forest land owners may apply to the ~~direeter~~  
32 commissioner prior to December 1st of any year to be  
33 eligible to participate in the spray projects for the  
34 following 5 years. The application shall show:

35 A. The name and address of the applicant and its  
36 agent, if any;

- 1 B. The number and location on maps prescribed by  
2 the ~~direeter~~ commissioner of the acres of forest  
3 land for which application is being made;
- 4 C. The location on maps prescribed by the  
5 ~~direeter~~ commissioner of the timber types, timber  
6 ages and proportions of spruce, fir and non-host  
7 species within such forest land;
- 8 D. The location on maps of private and public  
9 road access to such forest land;
- 10 E. The location on maps of all residences within  
11 that forest land;
- 12 F. A 5-year cutting plan for such forest land  
13 showing plans for timber cutting, road construc-  
14 tion and other planned land utilizations; and
- 15 G. Any other information pertinent to the de-  
16 scription, utilization and management of such  
17 forest land as the ~~direeter~~ commissioner may re-  
18 quire for purposes of spray project and manage-  
19 ment program planning.
- 20 The date for submission of the information required  
21 under subsection 2, paragraph C, may be extended by  
22 the ~~direeter~~ commissioner upon a showing that such  
23 information is not then available.
- 24 Cutting plans accompanying the application may be  
25 utilized by the Bureau Department of Forestry for  
26 planning purposes, and may be shared with other gov-  
27 ernment agencies, but shall not constitute records  
28 available for public inspection or disclosure pursu-  
29 ant to Title 1, section 408.
- 30 For excise tax purposes, such application must desig-  
31 nate one person who shall be billed and notified of  
32 any lien recorded under this subchapter. When a tax  
33 bill or notice of lien is sent to this person, it  
34 shall constitute notice to all other landowners list-  
35 ed on the application. Each forest landowner shall be  
36 jointly and severally liable for any tax, penalty or  
37 interest imposed under this subchapter.

1           3. Effect of application.     The ~~direeter~~  
2     commissioner shall accept, not later than December  
3     1st of each year, any application which to his satisfac-  
4     tion meets the requirements of this section and  
5     any additional criteria which the ~~direeter~~  
6     commissioner may impose by regulation in furtherance  
7     of the legislative policies of this subchapter. By  
8     December 31st, the ~~direeter~~ commissioner shall certifi-  
9     fy in writing to the State Tax Assessor the complete  
10    list of all participants in the program. The list  
11    shall include the names of the forest landowners, the  
12    names and addresses of the persons designated to be  
13    billed and served with notices of liens,  
14    particularized descriptions of the real estate in-  
15    cluded in the spray program area and statements of  
16    the acreage included in each parcel. If a change in  
17    ownership occurs after December 31st, the ~~direeter~~  
18    commissioner shall inform the State Tax Assessor not  
19    later than the following September 1st.

20           Upon the ~~direeter's~~ commissioner's acceptance of any  
21    such application, the forest land involved shall, for  
22    a period of 5 years, be and remain eligible for inclu-  
23    sion within the spray project. The areas sprayed  
24    each year shall be determined on an annual basis pur-  
25    suant to subsection 4, and shall be subject to taxa-  
26    tion pursuant to section 8427, regardless of any  
27    change in ownership of such forest land. At the expi-  
28    ration of the 5-year period, application must be re-  
29    newed by the forest land owner and accepted by the  
30    ~~direeter~~ commissioner in accordance with this section  
31    in order to enable continued eligibility for partici-  
32    pation in subsequent spray projects. Forest land  
33    which is eligible for inclusion within the spray  
34    project and which has been accepted by the ~~direeter~~  
35    commissioner may be withdrawn from the spray program  
36    area prior to the end of the 5-year period, provided  
37    that the withdrawal is made no later than December  
38    1st to be effective for the spray project of the fol-  
39    lowing year and that during the 5-year period:

40           A. Changes in present law, regulation or Maine  
41    Forest Service policy prohibit the forest land  
42    from being treated with either biological or  
43    chemical insecticides;

1 B. Natural disaster, such as forest fire or  
2 blowdown make insecticide treatment impractical;

3 C. The ~~director~~ commissioner determines that  
4 withdrawal of the forest land furthers the legis-  
5 lative policies of this subchapter; or

6 D. The landowner provides written assurance in  
7 the form of specific protection plans for each  
8 block of forest land proposed for withdrawal from  
9 the 5-year protection district.

10 4. Spray project designation. Spray projects  
11 shall be designated in the following manner.

12 A. The ~~director~~ commissioner, acting in accord-  
13 ance with this subchapter, shall have ultimate  
14 and final discretion to determine, and from time  
15 to time modify, the location, type and manner of  
16 any spray project within the spray program area,  
17 subject to such regulatory review and approval by  
18 other state and federal agencies as is provided  
19 by law. The ~~director~~ commissioner shall make  
20 these determinations based upon evidence of the  
21 extent of budworm hazard to forest lands within  
22 the spray program area, forest stand composition,  
23 wood supply needs, buffer policies, opportunities  
24 for silvicultural and other management alterna-  
25 tives, the cost-effectiveness and biological  
26 soundness of spray treatment for particular for-  
27 est lands, the recommendations of affected forest  
28 land owners and the public, environmental and  
29 public health concerns and such other factors as  
30 the director may deem to be in furtherance of the  
31 legislative policies of this subchapter.

32 B. The ~~director~~ commissioner shall, not later  
33 than December 15th of each year, make a prelimi-  
34 nary determination of the forest lands within the  
35 spray program area to which he tentatively deems  
36 it necessary and appropriate to apply chemical or  
37 biological spray treatment in the following year.  
38 Within 15 days following such preliminary deter-  
39 mination, the ~~director~~ commissioner shall furnish  
40 and make available to the affected forest land  
41 owners and to the public maps showing the forest  
42 lands preliminarily so designated. Notice of the

1 preliminary designation shall be published in the  
2 state paper and such other newspapers as the  
3 ~~director~~ commissioner deems appropriate. The no-  
4 tice shall indicate where spray area maps will be  
5 available for inspection and where further infor-  
6 mation may be obtained, and shall provide infor-  
7 mation concerning withdrawal procedures.

8 C. Any forest land within the spray program area  
9 may be withdrawn from any annual spray project  
10 provided that a written request, adequately spec-  
11 ifying on maps prescribed by the ~~director~~  
12 commissioner the location of the acres to be  
13 withdrawn, is submitted by the forest land owner  
14 to the ~~director~~ commissioner no later than Febru-  
15 ary 1st of the calendar year of the spray project  
16 involved. The ~~director~~ commissioner may at his  
17 discretion receive and act upon later-submitted  
18 requests for withdrawal.

19 5. General conditions for applications and re-  
20 quests. In addition to any other requirements for ap-  
21 plications for spray project eligibility or for spray  
22 treatment and requests for withdrawal established un-  
23 der this subchapter, such applications and requests  
24 shall conform with the following requirements.

25 A. They shall be accompanied by maps, depicting  
26 the forest land involved, of the same size and  
27 scale as those accepted by the State Tax Assessor  
28 in the administration of the tree growth tax law.

29 B. They shall include a statement of ownership  
30 rights in the forest lands involved.

31 C. Subject to the provisions of paragraph D,  
32 they shall include written authorization from  
33 each owner of, or claimant to, an interest in the  
34 forest land involved, other than owners of ease-  
35 ments and mortgages.

36 D. In the case of applications or requests af-  
37 fecting parcels of forest land held in common and  
38 undivided or joint ownership, a controlling or  
39 majority interest in the parcel shall have the  
40 power to make applications and requests under  
41 this subchapter and such applications and re-

1           quests, as well as the decisions of the ~~director~~  
2           commissioner thereon, shall be binding on all  
3           owners of interests in those lands.

4           E. Within 30 days following the transfer of any  
5           interest, other than an easement or mortgage, in  
6           any forest lands which are part of the spray pro-  
7           gram area, written notice of the transfer shall  
8           be sent to the ~~director~~ commissioner.

9           6. Settlement corridors. Settlement corridors  
10          are subject to the following provisions.

11          A. All land within 2 miles of publicly main-  
12          tained roads within the district shall be desig-  
13          nated by the director as settlement corridors.

14          B. Land within settlement corridors shall not  
15          receive insecticide spray treatment except under  
16          the following circumstances:

17                 (1) The land is in the spray program area;

18                 (2) The landowner makes a written request  
19                 for the treatment not later than December  
20                 1st in the calendar year previous to the  
21                 year of the spray project involved;

22                 (3) The request is accompanied by such in-  
23                 formation as the ~~director~~ commissioner may  
24                 require and meets such criteria as the  
25                 ~~director~~ commissioner may adopt in further-  
26                 ance of the legislative policies of this  
27                 subchapter; and

28                 (4) The request does not relate to land  
29                 within a settlement corridor located in a  
30                 municipality which has taken action to pro-  
31                 hibit spray projects within that corridor  
32                 pursuant to section 8425, subsection 2.

33          C. The provision for settlement corridors under  
34          this section does not impair or affect the  
35          ~~director's~~ commissioner's authority to define and  
36          carry out other policies and procedures, includ-  
37          ing, without limitation, the use of no-spray  
38          buffers, designed to protect the public health

1 and the environment, as he deems necessary or ap-  
2 propriate.

3 7. Technical assistance programs. The Bureau  
4 Department of Forestry shall undertake to develop and  
5 implement budworm management technical assistance  
6 programs for small wood lot owners.

7 8. Supply-demand analysis. The Bureau Department  
8 of Forestry shall conduct or cause to be conducted an  
9 analysis of future supply and demand for the spruce  
10 and fir resources of the State. The purpose of such  
11 analysis shall be to determine the types and levels  
12 of future spruce budworm protection needs and strate-  
13 gies for such spruce and fir resources.

14 9. Environmental health monitoring. The Bureau  
15 Department of Forestry shall cause to be conducted by  
16 an agency other than ~~the Department of Conservation~~  
17 itself an environmental health monitoring program  
18 each year in which a spray project is conducted. The  
19 Bureau Department of Forestry shall prepare and sub-  
20 mit an annual report to the Legislature dealing with  
21 all aspects of the environmental health monitoring  
22 conducted during the previous calendar year.

23 Sec. 43. 12 MRSA §8425, as enacted by PL 1979,  
24 c. 737, §12, is amended to read:

25 §8425. Regulatory Jurisdiction

26 1. General rule. The Bureau Department of For-  
27 estry, in undertaking any spray project, shall apply  
28 for and obtain any permits and approvals of the Maine  
29 Pesticide Control Board and the Maine Department of  
30 Agriculture, as required by the laws administered by  
31 those agencies. Except as provided in this section,  
32 spray projects may be conducted without adherence to  
33 the laws administered by other state agencies or by  
34 any municipal, county or other local government body.

35 2. Municipal action. Any municipality may pro-  
36 hibit the execution of spray projects within settle-  
37 ment corridors, as designated pursuant to section  
38 8424, subsection 6, which lie within the municipali-  
39 ty. Any such prohibition, or the repeal thereof, may  
40 be enacted in accordance with the procedures for en-



1 actment of municipal ordinances; provided that any  
2 such prohibition shall be enacted before April 1st of  
3 any calendar year in which it shall apply and that  
4 the municipality shall send a certified copy of its  
5 enactment to the ~~director~~ commissioner within 10 days  
6 following the adoption of the same. Settlement corri-  
7 dors within which spray projects have been prohibited  
8 pursuant to this subsection shall thereupon be re-  
9 moved by the ~~director~~ commissioner from the spray  
10 program area.

11 Sec. 44. 12 MRSA §8426, as amended by PL 1983,  
12 c. 819, Pt. A, §36, is further amended to read:

13 §8426. Funding

14 1. Recommendation of the commissioner. On or be-  
15 fore January 1st of each year, the ~~director~~  
16 commissioner shall report in writing to the Bureau of  
17 the Budget and to the Legislature his estimate of the  
18 costs of implementation of any spray project proposed  
19 for that calendar year, along with his estimate of  
20 the cost of funding program planning activities for  
21 the period beginning October 1st and ending on April  
22 30th of the following year.

23 2. Authorization by Legislature. Following the  
24 recommendation made in accordance with subsection 1,  
25 the Legislature shall determine, not later than March  
26 1st, the amount, if any, authorized for expenditure  
27 for any spray project in that calendar year, except  
28 for the 1983 project which shall be determined not  
29 later than March 20th. That excise tax shall be as-  
30 sessed and collected in accordance with section 8427,  
31 subsection 2. At the same time, the Legislature shall  
32 determine the amount, if any, authorized for expendi-  
33 ture for preproject planning during the period begin-  
34 ning October 1st and ending April 30th of the follow-  
35 ing year.

36 3. Spray project special accounts. Special ac-  
37 counts shall be established in the following manner.

38 A. The Treasurer of State shall establish 2 ded-  
39 icated revenue accounts as follows.

1 (1) Into one account shall be deposited any  
2 revenues received by the State from the Gov-  
3 ernment of the United States for any spray  
4 project.

5 (2) Into the other account shall be depos-  
6 ited any revenues received by the State from  
7 the excise taxes authorized pursuant to this  
8 subchapter.

9 B. The moneys credited to such accounts shall be  
10 used by the Bureau Department of Forestry to pay  
11 any expenses, debts, accounts and lawful demands  
12 incurred in connection with spray projects autho-  
13 rized under this subchapter, and the ~~direector~~  
14 commissioner shall authorize the State Controller  
15 to draw his warrant therefor at any time. Any re-  
16 maining balance in these accounts shall continue  
17 from year to year as a fund available for the  
18 purposes set out in this subchapter and for no  
19 other purpose.

20 C. Any revenue deposited in spray project spe-  
21 cial accounts attributable to services funded  
22 from other state accounts shall be credited to  
23 the accounts funding these services. If the Gen-  
24 eral Fund funded these services, the revenue  
25 shall be credited to the General Fund Undedicated  
26 Revenue Account. In the case where the original  
27 source cannot be determined, these funds shall be  
28 deposited in the General Fund.

29 4. Borrowing from General Fund. To accomplish  
30 the purpose of this subchapter, the ~~direector~~  
31 commissioner, subject to the approval of the Gover-  
32 nor, may borrow moneys from the General Fund for up  
33 to 120 days, at no interest, in order to enable the  
34 bureau to pay expenses, debts, accounts and lawful  
35 demands for any spray project authorized under sub-  
36 section 2; provided that the aggregate amount of such  
37 borrowing may at no time exceed the amount of uncol-  
38 lected excise taxes authorized under this subchapter  
39 for that spray project.

40 5. Treasurer of State; temporary loan. The  
41 Treasurer of State, upon the recommendation of the  
42 ~~direector~~ commissioner, as approved by the Governor,

1 may negotiate a temporary loan or loans in anticipa-  
2 tion of excise taxes to be raised during the same  
3 fiscal year. The loan application shall be initiated  
4 by the Treasurer of State so that the funds derived  
5 therefrom are available not before July 1st for ex-  
6 penditure by October 1st of the same fiscal year.

7 The money borrowed shall be deposited in a separate  
8 special revenue account and shall be used to fund the  
9 program during the preproject period beginning Octo-  
10 ber 1st and ending on April 30th. Any income derived  
11 from investment of these funds shall be credited to  
12 the account established pursuant to section 8426,  
13 subsection 3, paragraph A, subparagraph (2).

14 Any amount borrowed pursuant to this section shall be  
15 repaid with interest from the amount collected as a  
16 preproject excise tax under section 8427, subsection  
17 2. In the event that no such tax is collected, this  
18 amount shall be raised by a shared tax applicable to  
19 all acres in the district, as of July 1st of that  
20 fiscal year, the per acre rate of which shall be cal-  
21 culated by dividing the sum to be raised by the num-  
22 ber of acres within the district.

23 Sec. 45. 12 MRSA §8427, sub-§3, as amended by PL  
24 1983, c. 810, §5, is further amended to read:

25 3. Post-project excise tax. The post-project tax  
26 for forest landowners within the district shall be  
27 computed and assessed as follows.

28 A. The ~~direector~~ commissioner shall determine the  
29 total amount of costs incurred or budgeted to be  
30 expended in connection with any spray project  
31 conducted during the then current calendar year.

32 B. The amount computed in paragraph A shall be  
33 reduced by the amount of any moneys received for  
34 that project from the Government of the United  
35 States.

36 C. Ninety percent of the amount computed under  
37 paragraph B shall be raised by a post-project  
38 spray tax, the per acre rate of which shall be  
39 calculated by dividing the sum to be so raised by  
40 the number of acres which actually received spray

1 treatment, as determined by the ~~direeter~~  
2 commissioner.

3 D. Ten percent of the amount computed under par-  
4 agraph B shall be raised by a post-project shared  
5 tax, applicable to all taxable acres in the dis-  
6 trict, the per acre rate of which shall be calcu-  
7 lated by dividing the sum to be raised by the  
8 number of acres within the district, as desig-  
9 nated by the ~~direeter~~ commissioner.

10 E. The ~~direeter~~ commissioner shall certify in  
11 writing to the State Tax Assessor, by September  
12 1st, the post-project shared tax rates and the  
13 post-project spray tax rate, together with the  
14 number of acres within each ownership which are  
15 subject to those taxes. The ~~direeter's~~  
16 commissioner's certification shall be based on  
17 the latest available actual cost data, as well as  
18 an estimate of outstanding obligations, including  
19 personnel costs of the budworm management pro-  
20 gram. Final actual costs shall be determined on  
21 or before March 15th of the following calendar  
22 year. Any underestimates or overestimates result-  
23 ing from this paragraph shall be credited or deb-  
24 ited to the following year's program as appropri-  
25 ate.

26 F. The amount of the post-project excise taxes  
27 payable by each landowner shall be reduced by the  
28 amount assessed upon that landowner on account of  
29 the pre-project excise tax payable for that cal-  
30 endar year.

31 G. The State Tax Assessor shall compute, assess  
32 and bill, by November 1st the amount of the  
33 post-project excise taxes payable by each land-  
34 owner in accordance with this section.

35 In the event that the amount so calculated results in  
36 a negative balance for any landowner, the State Tax  
37 Assessor shall refund to that landowner the amount of  
38 the balance in the form of a tax rebate. The rebate  
39 shall be made no later than April 30th of the year  
40 following the assessment date.

41 **Sec. 46.** 12 MRSA §8427, sub-§7, as enacted by PL  
42 1979, c. 737, §12, is amended to read:

1           7. Review of assessments, supplemental assess-  
2 ments. Any forest landowner aggrieved by an assess-  
3 ment made under this subchapter may petition the  
4 State Tax Assessor for reconsideration, pursuant to  
5 Title 36, section 151, provided that the petition is  
6 filed within 45 days of the date of assessment. If  
7 justice requires, the State Tax Assessor may, with  
8 the approval of the Governor, abate, within 3 years  
9 from the date of assessment, all or part of any tax  
10 assessed under this subchapter by the State Tax As-  
11 sessor.

12           Within 3 years of an assessment made under this sub-  
13 chapter, the State Tax Assessor may make a supplemen-  
14 tal assessment if he finds that any previous assess-  
15 ment is imperfect or incomplete in any material as-  
16 pect. An assessment may be made at any time with re-  
17 spect to a time period for which a fraudulent appli-  
18 cation has been filed.

19           The State Tax Assessor may require the assistance of  
20 the ~~director~~ commissioner in the performance of his  
21 duties under this subsection. The ~~director~~  
22 commissioner shall ~~recommed~~ recommend to the State  
23 Tax Assessor an appropriate disposition of any matter  
24 brought under this subsection. That recommendation  
25 shall be made within 15 days of the request and shall  
26 be in writing.

27           Sec. 47. 12 MRSA §8428, as enacted by PL 1979,  
28 c. 737, §12, is amended to read:

29           §8428. Duties and authority of the Commissioner of  
30           Forestry

31           1. General. The ~~director~~ commissioner shall su-  
32 pervise and coordinate the activities of ~~bureau~~  
33 department personnel in connection with all manage-  
34 ment programs.

35           2. Rules. From time to time the ~~director~~  
36 commissioner may adopt and amend rules for the imple-  
37 mentation of this subchapter. The rules shall be  
38 adopted in accordance with the procedures set forth  
39 in Title 5, chapter 375, subchapter II.

1           3. Applications. The ~~direector~~ commissioner shall  
2 consider applications and requests made pursuant to  
3 section 8424, and shall grant conditionally or deny  
4 any such applications or requests.

5           4. Declaration of termination of spray projects.  
6 Upon receipt of information satisfactory to him to  
7 the effect that future spray projects will not be  
8 beneficial, cost-effective or otherwise in further-  
9 ance of the legislative policies of this subchapter,  
10 the ~~direector~~ commissioner shall report the same to  
11 ~~the Commissioner of Conservation~~ and to the Governor  
12 and shall recommend to the Legislature that this sub-  
13 chapter be repealed or amended as appropriate.

14           5. Entry and inspection of lands. The ~~direector~~  
15 ~~commissioner~~ or his representatives may enter, upon  
16 reasonable advance notice to the landowner, at any  
17 reasonable time and in a reasonable manner, any tract  
18 of land for which application pursuant to section  
19 8424, subsection 2, has been made in order to inspect  
20 the same free of any charge or cost imposed by the  
21 owner or his agents.

22           6. Inspection of records. The ~~direector~~  
23 ~~commissioner~~ or his representatives may likewise in-  
24 spect the books and records of any applicant under  
25 section 8424, subsection 2, with respect to any in-  
26 formation submitted in connection with that applica-  
27 tion. He also may require periodic progress reports  
28 from such persons in connection with any such infor-  
29 mation.

30           7. Contractual authority. The ~~direector~~, with the  
31 ~~approval of the~~ commissioner, shall have the authori-  
32 ty to enter into contracts for the acquisition of in-  
33 secticides, aircraft, personnel and other goods and  
34 services necessary or appropriate for management pro-  
35 grams and for other purposes related to this subchap-  
36 ter.

37           8. Reimbursement to state agencies. Out of funds  
38 available for any spray project, the ~~direector~~  
39 ~~commissioner~~, subject to the approval of the Gover-  
40 nor, may reimburse other state agencies for costs in-  
41 curred by them in connection with such spray project.  
42 Such costs may include, but shall not be limited to,

1 those incurred for environmental and health monitor-  
2 ing and regulation. Any department or agency of State  
3 Government is authorized to accept funds which may be  
4 available for carrying out the purposes of this sub-  
5 chapter.

6 Sec. 48. 12 MRSA §8429, sub-§1, as amended by PL  
7 1981, c. 278, §11, is further amended to read:

8 1. Position created. There is established within  
9 the Bureau Department of Forestry the position of  
10 Forest Insect Manager, which shall be funded by the  
11 General Fund or any other funds available. This po-  
12 sition is not subject to the Personnel Law. The man-  
13 ager shall be appointed by the director with the ap-  
14 proval of the ~~Commissioner of Conservation~~ Governor  
15 and may be removed by the ~~director~~ commissioner with  
16 the approval of the ~~commissioner~~ Governor. The manag-  
17 er shall be directly responsible for the development,  
18 coordination and implementation of management pro-  
19 grams.

20 Sec. 49. 12 MRSA §8430, as amended by PL 1981,  
21 c. 278, §12, is further amended to read:

22 §8430. Research

23 1. Authority. The Bureau Department of Forestry,  
24 acting through its ~~director~~, with the approval of the  
25 commissioner, may make grants of funds and enter into  
26 contracts for purposes of research related to forest  
27 management strategies, insecticide and spray applica-  
28 tion technologies, integrated pest management tech-  
29 niques, forest product marketing and utilization and  
30 other issues pertinent to the purposes of this sub-  
31 chapter. This research may be funded with any funds  
32 available, provided that the cost of environmental  
33 and health monitoring of spray projects shall be part  
34 of annual spray project costs and not paid out of  
35 General Fund moneys.

36 2. Research on public lands. The commissioner,  
37 ~~director~~ or other chief executive officer of any  
38 state agency having jurisdiction over any public land  
39 may make that land available on such terms and condi-  
40 tions as he deems reasonable to any public or private  
41 nonprofit entity engaged in spruce budworm control  
42 research and related silvicultural control research.

1 The Forest Insect Manager shall likewise encourage  
2 private landowners within the State to make their  
3 lands available for the same purposes.

4 Sec. 50. 12 MRSA §8515, as enacted by PL 1979,  
5 c. 545, §3, is amended to read:

6 §8515. Compact administrator

7 The compact administrator for this State shall be  
8 the ~~Director of the Bureau~~ Commissioner of Forestry.  
9 The duties of the compact administrator shall be  
10 deemed a regular part of the duties of his office.

11 Sec. 51. 12 MRSA §8601, as enacted by PL 1979,  
12 c. 545, §3, is amended to read:

13 §8601. Advice; recommendations

14 The ~~Director of the Bureau~~ Commissioner of For-  
15 estry may establish a program to advise municipali-  
16 ties and small woodland owners concerning forest,  
17 shade and ornamental tree management and recommend  
18 programs for tree and stand improvement.

19 Sec. 52. 12 MRSA §8602, as enacted by PL 1979,  
20 c. 545, §3, is amended to read:

21 §8602. Foresters

22 The ~~director commissioner~~ may appoint foresters,  
23 subject to the Personnel Law, who shall provide tech-  
24 nical guidance and service to small woodland owners,  
25 municipalities and wood processors in order to bring  
26 about improvement in the growing, harvesting, market-  
27 ing and utilization of forest products, as well as  
28 such other duties as the ~~director~~ commissioner pre-  
29 scribes.

30 Sec. 53. 12 MRSA §8603, as amended by PL 1981,  
31 c. 34, is further amended to read:

32 §8603. Annual timber-cut report

33 Owners or operators of all primary wood-using  
34 sawmills and primary processors of veneer wood, cord-  
35 wood, boltwood, pulpwood, posts, poles, piling, fence



1 rails and commercial processors of fuelwood who annu-  
2 ally process more than 20 cords, except for domestic  
3 use and not for sale or conversion into products for  
4 sale, shall render an annual report to the ~~direetor~~  
5 commissioner during the month of January of each year  
6 of the amount of softwoods and hardwoods processed by  
7 species within the State by them during the preceding  
8 calendar year and showing the county or counties from  
9 which the wood was taken. Forms for this report  
10 shall be provided by the ~~direetor~~ commissioner. In-  
11 formation contained in the reports shall not be made  
12 public by reference to individuals.

13 Sec. 54. 12 MRSA §8604, first ¶, as enacted by  
14 PL 1979, c. 545, §3, is amended to read:

15 Any owner of forest land who sells stumpage dur-  
16 ing a calendar year shall render an annual report to  
17 the ~~direetor~~ commissioner during the month of January  
18 of the following year, stating the species, volume  
19 and stumpage price per unit of measure for each  
20 transaction and the municipality or township where  
21 the stumpage was located. Any owner of forest land  
22 who cuts stumpage for his own business use during a  
23 calendar year shall render an annual report to the  
24 ~~direetor~~ commissioner during the month of January of  
25 the following year, stating the species and volume  
26 per unit of measure for each municipality or township  
27 where the stumpage was located. Forms for this report  
28 shall be provided by the ~~direetor~~ commissioner. In-  
29 formation contained in the reports shall not be made  
30 public but shall be available for the use of the  
31 State Tax Assessor pursuant to Title 36, chapter 105,  
32 subchapter II-A, and chapter 803, subchapter IV.

33 Sec. 55. 12 MRSA §8701, as amended by PL 1983,  
34 c. 819, Pt. A, §§37 and 38, is further amended to  
35 read:

36 §8701. Establishment of nurseries

37 1. Establishment; purpose. The ~~direetor~~  
38 commissioner may establish within the State one or  
39 more forest nurseries, the maintenance of which shall  
40 be paid for from the appropriation for that purpose.  
41 The object of these nurseries is to furnish at cost  
42 forest tree seedlings, transplants and shrub material

1 for use in planting the present and potential forest  
2 lands within the State. Christmas tree planting  
3 stock may be grown in the event that the ~~direeter~~  
4 commissioner determines that additional stock is  
5 needed to sustain the Christmas tree industry in the  
6 State. The Christmas tree planting stock shall be  
7 sold at competitive market prices.

8 2. Surplus. The ~~direeter~~ commissioner is autho-  
9 rized to dispose of surplus materials from the nur-  
10 sery at or below cost to other state or governmental  
11 agencies for such uses as erosion control, windbreaks  
12 and wildlife habitat.

13 3. Resale. No person may resell at a profit  
14 seedlings, transplants, shrub material or Christmas  
15 tree planting stock with their roots attached re-  
16 ceived from the nursery or their assigns. Any person  
17 who violates this prohibition shall be subject to a  
18 civil penalty not to exceed 200% of the value re-  
19 ceived at resale, payable to the State, to be recov-  
20 ered in a civil action.

21 Sec. 56. 12 MRSA §8702, as enacted by PL 1979,  
22 c. 545, §3, is amended to read:

23 §8702. Public shade trees

24 To promote aesthetic and environmental values of  
25 trees to communities and to restore those values lost  
26 through death of trees from insect and disease depre-  
27 dation, soil depletion, adverse growth factors and  
28 old age, the ~~direeter~~ commissioner may enter into  
29 agreement with municipal officials and Penobscot and  
30 Passamaquoddy tribal governments to pay, so far as  
31 funds are available, up to 50% of the costs of pro-  
32 curing young tree-planting stock and planting and  
33 general care of public shade trees. Whenever the  
34 State does contribute funds for this purpose, it  
35 shall have the authority to establish requirements  
36 for a municipal tree care program and requirements  
37 and procedures relative to selecting, planting, and  
38 care of such trees. This program is not intended to  
39 extend beyond village or community limits, except for  
40 municipal parks or cemeteries.

1       Sec. 57. 12 MRSA §8703, as enacted by PL 1979,  
2 c. 545, §3, is amended to read:

3       §8703. Municipal forests

4       The ~~direeter~~ commissioner may establish a program  
5 to provide, at cost, forest seedlings or transplants  
6 for use on lands acquired by municipalities for for-  
7 est purposes as allowed in Title 30, chapter 227. Ap-  
8 plication for such material shall be made on forms as  
9 the ~~direeter~~ commissioner prescribes. The ~~direeter~~  
10 commissioner, whenever providing forest seedlings or  
11 transplants, shall recommend procedures for the  
12 planting, management and protection of the municipal  
13 forest lands.

14       Sec. 58. 12 MRSA §8704, as enacted by PL 1979,  
15 c. 545, §3, is amended to read:

16       §8704. Rehabilitation program

17       The ~~direeter~~ commissioner may carry out a forest  
18 rehabilitation program on unstocked and poorly  
19 stocked potential forest land either public or pri-  
20 vate with first priority to burned areas. He shall  
21 make use of federal funds as and if available and of  
22 inmates of state institutions, including penal, when-  
23 ever possible or feasible. The State shall partici-  
24 pate in the cost of such forest rehabilitation up to  
25 50% of the total cost on private land including the  
26 value of trees, any such rehabilitation on private  
27 lands to be only at the landowner's request.

28       Sec. 59. 12 MRSA §8823, sub-§1, as enacted by PL  
29 1979, c. 545, §3, is amended to read:

30       1. Maine commercial standard shingles. "Maine  
31 commercial standard shingles," MCST, shall mean  
32 northern white-cedar shingles that are graded by pro-  
33 ducers authorized by the Bureau Department of Forest-  
34 ry to label northern white-cedar shingles under this  
35 Article.

36       Sec. 60. 12 MRSA §8830, first ¶, as enacted by  
37 PL 1979, c. 545, §3, is amended to read:

1 Maine northern white-cedar shingle producers  
2 ascribing to the standard established by this Article  
3 shall be authorized to imprint on one or both ends of  
4 the shingle bundle the proper grade name for the  
5 quality of northern white-cedar shingles in the bun-  
6 dle. The grade name (EXTRA, CLEAR, 2ND CLEAR, CLEAR  
7 WALL, UTILITY) for the grade of shingle contained in  
8 the bundle shall be precisely as given in the stan-  
9 dard under section 8824 and the name shall be im-  
10 printed in black letters one inch high and also, be-  
11 low the grade designation, shall be imprinted the  
12 letters "MCST" in black, for Maine Commercial Stan-  
13 dard in letters of a height equal to those used for  
14 the grade name. Following the designation "MCST" they  
15 shall imprint their registered mill number assigned  
16 to them by the bureau department in numerals of equal  
17 heights to the letters "MCST." The numerals shall be  
18 separated from the letters "MCST" by a hyphen.

19 Sec. 61. 12 MRSA §8831, first ¶, as enacted by  
20 PL 1979, c. 545, §3, is amended to read:

21 The privilege to use the Maine Commercial Stan-  
22 dard grades shall depend on proper mill registration  
23 with the bureau and the assignment by the ~~director~~  
24 commissioner of a MCST mill number to the shingle  
25 producer. The initial mill registration fee shall be  
26 \$25 for each Maine shingle mill desiring to identify  
27 their shingles as being of Maine Commercial Standard  
28 with the right given to imprint the letters "MCST" on  
29 their bundles of northern white-cedar shingles, as  
30 well as their registered mill number. Subsequent an-  
31 nual registration fees shall be \$10 for each calendar  
32 year payable to the bureau department before January  
33 of that year. Registration fees shall be credited to  
34 the General Fund.

35 Sec. 62. 12 MRSA §8832, as enacted by PL 1979,  
36 c. 545, §3, is amended to read:

37 §8832. Grading and reinspection

38 1. Inspection. The Bureau Department of Forestry  
39 may authorize the use of the standard and shall peri-  
40 odically verify the proper use of this standard by  
41 shingle manufacturers registered under this Article.

1           2. Reinspection. Grade complaints, not  
2 reconciled by the parties concerned, shall be handled  
3 by the bureau department and a reinspection shall be  
4 made when requested. Grade complaints shall be rec-  
5 ognized by the State for the purpose of reinspection  
6 when made by a producer, wholesaler, retailer or con-  
7 sumer, within 10 days of his receipt of MCST  
8 shingles. The expense of reinspection by the bureau  
9 department when such request is initiated by either  
10 the buyer or seller shall be divided between the buy-  
11 er and seller or paid by either, according to their  
12 agreement.

13           Sec. 63. 12 MRSA §8833, sub-§2, as enacted by PL  
14 1979, c. 545, §3, is amended to read:

15           2. Revocation. The ~~direector~~ commissioner may re-  
16 voke, suspend or refuse to renew any registration of  
17 any mill for violation of sections 8830 and 8831 un-  
18 der the authority granted in Title 5, section 10004.  
19 The Administrative Court, acting pursuant to Title 4,  
20 chapter 25, may revoke the registration granted to  
21 any mill for violation of sections 8830 and 8831 for  
22 a period not to exceed 2 years, after which time the  
23 mill may make application for reinstatement as a reg-  
24 istered mill.

25           Sec. 64. 12 MRSA c. 805, sub-c. IV, as enacted  
26 by PL 1979, c. 545, §3, is repealed.

27           Sec. 65. 12 MRSA §8901, sub-§1, as enacted by PL  
28 1979, c. 545, §3, is amended to read:

29           1. Appointment. The ~~Direector~~ of the Bureau  
30 Commissioner of Forestry shall appoint forest rang-  
31 ers, subject to the Personnel Law.

32           Sec. 66. 12 MRSA §8901, sub-§2, ¶A, as enacted  
33 by PL 1979, c. 545, §3, is amended to read:

34           A. Subject to supervision of the ~~direector~~  
35 commissioner, supervise the state forest fire  
36 control program, including personnel and facili-  
37 ties of all types;

38           Sec. 67. 12 MRSA §8901, sub-§2, ¶G, as enacted  
39 by PL 1979, c. 545, §3, is amended to read:

1 G. Carry out such other duties as the ~~director~~  
2 commissioner prescribes.

3 Sec. 68. 12 MRSA §8902, as amended by PL 1983,  
4 c. 556, §6, is further amended to read:

5 §8902. Forest fire wardens

6 The ~~director~~ commissioner shall appoint a forest  
7 fire warden in each organized municipality . The mu-  
8 nicipal fire chief shall be appointed as forest fire  
9 warden if practicable and no other person may be ap-  
10 pointed without the approval of the municipal offi-  
11 cers. All appointed forest fire wardens shall serve  
12 at the pleasure of the ~~director~~ commissioner and  
13 shall be sworn to the faithful discharge of these du-  
14 ties and a certificate thereof shall be returned to  
15 the bureau department. Whoever has been notified of  
16 this appointment shall file with the ~~director~~  
17 commissioner his acceptance or rejection within 10  
18 days. The appointed forest fire warden may appoint  
19 one or more deputy forest fire wardens subject to ap-  
20 proval of the municipal officers.

21 The State shall pay the appointed forest fire  
22 warden an annual fee of \$100. This payment shall be  
23 made contingent upon attendance at forest fire train-  
24 ing schools, preparation of an annual forest fire  
25 plan for his town and such reports as the ~~director~~  
26 commissioner may require. This fee in no way limits  
27 payment to the warden from his town. His services for  
28 work on actual forest fires, as well as that of depu-  
29 ty forest fire wardens, shall be paid by the town and  
30 at a rate determined by the town.

31 Sec. 69. 12 MRSA §8903, as enacted by PL 1979,  
32 c. 545, §3, is amended to read:

33 §8903. General deputy wardens

34 The ~~director~~ commissioner may appoint general  
35 deputy wardens as an adjunct to the personnel regu-  
36 larly employed in the forest fire control program.  
37 They shall aid in forest fire prevention and shall  
38 take immediate action to control any unauthorized  
39 forest fires, employ assistance when required and no-  
40 tify the nearest forest ranger or town forest fire

1 warden with dispatch. Such general deputy wardens and  
2 those they employ may receive the prevailing local  
3 fire fighting wages for the period so engaged.

4       Sec. 70. 12 MRSA §8904, as enacted by PL 1979,  
5 c. 545, §3, is amended to read:

6       §8904. Coordinating protective agencies

7       The ~~direector~~ commissioner shall formulate emer-  
8 gency plans of action to establish staffing pools,  
9 equipment reserves, facilities for feeding, transpor-  
10 tation and communication on forest fires. In prepar-  
11 ing the plan other agencies and organizations having  
12 needed facilities should be contacted such as fire  
13 chiefs, civil defense units, the American Red Cross,  
14 sheriffs, the American Legion, the State Police, the  
15 Maine National Guard, the Department of Transporta-  
16 tion, the Department of Inland Fisheries and Wild-  
17 life, the State Grange, colleges, the Civil Air Pa-  
18 trol and any other protective group as determined by  
19 the ~~direector~~ commissioner. Whenever or wherever a  
20 major forest fire occurs or threatens, the ~~bureau~~  
21 department shall be the coordinating agency until the  
22 Governor declares an emergency.

23       Sec. 71. 12 MRSA §8905, as enacted by PL 1979,  
24 c. 545, §3, is amended to read:

25       §8905. Chain of command

26       The ~~direector~~ commissioner shall be responsible  
27 for the control of forest fires in all areas of the  
28 State. In carrying out these duties, the ~~direector~~  
29 commissioner shall have an unbroken chain of command  
30 down to, and including, town forest fire wardens.

31       Sec. 72. 12 MRSA §8906, sub-§1, as enacted by PL  
32 1979, c. 545, §3, is amended to read:

33       1. Administrative units. The ~~direector~~  
34 commissioner shall have the authority to divide the  
35 State into administrative units so as to most effec-  
36 tively provide for protection against loss or damage  
37 by forest fires.

1           Sec. 73. 12 MRSA §8906, sub-§2, as amended by PL  
2 1983, c. 819, Pt. A, §39 and c. 556, §7, is repealed  
3 and the following enacted in its place:

4           2. Equipment. The commissioner may establish  
5 lookout stations connected by telephone and radio,  
6 and construct, equip and maintain office-storehouse  
7 headquarters for necessary supplies, tools and equip-  
8 ment and provide for any other facilities essential  
9 for forest fire control. All fire lookout towers  
10 shall be staffed during periods of fire danger. The  
11 commissioner shall notify the joint standing commit-  
12 tees of the Legislature having jurisdiction over en-  
13 ergy and natural resources and appropriations and fi-  
14 nancial affairs in writing prior to implementing any  
15 major policy changes in the operation and staffing of  
16 the fire lookout tower system. Within the Maine  
17 Forestry District, the commissioner may, in addition  
18 to this subsection, construct and maintain roads and  
19 trails. In the event the commissioner determines that  
20 any currently active fire tower should not be re-  
21 opened for the subsequent fire season, he shall pro-  
22 vide notice to the Legislature of his intended action  
23 by January 15th. This notice shall include the loca-  
24 tion of the fire towers affected and the justifica-  
25 tions for the closure. Notice of closures shall be  
26 reviewed by the joint standing committee of the Leg-  
27 islature having jurisdiction over natural resources.  
28 Unless the Legislature determines otherwise, the com-  
29 missioner may close towers so indicated.

30           Sec. 74. 12 MRSA §9001, sub-§1, as enacted by PL  
31 1979, c. 545, §3, is amended to read:

32           1. Determination by commissioner. Whenever the  
33 ~~director~~ commissioner determines that:

34           A. A high degree of forest fire danger exists in  
35 any part of the State; and

36           B. Human activity in connection with hunting or  
37 fishing is likely to pose a forest fire menace,  
38 the ~~director~~ commissioner shall communicate such  
39 determination to the Governor.

40           Sec. 75. 12 MRSA §9001, sub-§3, as enacted by PL  
41 1979, c. 545, §3, is amended to read:



1           3. Out-of-door fires at campgrounds. The Gover-  
2 nor may exempt from the prohibitions specified in  
3 subsection 2 out-of-door fires at public campsites  
4 maintained by the Department of Conservation or the  
5 Department of Forestry. Other public, private and  
6 commercially-operated campsites may also be exempted  
7 if they have received an on-site inspection and ap-  
8 proval from the bureau department.

9           Sec. 76. 12 MRSA §9002, as enacted by PL 1979,  
10 c. 545, §3, is amended to read:

11 §9002. Posting and publishing

12           Such proclamation shall be published in such  
13 newspapers of the State and posted in such places as  
14 the Governor deems necessary and a copy of such pro-  
15 clamation shall be filed with the Secretary of State.  
16 A like copy shall be furnished to the ~~direetor~~  
17 commissioner who shall attend to the posting and pub-  
18 lication of the proclamation. All expense thereof and  
19 all the expense of enforcing the proclamation shall  
20 be paid by the ~~direetor~~ commissioner, after allowance  
21 by the State Controller, from the appropriation for  
22 general forestry purposes.

23           Sec. 77. 12 MRSA §9201, first ¶, as amended by  
24 PL 1983, c. 556, §8, is further amended to read:

25           Responsibility for the control of forest fires in  
26 municipalities lies in the first instance with the  
27 town forest wardens appointed for these municipali-  
28 ties by the ~~direetor~~ commissioner. When in the judg-  
29 ment of a forest ranger the situation so warrants,  
30 the forest ranger may relieve a town forest fire war-  
31 den of responsibility for control of a forest fire  
32 within a municipality and assume responsibility  
33 therefor. Final authority and responsibility for the  
34 control of a forest fire shall be that of the forest  
35 ranger.

36           Sec. 78. 12 MRSA §9206, as enacted by PL 1979,  
37 c. 545, §3, is amended to read:

38 §9206. Reports and payrolls

1 Town forest fire wardens and state forest rangers  
2 shall promptly prepare a report of their investiga-  
3 tion of the cause, extent and damage on all forest  
4 fires in their charge. They shall prepare an exact  
5 and detailed statement of expenses incurred therein  
6 immediately after total extinguishment of the forest  
7 fire on forms provided by the ~~direetor~~ commissioner.

8 Statements of expenses shall have proper payroll  
9 receipts and vouchers. Forest fire suppression costs  
10 qualifying for town and state payment are labor,  
11 transportation, food, fire department equipment from  
12 outside the affected town, privately owned equipment  
13 and other costs approved by the state forest ranger  
14 in charge.

15 All requests for the state 1/2 reimbursement  
16 shall be presented to the ~~direetor~~ commissioner with-  
17 in 60 days after total extinguishment of the forest  
18 fire or become void. The ~~direetor~~ commissioner may  
19 extend the time provided a preliminary report has  
20 been made.

21 The ~~direetor~~ commissioner shall examine all for-  
22 est fire suppression bills rendered by the town to  
23 the State for reimbursement or direct payment. After  
24 items not qualifying have been deducted, the ~~direetor~~  
25 commissioner shall approve them for payment.

26 Sec. 79. 12 MRSA §9302, as enacted by PL 1979,  
27 c. 545, §3, is amended to read:

28 §9302. Closing

29 A municipal or private dump within the State not  
30 carrying out this subchapter shall be posted as  
31 "Closed to Dumping" by the town forest fire warden,  
32 or the ~~direetor~~ commissioner. Thereafter no person  
33 shall deposit refuse of any kind within, along the  
34 road leading to, or on land adjacent to such closed  
35 dump.

36 Sec. 80. 12 MRSA §9321, as amended by PL 1983,  
37 c. 504, §1 to 3, is further amended to read:

38 §9321. Criteria for allowable burning

1           1. Criteria. In issuing any permit or permission  
2 for allowable burning, the ~~direeter~~ commissioner  
3 shall consider the following criteria:

4           A. Forest fire danger indices and location of  
5 proposed burning;

6           B. The time of day and season of the year;

7           C. The temperature, humidity, wind speed and di-  
8 rection;

9           D. The matter and type of burning proposed, giv-  
10 ing due consideration to prohibitions and permis-  
11 sible open-burning regulations of the Department  
12 of Environmental Protection under Title 38, sec-  
13 tion 599;

14           E. With regard to recreational fires, the feasi-  
15 bility of use of public campsites;

16           F. The length of the burning period;

17           G. The presence or availability of sufficient  
18 force and equipment to control the burning; and

19           H. Experience and capability of the permittee in  
20 the safe use and control of the proposed burning.

21           2. Revocation. The ~~direeter~~ commissioner or his  
22 delegate may revoke any permit during a period of  
23 high forest fire danger or any permit which results  
24 in creation of a nuisance condition without compli-  
25 ance with the provisions of Title 4, chapter 25 or  
26 Title 5, chapter 375.

27           3. Delegation. The ~~direeter~~ commissioner may  
28 delegate the issuance of permits to forest rangers or  
29 town forest fire wardens and their deputies.

30           4. Conditions. The ~~direeter~~ commissioner may is-  
31 sue a permit with stated conditions or restrictions  
32 to insure adequate control of permitted fires in ac-  
33 cordance with criteria of subsection 1 and conformity  
34 to regulations of the Department of Environmental  
35 Protection under Title 38, section 599.

1           5. Stricter requirements. Nothing in this sec-  
2 tion shall prohibit a municipality from adopting or-  
3 dinances specifying stricter criteria for out-of-door  
4 fires.

5           6. Penalty. Not withstanding section 9701, any  
6 person who engages in out-of-door burning prohibited  
7 by this Part or who fails to comply with the condi-  
8 tions of the permit shall be guilty of a Class E  
9 crime.

10           Sec. 81. 12 MRSA §9322, sub-§1, as amended by PL  
11 1983, c. 556, §13, is further amended to read:

12           1. Permits. No person may kindle or use an  
13 out-of-door fire in the unorganized territory unless  
14 a permit has been obtained from the ~~direector~~  
15 commissioner. The ~~direector~~ commissioner may issue a  
16 permit on lands of another unless the majority  
17 ownerships of the land have withdrawn permission in  
18 writing to the ~~direector~~ commissioner.

19           Sec. 82. 12 MRSA §9322, sub-§3, as amended by PL  
20 1979, c. 663, §71, is further amended to read:

21           3. Resident guides. On application to the  
22 ~~direector~~ commissioner a statewide yearly permit for  
23 out-of-door fires shall be issued to resident guides  
24 licensed by the Department of Inland Fisheries and  
25 Wildlife. Such guides shall notify a forest ranger in  
26 person or by telephone of the area in which they are  
27 guiding their parties. Whoever violates this subsec-  
28 tion shall have his permit revoked by the ~~direector~~  
29 commissioner, who, in taking this action, need not  
30 comply with the provisions of Title 4, chapter 25 and  
31 Title 5, chapter 375.

32           Sec. 83. 12 MRSA §9323, sub-§1, as enacted by PL  
33 1979, c. 545, §3, is amended to read:

34           1. Prohibition. No person shall kindle or use a  
35 fire for clearing land or burning logs, stumps,  
36 roots, brush, slash, fields of grass, pasture or  
37 blueberry lands without a permit from the ~~direector~~  
38 commissioner.

1           Sec. 84. 12 MRSA §9324, sub-§4, as enacted by PL  
2 1979, c. 545, §3, is amended to read:

3           4. No person ~~shall~~ may kindle or use an  
4 out-of-door fire on land of another without permis-  
5 sion of the owner, except at public campsites and  
6 lunch grounds maintained or authorized by the ~~bureau~~  
7 department, state parks and state highway picnic ar-  
8 eas. This subsection shall not apply to the use of  
9 portable stoves which are fueled by propane gas, gas-  
10 oline or sterno.

11           Sec. 85. 12 MRSA §9324, sub-§6, as enacted by PL  
12 1983, c. 504, §4, is amended to read:

13           6. Domestic trash. Residential burning of high-  
14 ly combustible domestic, household trash in incinera-  
15 tors is allowed where no municipal property tax sup-  
16 ported trash collection service is available or will  
17 accept those materials provided that the incinerator  
18 has been inspected and approved by a municipal fire  
19 chief, town forest fire warden or forest ranger using  
20 minimum criteria established by the ~~director~~  
21 commissioner for safe fire operation.

22           Sec. 86. 12 MRSA §9333, last ¶, as enacted by PL  
23 1979, c. 545, §3, is amended to read:

24           Slash accumulated by the construction and mainte-  
25 nance of railroads, highways, electric power, tele-  
26 graph, telephone or pipelines shall not be left on  
27 the ground but shall be either hauled away, burned or  
28 chipped. In the event a permit is denied or revoked  
29 under section 9323, the ~~director~~ commissioner may al-  
30 low logs which are too large to be chipped to remain  
31 in the right-of-way until it is economically feasible  
32 for their removal.

33           Sec. 87. 12 MRSA §9334, as amended by PL 1983,  
34 c. 556, §15, is further amended to read:

35           §9334. -- along land bordering on another

36           Whoever, as stumpage owner, operator, landowner  
37 or agent, cuts, causes or permits to be cut any for-  
38 est growth on land which borders land of another out-  
39 side the limits of the unorganized territory or with-

1 in the unorganized territory which borders property  
2 outside shall dispose of the slash in the manner de-  
3 scribed: All slash resulting from such cutting of  
4 forest growth shall not remain on the ground within  
5 25 feet of the property line, provided that the  
6 ~~direeter~~ commissioner on his own initiative or upon  
7 written complaint of another declares that the situa-  
8 tion constitutes a fire hazard.

9       Sec. 88. 12 MRSA §9335, as enacted by PL 1979,  
10 c. 545, §3, is amended to read:

11       §9335. -- by dwelling houses

12       The ~~direeter~~ commissioner, by written notice to  
13 any stumpage owner, operator, landowner or agent cut-  
14 ting forest growth, may require the removal of slash  
15 within 100 feet of buildings and trailers currently  
16 used for human occupancy when, in his judgment, such  
17 slash constitutes an unusual hazard endangering other  
18 property through the setting or spreading of forest  
19 fires.

20       Sec. 89. 12 MRSA §9336, as enacted by PL 1979,  
21 c. 545, §3, is amended to read:

22       §9336. -- manner of

23       All slash resulting from cutting of forest growth  
24 shall be removed the required distances under this  
25 Article and scattered or chipped and not piled in  
26 windrows within 30 days after cutting or within 30  
27 days of notification to remove by the ~~direeter~~  
28 commissioner, as provided.

29       Sec. 90. 12 MRSA §9341, as enacted by PL 1979,  
30 c. 545, §3, is amended to read:

31       §9341. Establishment

32       The ~~direeter~~ commissioner is authorized to lease  
33 land in order to construct and maintain public  
34 campsites so as to prevent forest fires by a  
35 proliferation of private fires. The ~~direeter~~  
36 commissioner may establish a schedule of fees for the  
37 use of such sites pursuant to Title 5, chapter 375,  
38 subchapter II.

1           Sec. 91. 12 MRSA §9342, as enacted by PL 1979,  
2 c. 545, §3, is amended to read:

3           §9342. Seasonal use only

4           No person shall place any trailer, camper, shel-  
5 ter or tent from May 1st to November 30th at any pub-  
6 lic campsite maintained or authorized by the bureau  
7 and keep such trailer, camper, shelter or tent so lo-  
8 cated, vacant or occupied for more than 14 days in  
9 any 30-day period. Persons already having placed a  
10 trailer, camper, shelter or tent at such a campsite  
11 for more than 14 days shall remove any such item and  
12 leave at the request of the ~~direetor~~ commissioner or  
13 of any fish and wildlife warden.

14           Sec. 92. 12 MRSA §9401, as enacted by PL 1979,  
15 c. 545, §3, is amended to read:

16           §9401. Patrol along tracks

17           Whenever in the judgment of the ~~direetor~~  
18 commissioner the woodlands along the railroads tra-  
19 versing the forest lands of the State are in a dry  
20 and dangerous condition, he shall maintain a compe-  
21 tent and efficient fire patrol along the right-of-way  
22 or lands of such railroads if, in his judgment, a  
23 satisfactory railroad fire patrol is not being pro-  
24 vided.

25           Sec. 93. 12 MRSA §9403, as enacted by PL 1979,  
26 c. 545, §3, is amended to read:

27           §9403. Expense of fire patrol paid by railroad

28           The ~~direetor~~ commissioner shall keep, or cause to  
29 be kept, an account of the cost of maintenance by the  
30 State of such fire patrol along the line of such  
31 railroad, including therein the wages and expenses of  
32 the employees engaged in maintaining such fire pa-  
33 trol, and the total cost thereof shall be paid to the  
34 ~~direetor~~ commissioner by the railroad company along  
35 whose land or right-of-way such patrol is maintained.  
36 All such funds received by the ~~direetor~~ commissioner  
37 shall be credited to the General Fund.

1           Sec. 94. 12 MRSA §9405, as enacted by PL 1979,  
2           c. 545, §3, is amended to read:

3           §9405. Removal of inflammable material

4           Every railroad company whose road passes through  
5           waste or forest lands shall, during each year, cut  
6           and burn off or remove from its right-of-way all  
7           grass, brush or other inflammable material, under  
8           proper care and at times when fires are not liable to  
9           spread beyond control. No railroad employee shall  
10          build a fire to burn any material along the right-  
11          of-way through forest lands when forbidden to do so  
12          by the ~~direeter~~ commissioner. All burning shall be  
13          done in accordance with section 9323.

14          Sec. 95. 12 MRSA §9601, as enacted by PL 1979,  
15          c. 545, §3, is amended to read:

16          §9601. Spark arresters

17          No equipment for producing power shall be oper-  
18          ated in, through or near forest lands unless it is  
19          provided with a spark arrester approved by the  
20          ~~direeter~~ commissioner. Spark arresters shall be ap-  
21          proved if judged effective to prevent the escape of  
22          sparks, carbon deposits or other substances likely to  
23          cause fires. The ~~direeter~~ commissioner may permit the  
24          use of those spark arresters certified by the United  
25          States Forest Service, Department of Agriculture.

26          Sec. 96. 12 MRSA §9602, as enacted by PL 1979,  
27          c. 545, §3, is amended to read:

28          §9602. Obstruction of discontinued woods roads pro-  
29          hibited

30          No person, unless authorized by the ~~direeter~~  
31          commissioner, shall may obstruct any improved woods  
32          road or way used for the removal of forest growth,  
33          upon the discontinuance from use or abandonment of  
34          the same, if it may be reasonably utilized for pre-  
35          venting or suppressing forest fires. This provision  
36          shall not prohibit a landowner from his right to  
37          close or cause to be closed such woods roads or ways  
38          by chains or gates.



1           Sec. 97. 12 MRSA §9621, first ¶, as amended by  
2 PL 1983, c. 812, §94, is further amended to read:

3           The Governor shall appoint a 9-member council, as  
4 authorized by Title 5, section 12004, subsection 10,  
5 to advise the Department of ~~Conservation~~ Forestry on  
6 all matters pertaining to the forest fire control  
7 program. The council shall consist of one representa-  
8 tive each from the Forest Fire Control Division of  
9 the Department of ~~Conservation~~ Forestry and the Maine  
10 State Fire Chief's Association. At least one member  
11 shall be a municipal official. Four members shall  
12 represent the commercial forest industry, of which 2  
13 shall represent landowners in the organized portions  
14 of the State and 2 shall represent landowners in the  
15 unorganized portion of the State. One member shall  
16 represent a forest related tourist industry and one  
17 shall represent a noncommercial private owner of  
18 acreage which is subject to the tax assessed under  
19 Title 36, chapter 366.

20           Sec. 98. 12 MRSA §9701, as enacted by PL 1979,  
21 c. 545, §3, is amended to read:

22           §9701. Penalty

23           Unless otherwise specifically stated, any person  
24 who violates any requirement of this Part, the condi-  
25 tion or terms of any permit or license issued by the  
26 ~~director~~ commissioner or the provision of any rule or  
27 regulation of the ~~bureau~~ department commits a civil  
28 violation for which a forfeiture not to exceed \$1,000  
29 may be adjudged. Each day of a violation shall be  
30 considered a separate offense.

31           Sec. 99. 14 MRSA §7208, as amended by PL 1973,  
32 c. 460, §18, is further amended to read:

33           §7208. Location by direction of court

34           Such part shall be located by persons appointed  
35 by the court at the expense of the defendant and a  
36 plan thereof returned to the court. If confirmed by  
37 the court, it shall order an attested copy of the lo-  
38 cation and plan to be filed in the office of the ~~Di-~~  
39 ~~rector~~ of the Bureau Commissioner of Forestry, and  
40 judgment shall be rendered that the State be reseized  
41 of the residue and for costs.

1           Sec. 100. 17 MRSA §2268, first ¶, as repealed  
2 and replaced by PL 1975, c. 739, §13, is amended to  
3 read:

4           Every law enforcement officer in the State, in-  
5 cluding but not limited to State Police, county sher-  
6iffs and their deputies, municipal police, wardens of  
7 the Department of Inland Fisheries and Wildlife, war-  
8 dens of the Department of Marine Resources, rangers  
9 of the Bureau Department of Forestry and liquor in-  
10 spectors of the Department of Public Safety shall  
11 have authority to enforce this chapter.

12           Sec. 101. 22 MRSA §1471-C, sub-§23-B, as enacted  
13 by PL 1983, c. 819, Pt. A, §41, is amended to read:

14           23-B. Spray contracting firm. "Spray contract-  
15 ing firm" means a person, as defined in this section,  
16 employed or contracted to conduct a public or private  
17 forest insect aerial spray application. This term  
18 does not include the owner or lessee of land to be  
19 sprayed, employees of that landowner or lessee, the  
20 Bureau Department of Forestry, the employees of the  
21 Bureau Department of Forestry or individuals who are  
22 certified as commercial applicators.

23           Sec. 102. 22 MRSA §1471-R, sub-§6, ¶A, as en-  
24 acted by PL 1983, c. 819, Pt. A, §54, is amended to  
25 read:

26           A. In the case of a forest insect aerial spray  
27 program administered pursuant to Title 12, chap-  
28 ter 803, the Bureau Department of Forestry; and

29           Sec. 103. 22 MRSA §1692, sub-§4, as enacted by  
30 PL 1981, c. 508, §1, is amended to read:

31           4. Advise state agencies. Advise the Commis-  
32 sioner of Human Services, as well as other state agencies  
33 and boards, such as the Departments of Conservation,  
34 Forestry, Environmental Protection and Agriculture,  
35 Food and Rural Resources, regarding the potential  
36 health implications of their actions, the nature and  
37 extent of identified problems and the steps which can  
38 be taken to address them; and

39           Sec. 104. 27 MRSA §502, as repealed and replaced  
40 by PL 1979, c. 21, is amended to read:

1     §502. Maine Historic Preservation Commission

2           There shall be created within the Department of  
3 Educational and Cultural Services a bureau which  
4 shall be designated as the "Maine Historic Preserva-  
5 tion Commission." It shall consist of 11 members made  
6 up as follows: The Commissioner or a representative  
7 of the Department of Transportation, and the Commis-  
8 sioner or a representative of the Department of Con-  
9 servation, the Commissioner of Forestry or a repre-  
10 sentative of the Department of Forestry, to serve ex  
11 officio, 9 representatives from among the citizens of  
12 Maine, one of whom shall be elected chairman, who are  
13 known for their competence, experience and interest  
14 in this field, including at least one prehistoric ar-  
15 chaeologist, one historic archaeologist, one histori-  
16 an, one architectural historian and one architect, to  
17 be appointed by the Governor. In making these ap-  
18 pointments, due consideration shall be given to the  
19 recommendations made by the representative profes-  
20 sional, civic and educational associations and groups  
21 concerned with or engaged in the field of historic  
22 preservation.

23           Sec. 105. 29 MRSA §2709, sub-§1, as amended by  
24 PL 1983, c. 696, §1, is further amended to read:

25           1. Exemptions. There is exempt from this chapter  
26 the operation over the highways of motor vehicles  
27 transporting freight or merchandise for hire:

28           A. While being used within the limits of a sin-  
29 gle city or town in which the vehicle is regis-  
30 tered by the Secretary of State or in which the  
31 owner maintains a regular and established place  
32 of business, or within 15 miles, by highway in  
33 this State, of the point in that single city or  
34 town where the property is received or delivered,  
35 but no person, firm or corporation may operate,  
36 or cause to be operated, any motor vehicle for  
37 the transportation of property for hire beyond  
38 those limits without a permit as required by this  
39 chapter; nor may any such person, firm or corpo-  
40 ration participate in the transportation of prop-  
41 erty originating or terminating beyond the limits  
42 without holding such a permit unless the property  
43 is delivered to or received from a carrier over

1 the highways operating under a permit issued by  
2 the bureau or railway, railway express or water  
3 common carrier, but nothing in this section may  
4 prevent a carrier from delivering and picking up  
5 with his exempt motor vehicle, in a city or town  
6 where he has a terminal, freight and merchandise  
7 transported or to be transported over territory  
8 for which a permit is required; nothing in this  
9 paragraph permits the transportation of freight  
10 or merchandise for hire, by motor vehicle, under  
11 any circumstances by any person, firm or corpora-  
12 tion beyond the 15-mile limit as prescribed un-  
13 less the person, firm or corporation holds a per-  
14 mit from the bureau;

15 B. While engaged, directly or through a contrac-  
16 tor, exclusively in construction or maintenance  
17 work for any branch of the Government of the  
18 United States, or for any department of the  
19 State, or for any county, city, town or village;

20 C. While engaged exclusively in the transporta-  
21 tion of the United States mail;

22 D. While engaged exclusively in the transporta-  
23 tion of fresh fruits and fresh vegetables from  
24 farms to processing plants or quick freezing  
25 plants, places of storage or places of shipment,  
26 or the products of vining and cutting plants to  
27 processing plants or quick freezing plants during  
28 the harvesting season to points within 50 miles  
29 thereof, by highway;

30 E. While engaged exclusively in the hauling of  
31 wood, pulpwood, logs, sawed lumber, wood chips,  
32 bark, hogged fuel or sawdust from the woodlot or  
33 forest area where cut, sawed or chipped to points  
34 within 100 miles thereof, by highway, or while  
35 hauling, within the distance, horses, crew,  
36 equipment and supplies to or from that woodlot or  
37 forest area;

38 F. While engaged exclusively in the transporta-  
39 tion of livestock for exhibition purposes, in-  
40 cluding race horses, to and from agricultural  
41 fairs, race tracks and other exhibits;

- 1 G. While engaged exclusively in the hauling of  
2 milk and cream to receiving stations from points  
3 within a distance of 50 miles by highway from  
4 them;
- 5 H. Of any bona fide agricultural cooperative as-  
6 sociation transporting property exclusively for  
7 the members of that association on a nonprofit  
8 basis, or of any independent contractor trans-  
9 porting property exclusively for the association;
- 10 I. Of any independent contractor while engaged  
11 exclusively in the transportation of seed, feed,  
12 fertilizer and livestock for one or more owners  
13 or operators of farms directly from the place of  
14 purchase of the seed, feed, fertilizer and live-  
15 stock by the owners or operators of the farms to  
16 the farms, or in the transportation of agricul-  
17 tural products for one or more owners or opera-  
18 tors of farms directly from the farm on which the  
19 agricultural products were grown to place of  
20 storage, processing or shipment within 50 miles  
21 by highway of the farm;
- 22 J. While engaged exclusively in the transporta-  
23 tion of Christmas trees, wreaths and greens;
- 24 K. While engaged exclusively in the transporta-  
25 tion of disabled, collision-damaged, wrecked or  
26 repossessed highway motor vehicles within 50  
27 miles by highway from the carrier's regular place  
28 of business;
- 29 L. While engaged exclusively in the transporta-  
30 tion of refuse, garbage and trash to disposal ar-  
31 eas from points within a distance of 50 miles by  
32 highway thereof;
- 33 M. While engaged exclusively in the transporta-  
34 tion of sand, gravel, loam, rocks, crushed rock,  
35 hot top, cold top and bituminous mixes in  
36 dump-truck type vehicles and tractor-trailer ve-  
37 hicles; and
- 38 N. While engaged exclusively in the transporta-  
39 tion of buildings, houses and similar permanent  
40 type structures being relocated, but not includ-  
41 ing trailers and mobile homes.

1 Nothing under this chapter applies to persons, firms  
2 or corporations operating motor vehicles carrying  
3 property of which they are the actual and bona fide  
4 owners, if the ownership is in pursuance of a primary  
5 business, other than the transportation business, of  
6 those persons, firms or corporations.

7 The exemptions provided in this subsection apply to  
8 any nonresident owner or operator of any motor vehi-  
9 cle to the extent that the state, district or country  
10 of residence grants the same or similar privileges to  
11 residents of this State.

12 If a state, district or country requires a permit or  
13 charges residents of this State any fee for transpor-  
14 tation exempted under this subsection, the bureau  
15 shall require a permit and charge fees as required by  
16 this chapter.

17 If any state, district, province or country prohib-  
18 its, in any way, the transportation of wood, pulpwood  
19 or logs from that state, district, province or coun-  
20 try to this State, or by law or regulation requires a  
21 citizen of this State to establish citizenship, a  
22 residence or place of business or to register a busi-  
23 ness in that state, district, province or country in  
24 order to transport wood, pulpwood or logs from that  
25 state, district, province or country to this State,  
26 similar provisions shall apply to residents of that  
27 state, district, province or country who transport  
28 wood, pulpwood or logs from Maine to that state, dis-  
29 trict, province or country. The limitations provided  
30 in this section shall not apply to the sale of  
31 sawlogs and pulpwood, but shall apply to the trans-  
32 portation and methods of transportation of sawlogs  
33 and pulpwood.

34 Any sawlogs and pulpwood harvested on lands owned by  
35 the State may be transported without the limitations  
36 provided by this section where the limitations are  
37 based solely on the source of the sawlogs and pulp-  
38 wood being state-owned lands, if, for lands adminis-  
39 tered by the Department of Conservation, the Commis-  
40 sioner of Conservation consents to the transport, for  
41 lands administered by the Department of Forestry, the  
42 Commissioner of Forestry consents to the transport,  
43 or for lands administered by the Baxter State Park

1 Authority, the authority consents to the transport.  
2 Such consent shall be given where it is necessary to  
3 avoid severe economic hardship or to avoid the dis-  
4 ruption of land management plans.

5 Sec. 106. 32 MRSA §1951, sub-§3, as amended by  
6 PL 1973, c. 460, §18, is repealed.

7 Sec. 107. 32 MRSA §1951, sub-§3-A is enacted to  
8 read:

9 3-A. Department. "Department" means the Depart-  
10 ment of Forestry.

11 Sec. 108. 32 MRSA §2001, first ¶, as amended by  
12 PL 1983, c. 812, §214, is further amended to read:

13 The Arborist Examining Board, as established by  
14 Title 5, section 12004, subsection 1, within the De-  
15 partment of Business, Occupational and Professional  
16 Regulation and called "the board," shall administer  
17 this chapter and shall consist of 6 members. The  
18 Governor shall appoint 4 members as follows: Two mem-  
19 bers shall be licensed commercial arborists, each of  
20 whom shall have been continuously engaged in practice  
21 as licensed commercial arborists for a period of 10  
22 years prior to his appointment; one member shall be a  
23 plant pathologist who is either on the state or Uni-  
24 versity of Maine staff and part of whose work is con-  
25 cerned with trees; and one member shall be a repre-  
26 sentative of the public. The remaining 2 members  
27 shall be selected by the Director of the Bureau  
28 Commissioner of Forestry from the Bureau Department  
29 of Forestry and shall be ex officio members.

30 Sec. 109. 32 MRSA §2004, as amended by PL 1977,  
31 c. 360, §26, is further amended to read:

32 §2004. Disposal of fees

33 Fees collected shall be credited to the board and  
34 may be expended by the board for any expense incurred  
35 for examining, licensing and carrying out the pur-  
36 poses of this subchapter. The Bureau Department of  
37 Forestry shall be reimbursed by the board for actual  
38 expense of services rendered to the board in adminis-  
39 tering the law.

1           Sec. 110. 34-A MRSA §3033, sub-§2, as enacted by  
2           PL 1983, c. 459, §6, is amended to read:

3           2. Fire or disaster. The commissioner may autho-  
4           rize the training and use of able-bodied prisoners in  
5           the prison or in the Maine Correctional Center by the  
6           Bureau Department of Forestry or the Bureau of Civil  
7           Emergency Preparedness to fight fires or provide as-  
8           sistance during or after a civil disaster.

9           Sec. 111. 36 MRSA §575, as amended by PL 1973,  
10          c. 460, §18, is further amended to read:

11         §575. Administration; regulations

12           The State Tax Assessor shall have the powers and  
13           duties provided in this subchapter. He shall adopt  
14           and amend such rules and regulations as may be rea-  
15           sonable and appropriate to carry out these responsi-  
16           bilities. He may contract with municipal, State and  
17           Federal Governments or their agencies to assist in  
18           the carrying out of any of his assigned tasks. He is  
19           authorized to hire such technical assistance as may  
20           be required for the performance of his assigned  
21           tasks. He is authorized to request such technical as-  
22           sistance from the Forestry Bureau Department of  
23           Forestry or the Department of Finance and Administra-  
24           tion as the respective department may be able to pro-  
25           vide.

26          Sec. 112. 36 MRSA §576, first ¶, as amended by  
27          PL 1981, c. 517, §5, is further amended to read:

28           The State Tax Assessor shall determine the aver-  
29           age annual net wood production rate for each forest  
30           type described in section 573, subsections 5 to 7, in  
31           each county or region to be used in determining valu-  
32           ations applicable to forest land under this subchap-  
33           ter, on the basis of the surveys of average annual  
34           growth rates applicable in the State made from time  
35           to time by the United States Forest Service or by the  
36           Maine Forestry Bureau Department of Forestry. The  
37           growth rate surveys shall be reduced by a percentage  
38           discount factor determined by the State Tax Assessor  
39           pursuant to section 576-B to reflect the growth which  
40           can be extracted on a sustained basis. The rates  
41           shall be determined after passage of this subchapter,



1 and when determined shall remain in effect without  
2 change for each county through the property tax year  
3 ending March 31, 1975. In 1974 and in every 10th year  
4 thereafter, the State Tax Assessor shall review and  
5 set such rates for the following 10-year period in  
6 the same manner.

7       Sec. 113. 36 MRSA §577, sub-§4, as amended by PL  
8 1973, c. 406, §18, is further amended to read:

9       4. Report and recommendation from Commissioner  
10 of Forestry. In determining the applicability of  
11 this section, the assessor may request a report and  
12 recommendation from the Director of the Bureau  
13 Commissioner of Forestry.

14       Sec. 114. 36 MRSA §841-B, as amended by PL 1983,  
15 c. 812, §271 and c. 855, §4, is repealed and the fol-  
16 lowing enacted in its place:

17 §841-B. Land Classification Appeals Board; purpose,  
18 composition

19       The Land Classification Appeals Board, as estab-  
20 lished by Title 5, section 12004, subsection 2, is  
21 established to hear appeals from decisions of municip-  
22 al tax assessors, chief assessors and the State Tax  
23 Assessor acting as assessor of the unorganized terri-  
24 tory relating to the Maine Tree Growth Tax Law, the  
25 Farm and Open Space Tax Law or the Forest Fire Sup-  
26 pression Tax Law. The board shall be composed of 4  
27 voting members: The Commissioner of Forestry or his  
28 designee; the Commissioner of Agriculture, Food and  
29 Rural Resources or his designee; the person who, pur-  
30 suant to section 584, is currently serving on the  
31 Forest Land Valuation Advisory Council as the land-  
32 owner member; and the person who, pursuant to section  
33 584, is currently serving on the Forest Land Valua-  
34 tion Advisory Council as the municipal officer. The  
35 Commissioner of Finance and Administration or his  
36 designee shall serve in an advisory capacity as a  
37 nonvoting member and as chairman of the board. In the  
38 case of a tie vote, the Commissioner of Finance and  
39 Administration or his designee shall vote to break  
40 the tie. The landowner member and the municipal offi-  
41 cer shall be compensated according to the provisions  
42 of Title 5, chapter 379. All other members shall be

1 compensated by the agency they represent for actual  
2 expenses incurred in the performance of their duties  
3 under this section.

4       Sec. 115. 36 MRSA §1285, as amended by PL 1979,  
5 c. 666, §33, is further amended to read:

6 §1285. Collection of taxes in unorganized townships

7       In addition to the methods of collecting state  
8 taxes provided by law, owners of real estate in unor-  
9 ganized townships shall be liable to pay such taxes  
10 to the State Tax Assessor upon demand. If such taxes  
11 shall not be paid within 30 days after such demand,  
12 the State Tax Assessor may collect the same, with in-  
13 terest as provided by law, by a civil action in the  
14 name of the State. Such action shall be brought in a  
15 court of competent jurisdiction in the county where  
16 such unorganized townships are located, and the At-  
17 torney General may begin and prosecute such actions  
18 when requested by the State Tax Assessor. The demand  
19 shall be sufficient if made by a writing mailed to  
20 such owner or his agent at his usual post-office ad-  
21 dress. In case such owner resides without the State  
22 and has no agent within the State known to the State  
23 Tax Assessor, such demand shall be sufficient if made  
24 upon the Director of the Bureau Commissioner of For-  
25 estry. Such action shall be brought not less than 30  
26 days after the giving or mailing of the demand. The  
27 beginning of such action, obtaining execution and  
28 collecting the same shall be deemed a waiver of the  
29 rights of the State under sections 1281 and 1282. In  
30 case the owners of any such real estate are unknown,  
31 the demand shall be sufficient if advertised in the  
32 state paper and in some newspaper, if any, published  
33 in the county in which the real estate lies.

34       Sec. 116. 37-B MRSA §1053, as enacted by PL  
35 1983, c. 460, §3, is amended to read:

36 §1053. Administration

37       This chapter shall be administered by the bureau.  
38 In carrying out the provisions of this chapter, the  
39 bureau shall consult with other state agencies, in-  
40 cluding the Soil and Water Conservation Commission,  
41 the State Planning Office, the Department of Environ-

1 mental Protection, Department of Conservation, De-  
2 partment of Forestry, Department of Transportation  
3 and Department of Public Safety, on matters pertain-  
4 ing to the technical aspects of the administration of  
5 this chapter and in emergency situations may require  
6 the aid and assistance of those agencies.

7       Sec. 117. 38 MRSA §634, sub-§3, as enacted by PL  
8 1983, c. 458, §18, is amended to read:

9       3. Application review. Within 10 working days  
10 of receiving a completed application, the Commis-  
11 sioner of Environmental Protection or the Director of the  
12 Maine Land Use Regulation Commission, as appropriate,  
13 shall notify the applicant of the official date on  
14 which the application was accepted.

15 The commissioner or the director, as appropriate,  
16 shall circulate the application among the Department  
17 of Environmental Protection, Department of Conserva-  
18 tion, Department of Forestry, Department of Inland  
19 Fisheries and Wildlife, Department of Marine Re-  
20 sources, Department of Transportation, Maine Historic  
21 Preservation Commission, Office of Energy Resources,  
22 Public Utilities Commission and the municipal offi-  
23 cials of the municipality in which the project is lo-  
24 cated. The Office of Energy Resources and the Public  
25 Utilities Commission shall submit written comments on  
26 section 636, subsection 7, paragraph F. For projects  
27 within the jurisdiction of the Maine Land Use Regula-  
28 tion Commission, the director may request and obtain  
29 technical assistance and recommendations from the  
30 staff of the department. The department shall re-  
31 spond to the requests in a timely manner. The de-  
32 partment's recommendations shall be considered by the  
33 commission in acting upon a project application.

34       Sec. 118. Transition clause.

35       1. Funds transferred. Notwithstanding the Maine  
36 Revised Statutes, Title 5, sections 1585 and 1586,  
37 all accrued expenditures, assets, liabilities, bal-  
38 ances or allocations, transfers, revenues or other  
39 available funds in any account or subdivision of an  
40 account of the Bureau of Forestry within the Depart-  
41 ment of Conservation shall be reallocated to the De-  
42 partment of Forestry.

