

MAINE STATE LEGISLATURE

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1 (EMERGENCY)
2 SECOND REGULAR SESSION
3

4 ONE HUNDRED AND TWELFTH LEGISLATURE
5

6 Legislative Document

No. 2244

7
8 H.P. 1591

House of Representatives, March 20, 1986

9 Submitted by the Department of Conservation pursuant to Joint Rule 24.
10 Referred to the Committee on Appropriations and Financial Affairs. Sent
up for concurrence and ordered printed.

11 EDWIN H. PERT, Clerk

Presented by Representative Michaud of Medway.

Cosponsored by Senator Pearson of Penobscot.

12
13 STATE OF MAINE
14

15 IN THE YEAR OF OUR LORD
16 NINETEEN HUNDRED AND EIGHTY-SIX
17

18 AN ACT to Establish the Cost of the 1986
19 Spruce Budworm Suppression Project and
20 to Provide Operating Funds for the
21 Spruce Budworm Management Program.
22

23 Emergency preamble. Whereas, Acts of the Legis-
24 lature do not become effective until 90 days after
25 adjournment unless enacted as emergencies; and

26 Whereas, prompt determination of the cost of the
27 spruce budworm spray project is necessary in order to
28 establish preproject taxes to be assessed on landown-
29 ers in the Spruce Fir Forest Protection District; and

30 Whereas, the uncertainty of the need for a spray
31 project in 1987 necessitates modification in the
32 Maine Spruce Budworm Management Act to allow the di-
33 rector to plan for that contingency; and

34 Whereas, the reduction in size of the Spruce
35 Budworm Suppression Program necessitates a reorgani-
36 zation to reduce administrative overhead; and

1 Whereas, in the judgment of the Legislature,
2 these facts create an emergency within the meaning of
3 the Constitution of Maine and require the following
4 legislation as immediately necessary for the preser-
5 vation of the public peace, health and safety; now,
6 therefore,

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

9 Sec. 1. 12 MRSA §8426, sub-§§1 and 2, as amended
10 by PL 1985, c. 58, §2, are further amended to read:

11 1. Recommendation of the director. On or before
12 January 1st of each year, the director shall report
13 in writing to the Bureau of the Budget and to the
14 Legislature his estimate of the costs of implementa-
15 tion of any management program proposed for that
16 ~~calendar~~ program year, along with his estimate of the
17 cost of funding program planning activities for the
18 period beginning October 1st and ending on April 30th
19 of the following year.

20 If the director finds that no spray project is neces-
21 sary in ~~1986~~ 1987, he shall make a determination of
22 the need for ongoing management program activities.
23 The director shall base his determination upon recom-
24 mendations of affected landowners and the public, and
25 other factors that the director deems to be in fur-
26 therance of the legislative policies of this subchap-
27 ter. On or before January 1, ~~1986~~ 1987, the director
28 shall report in writing to the Legislature his esti-
29 mate of the costs of implementation of the management
30 program activities determined to be necessary, along
31 with a complete description of the activities and the
32 related staff requirements. Management program ac-
33 tivities in a year without a spray project shall in-
34 clude only necessary budworm survey and detection,
35 research and administration. The director shall in-
36 clude in his report any recommended changes to this
37 subchapter to ensure the implementation of equitable
38 methods for financing ongoing budworm survey activi-
39 ties in years with no spray project, consistent with
40 the legislative policies of this subchapter.

1 2. Authorization by Legislature. Following the
2 recommendation made in accordance with subsection 1,
3 the Legislature shall determine, not later than March
4 1st, the amount, if any, authorized for expenditure
5 for any management program in that ~~calendar~~ program
6 year. That excise tax shall be assessed and col-
7 lected in accordance with section 8427, subsection 2.
8 At the same time, the Legislature shall determine the
9 amount, if any, authorized for expenditure for
10 preproject planning during the period beginning Octo-
11 ber 1st and ending April 30th of the following year.

12 Sec. 2. 12 MRSA §8427, sub-§3, ¶D-1, as enacted
13 by PL 1985, c. 58, §4, is amended to read:

14 D-1. In the event that no spray project is con-
15 ducted in a given year, the amount computed under
16 paragraph ~~E~~ A shall be raised by a post-project
17 shared tax, applicable to all taxable acres in
18 the district, the per acre rate of which shall be
19 calculated by dividing the sum to be raised by
20 the number of acres within the district, as des-
21 ignated by the director.

22 Sec. 3. 12 MRSA §8428, sub-§§9 to 11 are enacted
23 to read:

24 9. Cooperation. The director shall consult and
25 cooperate with the United States Forest Service, oth-
26 er agencies of the United States and of any state,
27 the dominion government of Canada, the governments of
28 any provinces of Canada and public and private land-
29 owners in the State in developing and undertaking
30 joint management program activities.

31 10. Report. The director shall, at the end of
32 each calendar year, undertake a complete financial
33 review of any management program activities under-
34 taken that year and shall make a full report on the
35 activities to the next session of the Legislature. The
36 report shall include, but not be limited to, sources
37 of funding, private, state or federal and total ex-
38 penditures broken down in the following categories:
39 Insecticides, aircraft, monitoring, research and oth-
40 er appropriate categories. Also to be included shall
41 be a statement of any remaining balance by source,
42 private, state or federal.

1 Sections 3 and 4 eliminate the Forest Insect
2 Manager's office and assigns the duties of the office
3 to the director, Maine Forest Service. Declining
4 budworm population levels obviate the need for a sep-
5 arate Forest Insect Manager's office. The manager's
6 responsibility will be incorporated into the Entomol-
7 ogy Division, Maine Forest Service, under the direc-
8 tor.

9 Section 5 authorizes the cost of the 1986 Spruce
10 Budworm Spray project so that the State Tax Assessor
11 can bill landowners for the preproject excise tax, as
12 required by the Maine Revised Statutes, Title 12,
13 section 8427, subsection 2.

14 Section 6 authorizes the cost of preproject plan-
15 ning activities for 1987 to be \$200,000. The Treasur-
16 er of State will borrow these funds in anticipation
17 of 1987 tax revenues to cover operating costs for the
18 October 1, 1986, to April 30, 1987, period.

19 Section 7 extends the time for legislative action
20 to March 30, 1986.

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