

MAINE STATE LEGISLATURE

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(New Draft of H.P. 790, L.D. 1062)
(New Title)
FIRST REGULAR SESSION

ONE HUNDRED AND THIRTEENTH LEGISLATURE

Legislative Document

NO. 1680

H.P. 1230 House of Representatives, May 28, 1987
Reported by Representative RIDLEY from the Committee on
Energy and Natural Resources and printed under Joint Rule 2.
EDWIN H. PERT, Clerk
Original bill sponsored by Representative RIDLEY of
Shapleigh. Cosponsored by Representatives JACQUES of
Waterville, DEXTER of Kingfield and Senator USHER of
Cumberland.

STATE OF MAINE

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

1 AN ACT to Ensure Sound Forest Management of
2 Biomass Fuel Wood Harvesting
3 Operations.
4

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

7 12 MRSA c. 805, sub-c. III, art 3 is enacted to
8 read:

9 ARTICLE 3

10 FORESTRY SUPERVISION OF BIOMASS

11 FUEL WOOD HARVESTING

1 §8860. Purpose

2 The purpose of this article is to ensure that all
3 biomass fuel harvesting operations are conducted in
4 accordance with accepted principles of professional
5 forestry.

6 §8861. Definitions

7 As used in this section, unless the context indi-
8 cates otherwise, the following terms have the follow-
9 ing meanings.

10 1. Biomass fuel wood. "Biomass fuel wood" means
11 all woody fiber harvested and processed in whole-tree
12 form into wood chips for the primary purpose of sup-
13 plying fuel to wood-fired combustion devices.

14 2. Harvest and regeneration plan. "Harvest and
15 regeneration plan" means a written document that is
16 prepared in accordance with accepted principles of
17 professional forestry.

18 §8862. Certification of harvest required

19 The following requirements shall apply to the
20 harvesting of all biomass fuel wood on areas of 25 or
21 more contiguous acres.

22 1. Certification. A biomass fuel wood harvest
23 operation must be conducted in accordance with a har-
24 vest and regeneration plan which has been reviewed
25 and certified by a registered professional forester
26 prior to harvesting or must be conducted under the
27 direct supervision of a registered professional for-
28 ester. The certificate is a written document contain-
29 ing the name of the landowner, the harvest operator
30 and the certifying forester, the location of the har-
31 vest site and the date of the proposed harvest. The
32 certificate shall be valid for a period of one year
33 after the certificate is signed by the forester.

34 2. Annual report. Primary processors of biomass
35 fuel wood shall provide evidence of certification of
36 all biomass fuel wood harvest operations conducted in
37 the previous year in the report filed with the Maine
38 Forest Service pursuant to section 8603. The director

1 shall specify the form and content of the elements of
2 the report to meet this provision.

3 3. Biomass fuel wood contracts. The purchaser of
4 biomass fuel wood shall require evidence of certifi-
5 cation required pursuant to this article as a condi-
6 tion of any biomass fuel wood procurement contract
7 executed after the effective date of this article.

8 4. Exemptions. The following activities are ex-
9 empt from this article.

10 A. Biomass fuel wood harvest operations con-
11 ducted entirely on a tree farm are exempt when
12 the landowner certifies that the harvested site
13 is certified by the Maine Tree Farm Committee as
14 a part of the American tree farm system.

15 B. Biomass fuel wood harvest operations are ex-
16 empt when the landowner certifies in writing to
17 the biomass fuel wood harvester that the land
18 will no longer be used primarily for growth of
19 trees to be harvested for commercial use. This
20 certification shall serve the same purpose as
21 that required under subsection 1.

22 C. Biomass fuel wood harvest operations are ex-
23 empt when the person supplying the biomass fuel
24 wood to the purchaser certifies that the har-
25 vested site was less than 25 contiguous acres in
26 size.

27 5. Out-of-state operations. A person supplying
28 biomass fuel wood harvested beyond the State's juris-
29 isdiction to a purchaser within the State's jurisdic-
30 tion shall certify to the purchaser that the biomass
31 fuel wood was harvested beyond the State's jurisdic-
32 tion.

33 §8863. Sample forms

34 The director shall make available samples of all
35 forms sufficient to satisfy the requirements of this
36 article.

37 §8864. Repeal

1 This article is repealed 90 days after the end of
2 the Second Regular Session of the 113th Legislature.

3 STATEMENT OF FACT

4 The purpose of this new draft is similar to that
5 of the original bill. The new draft places the re-
6 sponsibility for ensuring sound forest management on
7 the harvest operator and provides allowances for har-
8 vest operations which are on certified tree farms or
9 which are for the purpose of land clearing or other
10 land use conversions.

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