

MAINE STATE LEGISLATURE

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114th MAINE LEGISLATURE

FIRST REGULAR SESSION - 1989

Legislative Document

No. 1263

H.P. 906

House of Representatives, April 20, 1989

Reference to the Committee on Energy and Natural Resources suggested and ordered printed.

A handwritten signature in cursive script that reads "Ed Pert".

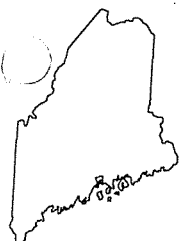
EDWIN H. PERT, Clerk

Presented by Representative LORD of Waterboro.
Cosponsored by Representative HOGLUND of Portland.

STATE OF MAINE

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

An Act Providing for Changes in the Reports Required from Forest
Landowners.



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

3 **Sec. 1. 12 MRSA §8603**, as amended by PL 1987, c. 861, §11, is
repealed.

5 **Sec. 2. 12 MRSA §8604**, as amended by PL 1987, c. 402, Pt. A,
7 §99, is repealed.

9 **Sec. 3. 12 MRSA c. 805, sub-c. V** is enacted to read:

11 **SUBCHAPTER V**

13 **FOREST LANDOWNER REPORTING REQUIREMENTS**

15 **§8881. Definitions**

17 As used in this subchapter, unless the context otherwise
19 indicates, the following terms have the following meanings.

21 1. All-weather road. "All-weather road" means a public or
private road that may be traversed during all seasons of the year.

23 2. Commercial forest products. "Commercial forest
25 products" includes logs, pulpwood, veneer, bolt wood, wood chips,
stud wood, poles, piling, biomass fuel wood, fuel wood or other
27 products commonly known as forest products, but does not include
Christmas trees, maple syrup, nursery products used for
29 ornamental purposes, wreaths, bough material, cones or other seed
crops.

31 3. Designated agent. "Designated agent" means a person,
33 firm, company, corporation or other legal entity named by the
landowner on the notification form.

35 4. Harvester. "Harvester" means a person, firm, company,
37 corporation or other legal entity which harvests or causes to be
harvested a commercial forest product.

39 5. Harvest operation. "Harvest operation" means a harvest
41 of commercial forest products on land of a single landowner in a
single municipality or township. Land harvested need not be
43 contiguous and more than one harvester may work a harvest
operation.

45 6. Lump sum sale. "Lump sum sale" means a sale in which
47 the owner of standing timber sells the timber for one price and
that price is not broken down by species or product.

49 7. Stumpage. "Stumpage" means standing timber.

51 **§8882. Notification**

1 1. Notification prior to harvest. Prior to harvesting
2 commercial forest products, the landowner or designated agent
3 shall notify the Maine Forest Service of the harvest operation.
4 Notification shall be on forms supplied by the Maine Forest
5 Service on which the following information must be provided:

7 A. The name, address and phone number of the landowner, any
8 designated agent and any harvester or harvesters;

9 B. The municipality or township and county of harvest;

11 C. The name of the nearest public or private all-weather
12 road;

14 D. The approximate dates the harvest will begin and finish;

16 E. The anticipated acreage to be harvested;

18 F. The signatures of the landowner or designated agent and
19 the harvester or harvesters;

21 G. A map of the harvest site. The map must indicate the
22 location of the land in relation to a known or easily
23 identifiable terrain feature, such as a road junction or a
24 stream and road junction and identify the direction of north
25 by an arrow; and

27 H. If the sale by the landowner is a lump sum sale, the
28 name, address and telephone number of the purchaser of the
29 stumpage.

31 2. Retention and posting at harvest sites. The landowner
32 or designated agent shall retain a copy of the notification form
33 and display it upon request of agents as specified in section
34 8889. The landowner or designated agent shall post a prenumbered
35 certificate of notification in a conspicuous location at the
36 prime loading site. This certificate shall be provided by the
37 Maine Forest Service, attached to the notification form.

39 3. Harvest reporting. Within 14 days of receipt by the
40 Maine Forest Service of a form that meets the requirements of
41 subsection 1, the Maine Forest Service shall mail a form to the
42 landowner or designated agent for reporting harvest information
43 pursuant to this section.

44 4. Duration. A notification is effective for 2 years from
45 the date of issue or at completion of the harvest, whichever
46 occurs first.

1 **§8883. Annual wood processing reports**

3 Owners or operators of all roundwood processing operations,
5 including sawmills, bolter mills, shingle mills, veneer mills,
7 fence, pole and piling-making operations, pulp mills, wafer
9 board, particle board and plywood mills, whole tree chippers,
11 commercial fuel wood processors and custom processing mills of
13 these products shall render an annual report to the Director of
15 the Bureau of Forestry during the month of January for the
17 roundwood used or processed during the preceding year. Forms for
 this report shall be provided by the director. The report shall
 specify the amount of roundwood processed by species and county
 where cut from the stump. Persons, firms, corporations or
 companies moving or causing to be moved roundwood out of the
 State shall also render this report. Volume information
 contained in these reports is confidential and shall not be made
 public by reference to individuals or mills.

19 **§8884. Reports by forest landowners**

21 Any owner of forest land who sells stumpage or cuts stumpage
23 for that owner's commercial use shall render a report to the
25 director within 30 days of completion of the cut, stating the
27 species, volume and stumpage price per unit of measure for each
29 transaction and the municipality or township where the stumpage
31 was located. For lump sum sales when the landowner sells the
 stumpage to a purchaser for one price, the purchaser shall be
 responsible for submitting the report stating the species, volume
 cut and the total price paid for the stumpage. If the period of
 the cut extends beyond December 31st of any calendar year, a
 report shall be rendered during the month of January for the
 preceding year.

33 Any owner of forest land who has sold stumpage or cut wood
35 for that owner's business use shall report to the director within
37 30 days of completion of the cut any thinning operations, whether
39 chemical or mechanical, planting, stand conversion or other
41 precommercial silvicultural activities not including road
43 building. If the period of the cut extends beyond December 31st
45 of any calendar year, a report shall be rendered during the month
47 of January for the preceding year. The director may, by rule,
49 prescribe definitions of the activities mentioned in this section
51 and any other the director considers necessary to carry out the
 purposes of chapter 429. Forms for this report shall be provided
 by the director. Information contained in the reports shall not
 be made public except that summary reports may be published that
 use aggregated data that does not reveal the activities of an
 individual person or firm. These forms shall be available for
 the use of the State Tax Assessor pursuant to Title 36, chapter
 105, subchapter II-A, and chapter 803, subchapter IV.

1 The director shall, utilizing a sample of the forest
2 landowner reports and any other appropriate survey methods,
3 conduct an annual survey of the methods of harvesting and the
4 harvest practices employed. The information on harvesting shall
5 include, but not be limited to, the silvicultural prescriptions
6 employed, the estimated acreage of various harvest methods
7 including clear cutting, and the extent of whole-tree harvesting
8 of both solid and chipped wood.

9
10 Nothing in this section may be construed to prevent the
11 disclosure of information to duly authorized officers of the
12 United States and of other states, districts and territories of
13 the United States and of the provinces and Dominion of Canada.
14 The information shall be given only on the written request of the
15 duly authorized officer when that officer's government permits
16 the exchange of similar information with the taxing officials of
17 this State and when that officer agrees that the information
18 shall be used only for tax collection purposes.

19 **§8885. Semiannual stumpage price report**

20
21 The Maine Forest Service shall render, semiannually, a
22 report of stumpage prices paid for forest products of this
23 State. These reports shall be broken down by zones determined by
24 the director that are distributed over the State and include a
25 statewide average of all zones. Prices paid for stumpage shall
26 be obtained from harvest reports submitted pursuant to section
27 8884. Prices for other forest products may be collected using
28 acceptable survey techniques.

29
30 **§8886. Semiannual mill-delivered price report**

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32 The Maine Forest Service shall render, semiannually, a
33 report of mill-delivered prices paid by primary processors such
34 as mills, wholesalers and brokers of forest products of the
35 State. These reports shall be broken down by zones determined by
36 the director that are distributed over the State and include a
37 statewide average of all zones. These prices shall be obtained
38 by surveying primary processors throughout the State.

39
40 **§8887. Exemptions**

41
42 1. Notification exemption. The following activities are
43 exempt from the notification as set forth in section 8882:

44 A. Activities where forest products are harvested for the
45 owner's own use and are not sold or offered for sale;

46 B. Precommercial silvicultural forestry practices where no
47 commercial forest products are harvested. These practices
48 include thinning, weeding, tree planting and pesticide
49 application.
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§8888. Penalties

1. Notification. Failure to notify the Maine Forest Service of a commercial harvest operation constitutes a civil violation for which a forfeiture not to exceed \$1,000 for each occurrence may be assessed and for which immediate cessation of the operation may be ordered. Continued operation after receiving an order to cease operation constitutes a civil violation for which a forfeiture not to exceed \$1,000 for each day the operation continues may be assessed. Each day of failure to notify may be considered an occurrence.

2. Reports. Failure to submit reports pursuant to section 8883 or 8884 constitutes a civil violation for which a forfeiture not to exceed \$1,000 for each failure may be assessed.

§8889. Enforcement

Enforcement of this subchapter shall be by any state, county or local law enforcement officer including forest rangers of the Maine Forest Service and wardens of the Department of Inland Fisheries and Wildlife.

Sec. 4. Effective date. This Act shall take effect on January 1, 1990.

STATEMENT OF FACT

The purpose of this subchapter is to provide the Maine Forest Service with vital information relating to the location of commercial forest products harvesting activities within the State. It also provides for annual reports of commercial forest products sold by the forest landowner or processed by processors within the State. In addition, this bill provides for penalties for failures to provide required notices and to submit required reports to the Maine Forest Service.