

# MAINE STATE LEGISLATURE

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# 117th MAINE LEGISLATURE

## FIRST REGULAR SESSION-1995

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Legislative Document

No. 673

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H.P. 492

House of Representatives, February 28, 1995

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### An Act to Create the Department of Forestry.

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Reference to the Committee on Agriculture, Conservation and Forestry suggested and ordered printed.

A handwritten signature in black ink that reads "Joseph W. Mayo".

JOSEPH W. MAYO, Clerk

Presented by Representative GOULD of Greenville.  
Cosponsored by Representatives: DEXTER of Kingfield, HICHBORN of LaGrange,  
JACQUES of Waterville, KEANE of Old Town, KNEELAND of Easton, ROSEBUSH of  
East Millinocket, TRIPP of Topsham, Senators: LORD of York, PARADIS of Aroostook.

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

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**Sec. 1. 2 MRSA §6, sub-§1**, as amended by PL 1991, c. 780, Pt. Y, §1, is further amended to read:

**1. Range 91.** The salaries of the following state officials and employees are within salary range 91:

- Commissioner of Transportation;
- Commissioner of Conservation;
- Commissioner of Administrative and Financial Services;
- Commissioner of Education;
- Commissioner of Environmental Protection;
- Commissioner of Human Services;
- Commissioner of Mental Health and Mental Retardation;
- Commissioner of Public Safety;
- Commissioner of Professional and Financial Regulation;
- Commissioner of Labor;
- Commissioner of Agriculture, Food and Rural Resources;
- Commissioner of Inland Fisheries and Wildlife;
- Commissioner of Marine Resources;
- Commissioner of Corrections; and
- Commissioner of Economic and Community Development; and
- Commissioner of Forestry.

**Sec. 2. 2 MRSA §6, sub-§3**, as amended by PL 1993, c. 410, Pt. CCC, §1, is further amended to read:

**3. Range 89.** The salaries of the following state officials and employees are within salary range 89:

- Director, Bureau of General Services;
- Director, Bureau of Alcoholic Beverages and Lottery Operations;

2 State Budget Officer;  
4 State Controller;  
6 ~~Director of the Bureau of Forestry;~~  
8 Chief of the State Police;  
10 Director, State Planning Office;  
12 Director, Energy Resources Office;  
14 Public Advocate;  
16 Commissioner of Defense and Veterans' Services;  
18 Director of Human Resources;  
20 Director, Bureau of Children with Special Needs; and  
22 Director, Bureau of Information Services.

24 **Sec. 3. 5 MRSA §7-B**, as repealed and replaced by PL 1993, c.  
26 349, §4, is amended to read:

28 **§7-B. Use of state vehicles for commuting**

30 A state-owned or state-leased vehicle may not be used by any  
32 employee to commute between home and work, except for those  
34 vehicles authorized and assigned to employees of the Baxter State  
36 Park Authority and to law enforcement officials within the  
38 following organizational units: Bureau of State Police; Maine  
Drug Enforcement Agency; Office of the State Fire Marshal; Bureau  
of Liquor Enforcement; Bureau of Motor Vehicles; Bureau of Marine  
Patrol; Bureau Department of Forestry, Division of Forest Fire  
Control; Bureau of Warden Service; and Bureau of Parks and  
Recreation.

40 **Sec. 4. 5 MRSA §8-C**, as amended by PL 1977, c. 190, is  
42 further amended to read:

44 **§8-C. Food and food supplies**

46 All commissary-type facilities operated by state departments  
48 for the sale of food and food supplies to any person shall must  
50 be eliminated. Purchasing of food and food supplies for any  
person by requisition or otherwise, is prohibited, except that  
the Department of Inland Fisheries and Wildlife and Bureau  
Department of Forestry may requisition food supplies for

2 emergency use or special duty assignments. Meals purchased and  
3 prepared for institutional or school use may be sold to employees  
4 or to visitors based on the actual total cost of purchasing,  
5 preparing and serving such food or food supplies. In the case of  
6 institutions and schools operated by the Department of Mental  
7 Health and Mental Retardation, income derived from the sale of  
8 meals shall ~~accrue~~ accrue to the General Fund. With the approval  
9 of the Commissioner of Mental Health and Mental Retardation and  
10 the head of the institution involved, ~~no~~ a charge shall may not  
11 be made for the provision of meals to any state employee who eats  
12 such meals within the scope of his that employee's employment and  
13 in doing so serves a function of his that employee's employment.  
14 If such approval is given, the Commissioner of Mental Health and  
15 Mental Retardation shall establish standards ~~which--shall~~ that  
16 must be applied uniformly at all institutions within the  
department.

18 ~~No~~ A charge shall may not be made for the provision of meals  
19 to any state employee who eats such meals within the scope of his  
20 the employee's employment and in so doing serves a function of  
21 his the employee's employment.

22 **Sec. 5. 5 MRSA §935, sub-§1, ¶C,** as enacted by PL 1983, c.  
24 729, §4, is repealed.

26 **Sec. 6. 5 MRSA §939-B** is enacted to read:

28 **§939-B. Department of Forestry**

30 **1. Major policy-influencing positions.** The following  
31 positions are major policy-influencing positions within the  
32 Department of Forestry. Notwithstanding any other provision of  
33 law, these positions and their successor positions are subject to  
34 this chapter:

36 **A. Forest Insect Manager.**

38 **Sec. 7. 5 MRSA §13067, sub-§1,** as enacted by PL 1989, c. 875,  
40 Pt. M, §§6 and 13, is amended to read:

42 **1. Maine Tourism Commission.** The Maine Tourism Commission,  
43 established by section 12004-I, subsection 87, shall assist,  
44 advise and recommend the operation of the Office of Tourism. The  
45 commission consists of 9 members of major tourism trade  
46 associations and 8 public members who must represent their  
47 respective regions and have experience in the field or have  
48 demonstrated concern for the travel industry. The terms of the  
49 members are for 4 years each, except that, for the members first  
50 appointed, 4 members are appointed for terms of 4 years, 4  
members for terms of 3 years, 4 members for terms of 2 years and

5 members for terms of one year. The members are appointed by  
2 the Governor, who shall fill any vacancy in the membership for  
the unexpired term. The commissioner, director or a designee of  
4 the following state departments or offices shall serve as ex  
officio, nonvoting members of the commission: Department of  
6 Economic and Community Development; State Planning Office;  
Department of Conservation; Department of Forestry; Department of  
8 Transportation; Department of Inland Fisheries and Wildlife;  
Department of Agriculture, Food and Rural Resources; Department  
10 of Educational and Cultural Services; Bureau of Public  
Improvements; and Canadian Affairs Coordinator. A chair and  
12 vice-chair must be elected annually from the appointed membership.

14 **Sec. 8. 5 MRSA §17711**, as amended by PL 1987, c. 739, §§23  
and 48, is further amended to read:

16 **§17711. Forest rangers**

18 A forest ranger in the Bureau Department of Forestry,  
20 ~~Department--of--Conservation~~, who was first employed in that  
capacity before September 1, 1984, shall contribute to the  
22 retirement system or have pick-up contributions made by the  
employer as follows:

24 **1. 7.5% rate.** At a rate of 7.5% of earnable compensation  
26 until ~~he~~ the forest ranger has met the requirements for  
eligibility for retirement under section 17851, subsection 8; and

28 **2. 6.5% rate.** After meeting the eligibility requirements  
30 for retirement, at a rate of 6.5% of earnable compensation for  
the remainder of ~~his~~ the forest ranger's employment as a forest  
32 ranger.

34 **Sec. 9. 5 MRSA §17711-A**, as enacted by PL 1991, c. 780, Pt.  
HHH, §7 and affected by §11, is amended to read:

36 **§17711-A. Forest rangers; members hired after**  
38 **July 1, 1992**

40 Notwithstanding section 17711, a forest ranger in the  
~~Department-of-Conservation~~, Bureau Department of Forestry hired  
42 after July 1, 1992 shall contribute to the retirement system at a  
rate of 1% of earnable compensation in addition to the  
44 contribution required under section 17711.

46 **Sec. 10. 5 MRSA §17711-B**, as enacted by PL 1993, c. 410, Pt.  
L, §30, is amended to read:

48 **§17711-B. Forest rangers; contributions on and after**  
50 **July 1, 1993**

2           Notwithstanding sections 17711 and 17711-A, on and after  
3 July 1, 1993 a forest ranger in the ~~Department of Conservation,~~  
4 Bureau Department of Forestry who is subject to section 17711  
5 shall contribute to the retirement system or have pick-up  
6 contributions made at a rate of 1.15% of earnable compensation in  
7 addition to the contributions required under section 17711.

8  
9           **Sec. 11. 6 MRSA §12, 3rd ¶**, as amended by PL 1981, c. 456, Pt.  
10 A, §22, is further amended to read:

11           The director ~~shall have~~ has the care and supervision of such  
12 aircraft ~~as may be~~ owned by the State for the use of its  
13 departments and agencies and, shall provide adequate hangar  
14 facilities and ~~be is~~ responsible for the maintenance, repair,  
15 upkeep and operation of that aircraft. The director shall charge  
16 these departments and agencies requisitioning aircraft, amounts  
17 sufficient to reimburse the bureau of the full operating cost of  
18 these aircraft. All fees collected shall must be credited to the  
19 General Fund. Aircraft owned by the Department of Inland  
20 Fisheries and Wildlife, the Department of Marine Resources, the  
21 Department of Conservation, the Department of Forestry and the  
22 Department of Public Safety are exempt and excluded from this  
23 paragraph.

24  
25           **Sec. 12. 7 MRSA §1-B, 3rd ¶**, as corrected by RR 1991, c. 2,  
26 §21, is amended to read:

27           The Legislature further finds the preservation of rural life  
28 and values in the State to be the joint responsibility of all  
29 public agencies, local, state and federal, whose policies and  
30 programs substantially impact the economy and general welfare of  
31 people who reside in rural Maine, such as the development and  
32 implementation of programs that assist in the maintenance of  
33 family farms, provide specialized opportunities for education and  
34 technical training and improve health and nutrition. The state  
35 agencies in addition to the department include, but are not  
36 limited to, the Department of Education, the Department of Human  
37 Services, the Department of Labor, the Department of Forestry and  
38 the Department of Conservation.

39           **Sec. 13. 7 MRSA §403, sub-§2**, as amended by PL 1987, c. 534,  
40 Pt. B, §§1 and 23, is further amended to read:

41           **2. Advice.** From time to time, the department shall consult  
42 regarding operation and maintenance of the building with, and for  
43 any major exhibition shall prior to the exhibition develop a plan  
44 after a public hearing and obtain advice on the proposed use of  
45 building space from, the following persons: The Commissioner of  
46 Marine Resources; Commissioner of Inland Fisheries and Wildlife;

Commissioner of Conservation; Commissioner of Forestry; and  
Commissioner of Economic and Community Development.

**Sec. 14. 7 MRSA §607-A, sub-§2**, as amended by PL 1989, c. 878,  
Pt. E, §6, is further amended to read:

**2. Review process.** In cooperation with technical personnel  
of the Department of Environmental Protection; the Department of  
Inland Fisheries and Wildlife; the Department of Human Services;  
and the Department of ~~Conservation, specifically the Maine Forest  
Service~~ Forestry, the board shall conduct a review to include the  
following:

A. An environmental risk assessment to determine the  
effects of pesticides on the ecosystem. This assessment is  
to be based on available literature. The board shall request  
data that it determines necessary to carry out the purpose  
of this chapter, but, when the literature is not available,  
is inadequate or incomplete, this assessment shall must be  
based on an environmental monitoring protocol;

B. A health risk assessment, based on a literature search  
of laboratory, clinical and epidemiological data available  
within and without the State. The board shall request data  
it determines necessary to carry out the purpose of this  
chapter; and

C. A water residue survey to determine a representative  
sample of a number of wells or bodies of water, either at  
random, in areas of possible contamination or at other bases  
to be described by the board, for the purpose of testing  
these waters and preparing a profile of the kinds and  
amounts of pesticides present.

**Sec. 15. 10 MRSA §918, sub-§3**, as amended by PL 1993, c. 349,  
§24, is further amended to read:

**3. Ex officio corporators.** Ex officio corporators consist  
of the heads of the major state departments and agencies and the  
Chancellor of the University of Maine System. State department  
and agency heads include the following:

Treasurer of State;

Director of the State Planning Office;

Commissioner of Economic and Community Development;

Commissioner of Agriculture, Food and Rural Resources;



2 Commissioner of Professional and Financial Regulation;  
4 Commissioner of Conservation;  
6 Commissioner of Forestry;  
8 Commissioner of Education;  
10 Commissioner of Environmental Protection;  
12 Commissioner of Administrative and Financial Services;  
14 Commissioner of Human Services;  
16 Commissioner of Inland Fisheries and Wildlife;  
18 Commissioner of Labor;  
20 Commissioner of Marine Resources;  
22 Commissioner of Mental Health and Mental Retardation;  
24 Commissioner of Transportation;  
26 Chief Executive Officer of the Finance Authority of Maine;  
28 Executive Director of the Maine Municipal Bond Bank; and  
30 Executive Director of the Maine State Housing Authority.

32 **Sec. 16. 10 MRSA §965, sub-§4, ¶B,** as amended by PL 1985, c.  
34 344, §12, is further amended to read:

36 B. One natural resources commissioner designated by the  
38 Governor from either the Department of Agriculture, Food and  
Rural Resources; the Department of Conservation; the  
Department of Forestry; or the Department of Marine  
Resources; and

40 **Sec. 17. 10 MRSA §972, sub-§7,** as amended by PL 1989, c. 552,  
42 §8, is further amended to read:

44 **7. Maintain a liaison with other state agencies.** Maintain  
46 a close liaison with the Department of Economic and Community  
48 Development; Department of Agriculture, Food and Rural Resources;  
Department of Conservation; Department of Forestry; and  
Department of Marine Resources; and provide assistance to  
facilitate the planning and financing of eligible projects;

2           **Sec. 18. 10 MRSA §985**, as amended by PL 1989, c. 4, §2, is  
further amended to read:

4           **§985. The Natural Resource Financing and Marketing Board**

6           **1. Membership of the board.** The Natural Resource Financing  
and Marketing Board of the authority ~~shall consist~~ consists of 7  
8           9 voting members, including the Commissioner of Conservation, the  
Commissioner of Forestry, the Commissioner of Marine Resources  
10           and the Commissioner of Agriculture, Food and Rural Resources, or  
their designees, and 4 5 public members appointed by the  
12           Governor, subject to the approval of the joint standing committee  
of the Legislature having jurisdiction over housing and economic  
14           development and to confirmation by the Senate. The 4 5 public  
members shall must be knowledgeable in the field of natural  
16           resource enterprises or financing. Designees of the commissioners  
~~shall--be~~ are limited to those persons holding major  
18           policy-influencing positions, as defined by Title 5, chapter 71.  
Two of the public members shall must be designated by the  
20           Governor as members of the authority. The Treasurer of State  
~~shall-be~~ is an ex officio, nonvoting member of the board.

22           **2. Organization.** The Natural Resource Financing and  
24           Marketing Board shall elect a ~~chairman~~ chair and may elect other  
officers from among its members. The board shall meet at the call  
26           of the ~~chairman~~ chair or at the request of any 3 4 members. The  
~~chairman~~ chair and the other officers shall serve in those  
28           capacities for a period of one year following their election.  
~~Five~~ Seven members shall constitute a quorum and an affirmative  
30           vote of a majority of those voting ~~shall-be~~ is necessary for any  
official action.

32           **3. Terms of appointment and compensation.** The public  
34           members ~~shall-be~~ are appointed for terms of 4 years, except that,  
of the initial appointees, one ~~shall--be~~ is appointed for one  
36           year, one for 2 years, one for 3 years and ~~one~~ 2 for 4 years. Any  
vacancy shall must be filled by an appointment for the remainder  
38           of the unexpired term. Each public member ~~shall-be-compensated~~ is  
entitled to compensation as provided by Title 5, chapter 379,  
40           following approval of expenses by the chief executive officer.

42           **5. Policies.** The Natural Resource Financing and Marketing  
Board shall, from time to time, recommend to the members of the  
44           authority the adoption, amendment or repeal of rules for carrying  
out this subchapter.

46           **Sec. 19. 10 MRSA §986, sub-§5**, as enacted by PL 1983, c. 519,  
48           §7, is amended to read:

2           **5. Exercise of departmental authority.** Upon the  
3 concurrence of the applicable commissioner, the authority may  
4 exercise such powers of the Department of Conservation, the  
5 Department of Forestry, the Department of Marine Resources or the  
6 Department of Agriculture, Food and Rural Resources as may be  
7 necessary to the purposes of this subchapter.

8           **Sec. 20. 12 MRSA §664**, as amended by PL 1973, c. 460, §§17  
9 and 18, is further amended to read:

10           **§664. Administration**

11           The State Bureau of Parks and Recreation shall administer  
12 the waterway under this chapter, except for the power to control  
13 activities previously delegated by law to the Department of  
14 Inland Fisheries and Game Wildlife, the Bureau Department of  
15 Forestry and to the Board of Environmental Protection.

16           **Sec. 21. 12 MRSA §901**, as amended by PL 1989, c. 503, Pt. B,  
17 §56, is further amended to read:

18           **§901. Designation; payments to forestry district; funds**

19           All the lands in Townships 2, 3, 4, 5 and 6, Range 9  
20 W.E.L.S. and in Townships 3, 4, 5 and 6, Range 10 W.E.L.S.,  
21 Piscataquis County, and Township 6, Range 8 W.E.L.S., Penobscot  
22 County, that have been donated and conveyed to the State in trust  
23 by Percival Proctor Baxter and all lands in the Townships 2, 3,  
24 4, 5 and 6, Range 9 and in Townships 3, 4, 5 and 6, Range 10, and  
25 in Township 6, Range 8 and all lands in Piscataquis and Penobscot  
26 Counties that ~~hereafter shall~~ will be donated and conveyed to the  
27 State by Percival Proctor Baxter in trust for state forest,  
28 public park and public recreational purposes are named ~~and shall~~  
29 ~~hereafter~~ or will be named "Baxter State Park" in honor of the  
30 donor, and the same ~~hereafter shall~~ must forever be so designated  
31 on the official maps and records of the State. They ~~shall be~~ are  
32 under the joint supervision and control of, and ~~shall be~~ are  
33 administered by the ~~Director--of--the--Bureau~~ Commissioner of  
34 Forestry, the Commissioner of Inland Fisheries and Wildlife and  
35 the Attorney General, and the ~~commissioner,--director~~  
36 commissioners and Attorney General shall have full power in the  
37 control and management of the same, under the title of Baxter  
38 State Park Authority, as authorized by Title 5, section 12004-G,  
39 subsection 11. The authority shall receive ~~moneys~~ money available  
40 from trust funds established by the donor of the park and shall  
41 include fees collected, income from park trust funds invested by  
42 the Treasurer of State and other miscellaneous income derived  
43 from the park for maintenance and operation of the park.

2           The authority is further designated the agency of the State  
3 to receive such sums as are, from time to time, paid to the State  
4 by the trustee under clause THIRD of a certain inter vivos trust  
5 dated July 6, 1927, as from time to time amended, created by said  
6 Baxter for the purchase or other acquisition of additional land  
7 for said Baxter State Park, and for the purchase of other lands  
8 for recreational or reforestation purposes, and the authority is  
9 authorized to expend such sums so received for such purposes and  
10 shall hold and use such lands as specified in the trust.

12           **Sec. 22. 12 MRSA §906**, as amended by PL 1975, c. 497, §1, is  
13 further amended to read:

14           **§906. Restrictions on powers and duties of park authority**

16           The powers and duties of the Baxter State Park Authority  
17 shall may not be so construed as to permit the collection of a  
18 fee for entering the premises of the park by residents of the  
19 State or interfere or conflict in any way with the powers and  
20 duties of the Maine State Bureau of Parks and Recreation,  
21 Department of Inland Fisheries and Wildlife or the Bureau  
22 Department of Forestry and their duly appointed wardens or  
23 rangers, and the enforcement of the inland fisheries and game and  
24 forestry laws in respect to Baxter State Park or to the State  
25 generally. Nothing in section 900 or any other law shall may be  
26 interpreted or construed to modify, nullify or affect in any way  
27 any of the provisions in any deed of trust made by Percival  
28 Proctor Baxter conveying land in Baxter State Park to the State  
29 of Maine.

32           **Sec. 23. 12 MRSA §5013, sub-§2**, as repealed and replaced by PL  
33 1977, c. 674, §14, is repealed.

34           **Sec. 24. 12 MRSA §7056**, as amended by PL 1985, c. 762, §2, is  
35 further amended to read:

38           **§7056. Officials with certain powers and duties of game wardens**

40           **1. Watercraft laws.** All harbormasters, except those harbor  
41 masters whose authority is restricted as described in Title 38,  
42 section 1, shall have the same powers and duties as game wardens  
43 to enforce chapter 715, subchapter I.

44           **2. Snowmobile laws.** All foresters, wardens of the Bureau  
45 Department of Forestry and supervisors and rangers of the State  
46 Bureau of Parks and Recreation and Allagash Wilderness Waterway  
47 shall have the same powers and duties as game wardens to enforce  
48 chapter 715, subchapter II.

50

2 3. **Airmobile laws.** All foresters and rangers shall have the  
same powers and duties as game wardens to enforce chapter 715,  
subchapter I, as it applies to airmobiles.

4  
6 4. **All-terrain vehicle laws.** All law enforcement personnel  
of the State, including those of the Bureau Department of  
Forestry, shall have the powers and duties to enforce chapter  
8 715, subchapter IV.

10 **Sec. 25. 12 MRSA §7322, sub-§6,** as amended by PL 1989, c. 493,  
§24, is further amended to read:

12  
14 6. **Enforcement.** Wardens of the department, the rangers of  
the Bureau Department of Forestry and rangers of the Bureau of  
Parks and Recreation may enforce this section. They may  
16 terminate any trip which that is considered unsafe or in  
violation of this section. By January 1, 1989, the commissioner  
18 shall adopt standards for what is considered an unsafe trip. The  
commissioner shall consider previous violations of this section  
20 when issuing or reissuing trip leader permits.

22 **Sec. 26. 12 MRSA c. 801, first 2 lines** are repealed and the  
following enacted in their place:

24  
26 **CHAPTER 801**

28 **DEPARTMENT OF FORESTRY**

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

32 **§8001. Department of Forestry established**

34 ~~There is established within the Department of Conservation~~  
to accomplish the purposes of this Part the Bureau Department of  
36 Forestry, also known as the Maine Forest Service and referred to  
in this Part as the "bureau department."  
38

40 **Sec. 28. 12 MRSA §8002,** as amended by PL 1987, c. 349, Pt. H,  
§10, is further amended to read:

42 **§8002. Department of Forestry; powers and duties**

44 1. **Powers and duties.** The ~~bureau shall~~ department:

46 A. ~~Have the responsibility~~ Is responsible for the control  
of forest fires in all areas of the State;

48 B. ~~Conduct~~ Shall conduct programs to protect the forest,  
50 shade and ornamental trees of the State against insects and  
diseases;

- 2 C. ~~Conduct~~ Shall conduct a program of service and community  
4 forestry in order to provide advice and assistance on forest  
management to small woodland owners and municipalities;
  
- 6 D. ~~Provide~~ Shall provide advice and assistance on utilizing  
8 and marketing the wood products of the State, and regulate  
the utilization and marketing of wood products where  
10 authorized;
  
- 12 E. ~~Have the responsibility~~ Is responsible for management of  
14 particular portions of land owned by the State when  
management is entrusted to the bureau department by statute  
or is transferred by mutual agreement of the bureau  
16 department and other state agencies; and
  
- 18 F. ~~Conduct~~ Shall conduct information, education, planning  
and research programs designed to promote the purposes of  
20 the bureau department as set forth in this Part.
  
- 22 **2. Administrative powers and duties.**
  
- 24 A. The bureau department may, in conformity with the Maine  
Administrative Procedure Act, ~~Title 5, chapter 375,~~ adopt,  
26 amend, repeal and enforce reasonable rules and regulations,  
including emergency rules, necessary for the proper  
administration, enforcement and interpretation of those laws  
28 which the bureau department administers.
  
- 30 B. The bureau department is authorized to accept federal,  
municipal and private funds for the purposes set forth in  
32 this Part, except federal funds received under the  
Stennis-McIntire Act, Public Law 87-788. The Treasurer of  
34 State ~~shall receive~~ receives allowable funds, subject to the  
approval of the commissioner, and the State Controller shall  
36 authorize expenditures from these funds as approved by the  
~~bureau and the~~ commissioner.
  
- 38 C. The bureau department, at the expense of the State, may  
40 print sufficient copies of the forestry and forestry-related  
laws to inform the public and the bureau's department's  
42 employees of the provisions of these laws. The compilation  
of laws may be revised biennially.
  
- 44 E. The bureau department may grant funds to municipalities  
46 to strengthen local fire protection programs. Grants ~~shall~~  
must be made on a 50-50 cost-share basis with local  
48 contributions, ~~provided~~ except that the state share for any  
one grant may not exceed 10% of the bureau's department's  
50 funds earmarked for a program of grants under this

paragraph. Any municipality may apply for a grant, provided that as long as the grant will be used for forest fire control or related activities. The department may promulgate rules to carry out the purposes and implementation of this paragraph.

Sec. 29. 12 MRSA §8003, as corrected by RR 1993, c. 1, §150, is amended to read:

### §8003. Commissioner of Forestry

1. **Commissioner.** The executive head of the ~~bureau-shall-be department is~~ the ~~director,~~ Commissioner of Forestry, referred to in this Part as the "commissioner," who shall ~~must~~ be qualified by training, experience and skill in forestry. The commissioner is appointed by the Governor subject to review by the joint standing committee of the Legislature having jurisdiction over energy and natural resource matters and to confirmation by the Legislature. The commissioner serves at the pleasure of the Governor.

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

3. **Powers and duties.** The ~~director~~ commissioner shall exercise the powers of the office and be is responsible for the execution and enforcement of the duties of the ~~bureau department~~ as set forth in chapters ~~801---809~~ 801 to 809.

A. The ~~director~~ commissioner shall administer the ~~bureau department~~ in an efficient manner and, ~~with the consent of the commissioner,~~ shall organize the ~~bureau department~~ as necessary to carry out the purposes of this Part.

C. The ~~director~~ commissioner may, ~~with the consent of the commissioner,~~ accept grants and funds from and enter into contracts with federal, state, local or other public and private organizations to carry out the purposes of this Part.

D. The ~~director~~ commissioner may, ~~with the consent of the commissioner,~~ employ or retain expert and professional consultants to assist in the duties of the ~~bureau department~~ to the extent of funds available.

E. The ~~director~~ commissioner may take measures to encourage an interest in forestry and shade trees in the schools, colleges and among the general public and to encourage some

2 degree of elementary instruction in forestry and  
conservation of natural resources.

4 F. The ~~direeter~~ commissioner shall on or before September  
6 1st, annually, submit to the ~~ecommissioner~~ Legislature a  
report of the ~~bureau's~~ department's activities during the  
preceding fiscal year ending June 30th.

8 G. The ~~direeter~~ commissioner shall biennially prepare a  
10 budget for the ~~bureau--and--submit--it--to--the--ecommissioner~~  
department.

12 H. The ~~direeter~~ commissioner shall ~~have--prepared~~ prepare  
14 annually a forest fire plan for each administrative unit  
established according to the authority of section 8906,  
16 subsection 1. The plans shall must incorporate the annual  
forest fire plans of municipalities.

18 I. The ~~direeter~~ commissioner is authorized to collect and  
20 classify statistics relating to the forests and connected  
interests of the State and research the extent to which the  
22 forests of the State are being destroyed by fires, insects,  
diseases and by wasteful cutting. The ~~direeter~~ commissioner  
24 may also ascertain, to the extent possible, the effect of  
the diminution of the wooded surface of the land upon the  
26 watersheds of the lakes, rivers, water powers and other  
natural resources of the State.

28 J. The ~~direeter~~ commissioner is authorized to conduct  
30 inspections and investigations on any lands to survey and  
inspect shade, ornamental or forest trees pursuant to the  
32 authority and procedures set forth in chapter 803.

34 K. The ~~direeter~~ commissioner may issue and enforce any  
license or permit authorized by this Part.

36 L. The ~~direeter~~ commissioner may, ~~with--the--consent--of--the~~  
38 ~~ecommissioner~~, acquire and hold any right or interest in real  
or personal property on behalf of the State.

40 M. The ~~direeter~~ commissioner is authorized, ~~with--the~~  
42 ~~consent--of--the--ecommissioner~~, to sell, grant, lease, transfer  
or otherwise convey any real or personal property under the  
44 jurisdiction of the ~~bureau~~ department. The ~~direeter~~ commissioner  
46 shall deposit the proceeds from the sale or  
lease of property purchased with Maine Forestry District tax  
48 funds in Forest Fire Control Accounts. This authority does  
not apply to lands acquired under the authority of paragraph  
50 N. Property at the state nursery may be sold for  
agricultural or forestry purposes if surplus to the needs of



2 the nursery and the proceeds are retained by the Maine  
Forest Service. The bureau department shall transfer the  
4 low-level radioactive waste site on the state nursery  
property, along with appropriate buffers and access, to the  
6 University of Maine and the University of Maine shall accept  
the transfer. At least 60 days prior to offering any  
8 surplus property for sale under this paragraph, the ~~director~~  
commissioner shall notify the Executive Director of the  
10 Legislative Council and the joint standing committee of the  
Legislature having jurisdiction over natural resources of  
the intent to sell the property.

12  
14 N. The ~~director~~ commissioner may, with the advice and  
consent of the Governor, purchase, when funds are available  
16 from bequests or trusts other than bequests made or inter  
vivos trusts created by the late Percival Proctor Baxter, or  
18 accept on the part of the State gifts of parcels or tracts  
of land to the State, or may purchase land in the name of  
the State for state forest purposes and may also designate  
20 and set aside such those lands or portions thereof of those  
lands as natural areas. The ~~director shall~~ commissioner may  
22 not under this section acquire title by purchase to more  
than 4% of the land area within any one municipality without  
24 the written consent of the municipal officer thereof of that  
municipality. The title to lands acquired under this section  
26 shall must be investigated and approved by the Attorney  
General.

28  
30 The purpose of acquisition of land under this paragraph is  
the preservation of scenic beauty and recreation as nearly  
32 unrestricted and general as is practicable for the people of  
the State and those whom they admit to the privilege, the  
34 production of timber for watershed protection, as a crop, as  
state forest demonstration areas for research purposes and  
36 for the application of model forestry techniques under a  
~~well-defined~~ well-defined criteria of full-use management.  
The lands acquired by the Bureau Department of Forestry and  
38 designated by it as state forests or natural areas shall may  
never be sold, but may be exchanged for other land to permit  
40 consolidation, better access or more efficient  
administration. Net revenues including, but not limited to,  
42 stumpage shall must be paid to the Treasurer of State by the  
~~director~~ commissioner and constitute a fund to be applied to  
44 the care and improvement of these lands or for the  
acquisition of other lands for similar purposes, except that  
46 25% of such those revenues shall must be returned by the  
Treasurer of State to the municipality wherein in which the  
48 land is located to be used for municipal purposes.

2 "Natural areas" means limited areas of land ~~which~~ that have  
retained their wilderness character, although not  
4 necessarily completely natural and undisturbed, or have rare  
or vanishing species of plant or animal life or similar  
6 features of interest ~~which~~ that are worthy of preservation  
for the use of present and future residents of the State.  
Natural areas held by the State ~~shall~~ include and ~~be~~ are  
8 designated as one or more of the following 3 types and the  
location of each ~~shall-be~~ is described in the designation:

10 Type 1. Semiwilderness areas ~~which~~ that by their size or  
location offer the experience of solitude and self-reliance.  
12 ~~Whereas,--lands~~ Lands at the higher elevations are important  
14 for protection of watersheds, are ecologically vulnerable if  
unwisely altered by human interference and often may be  
16 uneconomic for logging or construction, and it is ~~hereby~~  
found that such lands generally may be suitable for this  
18 classification;

20 Type 2. Units of importance for all the natural sciences,  
especially ecology, and with outstanding value for education  
22 and research and for the appreciation of natural processes.  
Preservation in the desired condition ~~shall~~ must be the  
24 prevailing purpose of such holdings. Visitation ~~shall~~ must  
be regulated so as to ensure this preservation on a  
26 permanent basis; and

28 Type 3. Areas ~~which~~ that are not of ecological or  
semiwilderness stature but ~~which~~ have the appearance of  
30 being in an untouched natural state or ~~which~~ are capable of  
attaining that appearance if held and managed for this  
32 purpose.

34 Relating to natural areas of Type 1, 2 or 3, all land uses  
and practices ~~shall-be~~ are subject to regulations of the  
36 bureau department, promulgated pursuant to Title 5, chapter  
375, subchapter II, in carrying out the purposes of this  
38 paragraph to manage or maintain the areas for the  
preservation of their natural condition. Areas designated  
40 under these classifications ~~can~~ may be removed from such  
designation only by approval of the ~~direeter~~ commissioner,  
42 with the advice and consent of the Governor, following  
public notice and hearing. All lands acquired and  
44 administered under this paragraph and all other state  
forests ~~shall~~ must be managed under the same principles  
46 ~~which~~ that govern the management of the public reserve  
lands, to the extent not inconsistent with this section, and  
48 management of such state forests ~~shall,--in-any-event,~~ must  
be coordinated with the management of the public reserved  
50 lands in order to facilitate the accomplishment of  
applicable management objectives.

2 O. The ~~director~~ commissioner may delegate the powers and  
4 duties of this Part to the ~~director's~~ commissioner's agents  
and representatives, including municipal forest fire wardens  
appointed by the ~~director~~ commissioner.

6  
8 P. The ~~director~~ commissioner shall act as a liaison with the  
Department of Environmental Protection, the Maine Land  
10 Use Regulation Commission, the Department of Inland  
Fisheries and Wildlife and the Cooperative Extension Service  
on forestry issues.

12 **Sec. 30. 12 MRSA §8101, sub-§1**, as amended by PL 1987, c. 183,  
14 §1, is further amended to read:

16 **1. Powers and duties.** The ~~Director--of--the--Bureau~~  
Commissioner of Forestry shall maintain sufficient resources,  
18 both personnel and technical information, within the limit of  
funds available, so as to:

20 A. Maintain a statewide surveillance system to detect and  
22 monitor insects, diseases and abiotic agents, including air  
pollution and acid deposition potentially injurious to the  
24 forest resources of the State;

26 B. Provide information and technical advice and assistance  
to individuals and other state and federal agencies on the  
28 identification and control of forest insects and diseases;

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

32 D. Assist in the enforcement of federal and state  
34 quarantine laws relating to forest insects and diseases;

36 E. Conduct applied research related to the management of  
insects, diseases and abiotic agents potentially injurious  
38 to the forest resources of the State, including forest  
management strategies, insecticide and spray application  
40 technologies, integrated pest management techniques and  
other issues pertinent to the purposes of this chapter. The  
42 ~~director~~ commissioner shall maintain up-to-date information  
on the injurious impacts of insects, diseases and abiotic  
44 agents, including air pollution and acid deposition on the  
forests of the State; and

46 F. Consult and cooperate with other agencies of the United  
48 States, other state governments, the federal and provincial  
governments of Canada and public and private landowners in

2 the State on applied research, survey and management of  
forest pest problems.

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

6

**§8201. Detection**

8

10 The ~~direeter~~ commissioner may go on any land for the purpose  
of surveying, inspecting or detecting the presence of a forest  
12 insect or disease ~~which that~~ may, in the judgment of the ~~direeter~~  
commissioner, pose a danger or public nuisance to the shade,  
ornamental and forest trees of the State.

14

16 The ~~direeter~~ commissioner may do any work involved in  
ascertaining the presence of these organisms. If survey work  
involves the use of so-called "trap" material on developed lands,  
18 the landowner shall must be notified of the intent to go on the  
land.

20

22 **Sec. 32. 12 MRSA §8202, sub-§1**, as enacted by PL 1979, c. 545,  
§3, is amended by amending the first paragraph to read:

24 1. **Resources.** The ~~direeter~~ commissioner shall maintain  
sufficient resources, including research materials and technical  
26 expertise, within the limits of available funds, in order that  
the bureau department may:

28

30 **Sec. 33. 12 MRSA §8202, sub-§2**, as enacted by PL 1979, c. 545,  
§3, is amended to read:

32 2. **Results of investigations.** The ~~direeter~~ commissioner  
shall provide the results of any investigation completed pursuant  
34 to this section or section 8201 to the affected landowner and  
municipality.

36

38 **Sec. 34. 12 MRSA §8301**, as amended by PL 1987, c. 183, §2, is  
further amended to read:

40 **§8301. Emergencies**

42 Responsibility for control of forest insect and disease  
outbreaks shall, in all but emergencies, ~~rest~~ rests with the  
44 owners of the property whether private or public.

46 Emergencies, for the purposes of this chapter, ~~shall-be-se~~  
are considered when, in the opinion of the ~~direeter~~ commissioner,  
48 the infestation or disease is likely to kill or seriously injure  
trees in large numbers, or is so localized that immediate control  
50 will prevent a large possible outbreak, or is of recent foreign  
origin.

2 In emergencies, the ~~direetor~~ commissioner may enter into  
4 agreement with municipal officials to pay up to 1/2 the cost of  
6 control if state funds are available for this purpose. Whenever  
8 the State does contribute funds for this purpose, it ~~shall have~~  
~~the authority to~~ may determine the control methods to be used.  
The State may make similar agreements with groups of private  
owners if the project is approved by municipal officials.

10 In an emergency, control measures may be done directly by  
12 the State or may be done on a contract basis with responsible  
private companies or individuals.

14 **Sec. 35. 12 MRSA §§8302, 8304 and 8305**, as enacted by PL 1979,  
c. 545, §3, are amended to read:

16 **§8302. Locally requested control work**

18 ~~Whenever---~~ When a municipality ~~shall---~~ appropriate  
20 appropriates or ~~raise~~ raises a sum of money and ~~shall pay~~ pays  
22 the same into the State Treasury for the purpose of controlling,  
within its borders, a forest insect or disease declared a public  
24 nuisance pursuant to section 8303, the ~~direetor~~ commissioner  
shall cause the amount to be expended in the municipality,  
together with such sum as may be determined by the ~~direetor~~  
26 commissioner from the state appropriation made ~~therefor~~ for that  
purpose. If the ~~direetor~~ commissioner finds it to be unnecessary  
28 or impracticable to expend the entire amount or any part ~~thereof~~  
of the amount during the year following the payment to the  
30 Treasurer of State, the unexpended proportion ~~shall~~ must be  
reimbursed to the municipality.

32 **§8304. Control measures; protest**

34 Any public agency or group of owners carrying on or planning  
36 control measures may appeal to the ~~direetor~~ commissioner for  
permission to carry out the project in case the owner or owners  
38 of property in or adjacent to the control area refuses to do  
control work or to allow control work to be done on their  
40 property. The ~~direetor~~ commissioner may, after careful inspection  
and survey has shown an emergency exists according to the  
42 requirements of section 8301, grant authority for control  
measures to be carried out on the protestors' lands.

44 **§8305. Shipment prohibited**

46 The ~~direetor~~ commissioner may prohibit, prevent or regulate  
48 the entry into or movement within the State, from any part  
thereof of the State to any other part, of any plants of the  
50 genus Ribes or other nursery or wilding plants, stock or parts of

2 plants ~~which~~ that may cause the introduction or spread of a  
3 dangerous forest insect or disease. The ~~direeter~~ commissioner may  
4 issue the necessary orders, permits and notices necessary to  
5 carry out this section, which shall does not ~~be-considered-to~~  
6 require or constitute an adjudicatory proceeding under the Maine  
Administrative Procedure Act, ~~Title-5, chapter-375.~~

8 **Sec. 36. 12 MRSA §8423-A, sub-§§1 and 2,** as enacted by PL 1981,  
9 c. 278, §2, are amended to read:

10 **1. Commissioner.** "Commissioner" means the Commissioner of  
11 Conservation Forestry.

12 **2. Designated spray area.** "Designated spray area" means  
13 that land area within the district designated by the ~~direeter~~  
14 commissioner, pursuant to section 8424, subsection 4, for  
15 inclusion within a spray project.

16 **Sec. 37. 12 MRSA §8423-A, sub-§3,** as enacted by PL 1981, c.  
17 278, §2, is repealed.

18 **Sec. 38. 12 MRSA §8423-A, sub-§§6, 7, 9, 10 and 11,** as enacted by  
19 PL 1981, c. 278, §2, are amended to read:

20 **6. Management program.** "Management program" means all  
21 activities undertaken by the Bureau Department of Forestry in  
22 connection with the short-term and long-term suppression, control  
23 and prevention of spruce budworm infestations, including, without  
24 limitation, any activities undertaken in connection with spray  
25 projects, spruce budworm survey and detection activities,  
26 silvicultural, marketing and integrated pest management programs,  
27 research and related activities.

28 **7. Person.** "Person" means any individual, partnership,  
29 joint venture, corporation or other legal entity or any group of  
30 persons ~~which~~ that acts as a tenancy in common or joint tenancy  
31 for ownership purposes and includes any government or any agency,  
32 bureau or commission ~~thereof~~ of any government.

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

37 **10. Spray program area.** "Spray program area" means all that  
38 forest land within the district for which applications ~~have-been~~  
39 are made and approved by the ~~direeter~~ commissioner pursuant to  
40 section 8424, subsections 2 and 3, except as removed pursuant to  
41 section 8425, subsection 2.

2           **11. Spray project.** "Spray project" means all activities  
3 undertaken or caused to be undertaken by the Bureau Department of  
4 Forestry in connection with the application of insecticides or  
5 other materials against spruce budworm insects within a single  
6 year.

7           **Sec. 39. 12 MRSA §8423-B**, as enacted by PL 1981, c. 278, §3,  
8 is amended to read:

9           **§8423-B. Spruce Fir Forest Protection District**

10           There is established a Spruce Fir Forest Protection District  
11 consisting of the areas accepted by the ~~direeter~~ commissioner  
12 pursuant to section 8424, subsection 3.

13           **Sec. 40. 12 MRSA §8424**, as amended by PL 1985, c. 58, §1, is  
14 further amended to read:

15           **§8424. Program planning**

16           **1. General authority.** In accordance with the provisions of  
17 this subchapter, the Bureau Department of Forestry, acting under  
18 the supervision of the ~~direeter~~ commissioner, ~~shall--be~~ is  
19 empowered to plan for and undertake activities related to spray  
20 projects and management programs on behalf of the State.

21           **2. Application for spray project eligibility.** Forest land  
22 owners may apply to the ~~direeter~~ commissioner prior to December  
23 1st of any year to be eligible to participate in the spray  
24 projects for the following 5 years. The application shall must  
25 show:

26           A. The name and address of the applicant and its agent, if  
27 any;

28           B. The number and location on maps prescribed by the  
29 ~~direeter~~ commissioner of the acres of forest land for which  
30 application is being made;

31           C. The location on maps prescribed by the ~~direeter~~  
32 commissioner of the timber types, timber ages and  
33 proportions of spruce, fir and non-host species within such  
34 forest land;

35           D. The location on maps of private and public road access  
36 to such forest land;

37           E. The location on maps of all residences within that  
38 forest land;

2 F. A 5-year cutting plan for such forest land showing plans  
for timber cutting, road construction and other planned land  
utilizations; and

4  
6 G. Any other information pertinent to the description,  
utilization and management of such forest land as the  
~~direeter~~ commissioner may require for purposes of spray  
8 project and management program planning.

10 The date for submission of the information required under  
subsection 2, paragraph C, may be extended by the ~~direeter~~  
12 commissioner upon a showing that such information is not then  
available.

14  
16 Cutting plans accompanying the application may be utilized by the  
~~Bureau~~ Department of Forestry for planning purposes, and may be  
shared with other government agencies, but shall do not  
18 constitute records available for public inspection or disclosure  
pursuant to Title 1, section 408.

20  
22 For excise tax purposes, such the application must designate one  
person who shall must be billed and notified of any lien recorded  
under this subchapter. When a tax bill or notice of lien is sent  
24 to this person, it shall ~~constitute~~ constitutes notice to all  
other landowners listed on the application. Each forest landowner  
26 shall ~~be~~ is jointly and severally liable for any tax, penalty or  
interest imposed under this subchapter.

28  
30 **3. Effect of application.** The ~~direeter~~ commissioner shall  
accept, not later than December 1st of each year, any application  
32 which ~~that~~ to his the commissioner's satisfaction meets the  
requirements of this section and any additional criteria which  
the ~~direeter~~ commissioner may impose by regulation in furtherance  
34 of the legislative policies of this subchapter. By December 31st,  
the ~~direeter~~ commissioner shall certify in writing to the State  
Tax Assessor the complete list of all participants in the  
36 program. The list shall must include the names of the forest  
landowners, the names and addresses of the persons designated to  
38 be billed and served with notices of liens, particularized  
descriptions of the real estate included in the spray program  
40 area and statements of the acreage included in each parcel. If a  
change in ownership occurs after December 31st, the ~~direeter~~  
42 commissioner shall inform the State Tax Assessor not later than  
44 the following September 1st.

46 Upon the ~~direeter's~~ commissioner's acceptance of any such  
application, the forest land involved shall, for a period of 5  
48 years, ~~be and remain~~ remains eligible for inclusion within the  
spray project, and shall ~~be~~ is subject to taxation pursuant to



2 section 8427, regardless of any change in ownership of such  
3 forest land. The areas sprayed each year ~~shall-be~~ are determined  
4 on an annual basis pursuant to subsection 4. At the expiration of  
5 the 5-year period, the application must be renewed by the forest  
6 land owner and accepted by the ~~direeter~~ commissioner in  
7 accordance with this section in order to enable continued  
8 eligibility for participation in subsequent spray projects.  
9 Forest land ~~whieh~~ that is eligible for inclusion within the spray  
10 project and ~~whieh~~ that has been accepted by the ~~direeter~~  
11 commissioner may be withdrawn from the spray program area prior  
12 to the end of the 5-year period, ~~previded--that~~ only if the  
13 withdrawal is made no later than December 1st to be effective for  
14 the spray project of the following year and ~~that if~~, during the  
15 5-year period:

16 A. Changes in present law, regulation or Maine Forest  
17 Service policy prohibit the forest land from being treated  
18 with either biological or chemical insecticides;

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

21 C. The ~~direeter~~ commissioner determines that withdrawal of  
22 the forest land furthers the legislative policies of this  
23 subchapter; or

24 D. The landowner provides written assurance in the form of  
25 specific protection plans for each block of forest land  
26 proposed for withdrawal from the 5-year protection district.

27 **4. Spray project designation.** Spray projects ~~shall-be~~ are  
28 designated in the following manner.

29 A. The ~~direeter~~ commissioner, acting in accordance with  
30 this subchapter, ~~shall--have~~ has ultimate and final  
31 discretion to determine, and from time to time modify, the  
32 location, type and manner of any spray project within the  
33 spray program area, subject to such regulatory review and  
34 approval by other state and federal agencies as is provided  
35 by law. The ~~direeter~~ commissioner shall make these  
36 determinations based upon evidence of the extent of budworm  
37 hazard to forest lands within the spray program area, forest  
38 stand composition, wood supply needs, buffer policies,  
39 opportunities for silvicultural and other management  
40 alternatives, the cost-effectiveness and biological  
41 soundness of spray treatment for particular forest lands,  
42 the recommendations of affected forest land owners and the  
43 public, environmental and public health concerns and such  
44 other factors as the ~~direeter--may--deem~~ commissioner  
45 determines to be in furtherance of the legislative policies  
46 of this subchapter.

2 B. The ~~direeter~~ commissioner shall, not later than December  
4 15th of each year, make a preliminary determination of the  
6 forest lands within the spray program area to which he the  
8 commissioner tentatively ~~deems~~ determines it necessary and  
10 appropriate to apply chemical or biological spray treatment  
12 in the following year. Within 15 days following such  
14 preliminary determination, the ~~direeter~~ commissioner shall  
16 furnish and make available to the affected forest land  
18 owners and to the public maps showing the forest lands  
20 preliminarily so designated. Notice of the preliminary  
22 designation shall must be published in the state paper and  
24 such other newspapers as the ~~direeter--deems~~ commissioner  
26 considers appropriate. The notice shall must indicate where  
28 spray area maps will--be are available for inspection and  
where further information may be obtained, and shall must  
provide information concerning withdrawal procedures.

20 C. Any forest land within the spray program area may be  
22 withdrawn from any annual spray project ~~previded--that~~ as  
24 long as a written request, adequately specifying on maps  
26 prescribed by the ~~direeter~~ commissioner the location of the  
28 acres to be withdrawn, is submitted by the forest land owner  
to the ~~direeter~~ commissioner no later than February 1st of  
the calendar year of the spray project involved. The  
~~direeter~~ commissioner may at his the commissioner's  
discretion receive and act upon later-submitted requests for  
withdrawal.

30 **5. General conditions for applications and requests.** In  
32 addition to any other requirements for applications for spray  
34 project eligibility or for spray treatment and requests for  
withdrawal established under this subchapter, such applications  
and requests shall must conform with the following requirements.

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

40 B. They shall must include a statement of ownership rights  
42 in the forest lands involved.

44 C. Subject to the provisions of paragraph D, they shall  
46 must include written authorization from each owner of, or  
claimant to, an interest in the forest land involved, other  
than owners of easements and mortgages.

48 D. In the case of applications or requests affecting  
50 parcels of forest land held in common and undivided or joint

ownership, a controlling or majority interest in the parcel  
2 shall-have has the power to make applications and requests  
under this subchapter and such applications and requests, as  
4 well as the decisions of the ~~direeter-thereon~~ commissioner  
on the applications and requests, shall-be are binding on  
6 all owners of interests in those lands.

8 E. Within 30 days following the transfer of any interest,  
other than an easement or mortgage, in any forest lands  
10 which that are part of the spray program area, written  
notice of the transfer shall must be sent to the ~~direeter~~  
12 commissioner.

14 **6. Settlement corridors.** Settlement corridors are subject  
to the following provisions.

16 A. All land within 2 miles of publicly maintained roads  
within the district shall-be is designated by the ~~direeter~~  
18 commissioner as settlement corridors.

20 B. Land within settlement corridors shall may not receive  
22 insecticide spray treatment except under the following  
circumstances:

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

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

30 (3) The request is accompanied by such information as  
32 the ~~direeter~~ commissioner may require and meets such  
criteria as the ~~direeter~~ commissioner may adopt in  
34 furtherance of the legislative policies of this  
subchapter; and

36 (4) The request does not relate to land within a  
38 settlement corridor located in a municipality which  
40 that has taken action to prohibit spray projects within  
that corridor pursuant to section 8425, subsection 2.

42 C. The provision for settlement corridors under this  
section does not impair or affect the ~~direeter's~~  
44 commissioner's authority to define and carry out other  
policies and procedures, including, without limitation, the  
46 use of no-spray buffers, designed to protect the public  
health and the environment, as he--~~deems~~ the commissioner  
48 determines necessary or appropriate.

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

6           **8. Supply-demand analysis.** The Bureau Department of  
Forestry shall conduct or cause to be conducted an analysis of  
8 future supply and demand for the spruce and fir resources of the  
State. The purpose of such analysis ~~shall-be~~ is to determine the  
10 types and levels of future spruce budworm protection needs and  
strategies for such spruce and fir resources.

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

22           **Sec. 41. 12 MRSA §8425**, as enacted by PL 1979, c. 737, §12,  
is amended to read:

24           **§8425. Regulatory jurisdiction**

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

36           **2. Municipal action.** Any municipality may prohibit the  
execution of spray projects within settlement corridors, as  
38 designated pursuant to section 8424, subsection 6, ~~which that~~ lie  
within the municipality. Any such prohibition, or the repeal  
40 ~~thereof of such a prohibition~~, may be enacted in accordance with  
the procedures for enactment of municipal ordinances, ~~provided~~  
42 ~~that only if~~ any such prohibition ~~shall-be~~ is enacted before  
April 1st of any calendar year in which it ~~shall-apply~~ applies  
44 and ~~that if the municipality shall-send~~ sends a certified copy of  
its enactment to the ~~direeter~~ commissioner within 10 days  
46 following the ~~adoption--of--the--same~~ enactment. Settlement  
corridors within which spray projects ~~have-been~~ are prohibited  
48 pursuant to this subsection ~~shall-thereupon~~ must then be removed  
by the ~~direeter~~ commissioner from the spray program area.

2           **Sec. 42. 12 MRSA §8426**, as amended by PL 1985, c. 664, §1, is  
further amended to read:

4           **§8426. Funding**

6           **1. Recommendation of the commissioner.** On or before January  
1st of each year, the ~~direeter~~ commissioner shall report in  
8 writing to the Bureau of the Budget and to the Legislature ~~his~~  
the commissioner's estimate of the costs of implementation of any  
10 management program proposed for that program year, along with ~~his~~  
the commissioner's estimate of the cost of funding program  
12 planning activities for the period beginning October 1st and  
ending on April 30th of the following year.

14  
16           If the ~~direeter~~ commissioner finds that no spray project is  
necessary in 1987, ~~he~~ the commissioner shall make a determination  
of the need for ongoing management program activities. The  
18 ~~direeter~~ commissioner shall base ~~his~~ the commissioner's  
determination upon recommendations of affected landowners and the  
20 public, and other factors that the ~~direeter--deems~~ commissioner  
determines to be in furtherance of the legislative policies of  
22 this subchapter. On or before January 1, 1987, the ~~direeter~~  
commissioner shall report in writing to the Legislature ~~his~~ the  
24 commissioner's estimate of the costs of implementation of the  
management program activities determined to be necessary, along  
26 with a complete description of the activities and the related  
staff requirements. Management program activities in a year  
28 without a spray project ~~shall~~ must include only necessary budworm  
survey and detection, research and administration. The ~~direeter~~  
30 commissioner shall include in ~~his~~ the report any recommended  
changes to this subchapter to ensure the implementation of  
32 equitable methods for financing ongoing budworm survey activities  
in years with no spray project, consistent with the legislative  
34 policies of this subchapter.

36           **2. Authorization by Legislature.** Following the  
recommendation made in accordance with subsection 1, the  
38 Legislature shall determine, not later than March 1st, the  
amount, if any, authorized for expenditure for any management  
40 program in that program year. That excise tax ~~shall~~ must be  
assessed and collected in accordance with section 8427,  
42 subsection 2. At the same time, the Legislature shall determine  
the amount, if any, authorized for expenditure for preproject  
44 planning during the period beginning October 1st and ending April  
30th of the following year.

46  
48           **3. Management program special accounts.** Special accounts  
~~shall-be~~ are established in the following manner.

2 A. The Treasurer of State shall establish 2 dedicated  
2 revenue accounts as follows.

4 (1) Into one account shall must be deposited any  
4 revenues received by the State from the Government of  
6 the United States for any spray project.

8 (2) Into the other account shall must be deposited any  
8 revenues received by the State from the excise taxes  
10 authorized pursuant to this subchapter.

12 B. The moneys money credited to such those accounts shall  
12 must be used by the Bureau Department of Forestry to pay any  
14 expenses, debts, accounts and lawful demands incurred in  
14 connection with management programs authorized under this  
16 subchapter, and the ~~director~~ commissioner shall authorize  
16 the State Controller to draw ~~his~~ the controller's warrant  
18 ~~therefor~~ at any time. Any remaining balance in these  
18 accounts shall-continue continues from year to year as a  
20 fund available for the purposes set out in this subchapter  
22 and for no other purpose.

24 C. Any revenue deposited in spray project special accounts  
24 attributable to services funded from other state accounts  
26 shall-be is credited to the accounts funding these services.  
26 If the General Fund funded these services, the revenue shall  
26 be is credited to the General Fund Undedicated Revenue  
28 Account. ~~In-the-case-where~~ If the original source cannot can  
28 not be determined, these funds shall-be are deposited in the  
30 General Fund.

32 **4. Borrowing from General Fund.** To accomplish the purpose  
32 of this subchapter, the ~~director~~ commissioner, subject to the  
34 approval of the Governor, may borrow moneys money from the  
34 General Fund for up to 120 days, at no interest, in order to  
36 enable the bureau department to pay expenses, debts, accounts and  
36 lawful demands for any management program authorized under  
38 subsection 2; ~~provided--that~~ the aggregate amount of such  
38 borrowing may at no time exceed the amount of uncollected excise  
40 taxes authorized under this subchapter for that spray project.

42 **5. Treasurer of State; temporary loan.** The Treasurer of  
42 State, upon the recommendation of the ~~director~~ commissioner, as  
44 approved by the Governor, may negotiate a temporary loan or loans  
44 in anticipation of excise taxes to be raised during the same  
46 fiscal year. The loan application shall must be initiated by the  
46 Treasurer of State so that the funds derived ~~therefrom~~ from the  
48 loan are available not before July 1st for expenditure by October  
48 1st of the same fiscal year.

50

2 The money borrowed shall must be deposited in the account  
4 established pursuant to ~~section~~ 8426, subsection 3, paragraph A,  
6 subparagraph (2), and shall must be used to fund the program  
during the preproject period beginning October 1st and ending on  
April 30th. Any income derived from investment of these funds  
shall must be credited to the same account.

8 Any amount borrowed pursuant to this section shall must be repaid  
10 with interest from the amount collected as a preproject excise  
12 tax under section 8427, subsection 2. In the event that no such  
14 tax is collected, this amount shall must be raised by a shared  
16 tax applicable to all acres in the district, as of July 1st of  
that fiscal year, the per acre rate of which shall--be is  
calculated by dividing the sum to be raised by the number of  
acres within the district.

18 **Sec. 43. 12 MRSA §8427**, as amended by PL 1985, c. 664, §2, is  
further amended to read:

20 **§8427. Taxation**

22 **1. Generally.** Forest land owners within the district shall  
24 be are subject to the excise taxes authorized under this section  
for the privilege of owning such those lands and of receiving the  
26 benefits of spray project eligibility. In cases of divided  
ownership of such those lands, the persons owning or claiming  
timber rights shall-be are subject to such the excise taxes.

28 ~~2.--Pre-project excise tax.--The pre-project excise tax shall  
30 be computed in the following manner:~~

32 ~~A.--The ratio of the planned spray acres for each landowner  
34 to the total planned spray acres for all landowners  
controlling 1% or more of the total planned spray acres in  
the project;~~

36 ~~B.--The ratio computed in paragraph A shall be multiplied by  
38 the estimate of total project cost provided in section 8426,  
subsection 1, less the carryover account balance for  
40 landowners in the previous program;~~

42 ~~C.--The pre-project excise tax shall be assessed and billed  
44 by the State Tax Assessor within 30 days following the  
legislative authorization provided in section 8426,  
subsubsection 2, and~~

46 ~~D.--In the event that no spray project is planned for a  
48 given year, the pre-project tax shall be computed in the  
following manner;~~

50

2 (1)---The--ratio--of--the--spruce--fir--forest--protection  
4 protection--district--acres--for--each--landowner--to--the--total  
6 district--acres--for--all--landowners  
controlling-1%-or-more-of-the-total-protection-district  
acres;

8 (2)---The--ratio--computed--in--this--paragraph--shall--be  
10 multiplied--by--the--estimate--of--total--program--cost  
produced-in-section-8426,-subsection-1,-and-

12 (3)---The--pre--project--excise--tax--shall--be--assessed--and  
14 billed--by--the--State--Tax--Assessor--within--30--days  
following--the--legislative--authorization--provided--in  
section-8426,-subsection-2.

16 2-A. Preproject excise tax. The preproject excise tax is  
18 computed and assessed according to this subsection.

20 A. If a spray project is planned, the excise tax is  
computed and assessed as follows.

22 (1) The ratio of the planned spray acres for each  
24 landowner to the total planned spray acres for all  
landowners controlling 1% or more of the total planned  
spray acres in the project is established.

26 (2) The ratio computed in paragraph A is multiplied by  
28 the estimate of total project cost provided in section  
8426, subsection 1, less the carryover account balance  
30 for landowners in the previous program.

32 (3) The preproject excise tax is assessed and billed  
34 by the State Tax Assessor within 30 days following the  
legislative authorization provided in section 8426,  
36 subsection 2.

38 B. If no spray project is planned for a given year, the  
preproject tax is computed and assessed as follows.

40 (1) The ratio of the spruce fir forest protection  
42 district acres for each landowner to the total  
protection district acres for all landowners  
44 controlling 1% or more of the total protection district  
acres is established.

46 (2) The ratio computed in this paragraph is multiplied  
48 by the estimate of total program cost produced in  
section 8426, subsection 1.



2                    (3) The preproject excise tax assessed and billed by  
3                    the State Tax Assessor within 30 days following the  
4                    legislative authorization provided in section 8426,  
5                    subsection 2.

6                    **3. Post-project excise tax.** The post-project tax for forest  
7                    landowners within the district shall-be is computed and assessed  
8                    as follows.

10                    A. The ~~direeter-shall-determine~~ commissioner determines the  
11                    total amount of costs incurred or budgeted to be expended in  
12                    connection with the management program conducted during the  
13                    then current calendar year. This amount shall-be is reduced  
14                    by the amount of any money received for that program from  
15                    the Federal Government.

16                    C. Ninety percent of the amount computed under paragraph A  
17                    shall must be raised by a post-project spray tax, the per  
18                    acre rate of which shall-be is calculated by dividing the  
19                    sum to be so raised by the number of acres ~~which~~ that  
20                    actually received spray treatment, as determined by the  
21                    ~~direeter~~ commissioner.

22                    D. Ten percent of the amount computed under paragraph A  
23                    shall must be raised by a post-project shared tax,  
24                    applicable to all taxable acres in the district, the per  
25                    acre rate of which shall-be is calculated by dividing the  
26                    sum to be raised by the number of acres within the district,  
27                    as designated by the ~~direeter~~ commissioner.

28                    D-1. In the event that no spray project is conducted in a  
29                    given year, the amount computed under paragraph A shall must  
30                    be raised by a post-project shared tax, applicable to all  
31                    taxable acres in the district, the per acre rate of which  
32                    shall-be is calculated by dividing the sum to be raised by  
33                    the number of acres within the district, as designated by  
34                    the ~~direeter~~ commissioner.

35                    E. The ~~direeter~~ commissioner shall certify in writing to  
36                    the State Tax Assessor, by September 1st, the post-project  
37                    shared tax rates and the post-project spray tax rate,  
38                    together with the number of acres within each ownership  
39                    ~~which~~ that are subject to those taxes. The ~~direeter's~~  
40                    commissioner's certification shall must be based on the  
41                    latest available actual cost data, as well as an estimate of  
42                    outstanding obligations, including personnel costs of the  
43                    budworm management program. Final actual costs shall must  
44                    be determined on or before March 15th of the following calendar  
45                    year. Any underestimates or overestimates resulting from  
46                    this paragraph shall-be are credited or debited to the  
47                    following year's program as appropriate.

2 F. The amount of the post-project excise taxes payable by  
4 each landowner shall must be reduced by the amount assessed  
6 upon that landowner on account of the ~~pre-project~~ preproject  
excise tax payable for that calendar year.

8 G. The State Tax Assessor shall compute, assess and bill,  
10 by November 1st the amount of the post-project excise taxes  
payable by each landowner in accordance with this section.

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

18 **4. Due date.** Fifty percent of the ~~pre-project~~ preproject  
excise tax is due April 30th of the year in which it is assessed;  
20 the remaining 50% shall ~~be~~ is due July 31st of that year. The  
post-project excise tax is due December 15th of the year in which  
22 it is assessed. Notice of the amount of any tax due under this  
subchapter shall ~~be~~ is presumed complete upon mailing of a bill  
24 ~~therefor~~ for the tax due.

26 **5. Interest and penalty.** Any tax assessed under this  
subchapter which ~~that~~ is not paid when due shall ~~accrue~~ accrues  
28 interest at the rate of 1 1/2% for each month, ~~of~~ or fraction  
~~thereof~~ of each month, that the tax remains unpaid; and a penalty  
30 equal to 20% of the unpaid tax shall must be added to the  
liability of any person who fails to pay a tax when due.

32 **6. Tax lien.** There shall ~~be~~ is a tax lien to secure the  
payment of all taxes, penalties and interest assessed under this  
34 subchapter. The lien shall ~~attach~~ attaches to all real estate  
described in any application made under section 8424, subsection  
36 2, ~~and shall take~~ takes precedence over all other claims on that  
real estate and shall ~~continue~~ continues in force until the  
38 taxes, penalties and interest are paid or until the lien is  
otherwise terminated.

40 For purposes of lien foreclosure, unpaid taxes assessed under  
42 this subchapter shall ~~be~~ are delinquent on the date due.  
~~Thereafter~~ After the due date, the State Tax Assessor may record,  
44 in the registry of deeds of the county or registry district where  
that real estate lies, a certificate signed by the State Tax  
46 Assessor setting forth the name of the person designated in  
section 8424, subsection 2, the amount of unpaid taxes, penalties  
48 and interest and a description of the real estate subject to the  
lien. Not later than one week after recording the lien, the State  
50 Tax Assessor shall notify the person designated in section 8424,

2 subsection 2, that a lien has been recorded. If the full amount  
of the tax, penalty and interest is not paid within 6 months of  
4 the recording, the lien shall-be is foreclosed. Upon foreclosure,  
the State shall-become becomes fee simple owner of the real  
6 estate free of all encumbrances. That real estate shall must be  
inventoried as provided in Title 36, section 1283.

8 **7. Review of assessments; supplemental assessments.** Any  
forest landowner aggrieved by an assessment made under this  
10 subchapter may petition the State Tax Assessor for  
reconsideration, pursuant to Title 36, section 151, ~~provided that~~  
12 ~~the~~ . The petition is must be filed within 45 days of the date  
of assessment. If justice requires, the State Tax Assessor may,  
14 with the approval of the Governor, abate, within 3 years from the  
date of assessment, all or part of any tax assessed under this  
16 subchapter by the State Tax Assessor.

18 Within 3 years of an assessment made under this subchapter, the  
State Tax Assessor may make a supplemental assessment if he the  
20 State Tax Assessor finds that any previous assessment is  
imperfect or incomplete in any material aspect. An assessment may  
22 be made at any time with respect to a time period for which a  
fraudulent application has been filed.

24 The State Tax Assessor may require the assistance of the ~~director~~  
26 commissioner in the performance of his the State Tax Assessor's  
duties under this subsection. The ~~director~~ commissioner shall  
28 ~~recommend~~ recommend to the State Tax Assessor an appropriate  
disposition of any matter brought under this subsection. That  
30 recommendation shall must be made within 15 days of the request  
and shall must be in writing.

32 **8. Collection by Attorney General.** Whenever any person  
34 fails to pay any tax, interest and penalty due under this  
subchapter within the time provided, the Attorney General shall  
36 enforce payment by civil action against the person from whom it  
is due for the amount of the tax, interest and penalty, together  
38 with costs, in either the Superior or District Court in Kennebec  
County or in the judicial division in which that person has a  
40 residence or established place of business.

42 **Sec. 44. 12 MRSA §8428**, as amended by PL 1985, c. 664, §3, is  
further amended to read:

44 **§8428. Duties and authority of the Commissioner of Forestry**

46 **1. General.** The ~~director~~ commissioner shall supervise and  
48 coordinate the activities of ~~bureau~~ department personnel in  
connection with all management programs.

50

2           **2. Rules.** From time to time the ~~direeter~~ commissioner may  
3 adopt and amend rules for the implementation of this subchapter.  
4 The rules shall must be adopted in accordance with the procedures  
5 set forth in Title 5, chapter 375, subchapter II.

6           **3. Applications.** The ~~direeter~~ commissioner shall consider  
7 applications and requests made pursuant to section 8424, and  
8 shall grant conditionally or deny any such applications or  
9 requests.

10           **4. Declaration of termination of spray projects.** Upon  
11 receipt of information satisfactory to ~~him~~ the commissioner to  
12 the effect that future spray projects will not be beneficial,  
13 cost-effective or otherwise in furtherance of the legislative  
14 policies of this subchapter, the ~~direeter~~ commissioner shall  
15 report the same ~~to the Commissioner of Conservation and~~ to the  
16 Governor and shall recommend to the Legislature that this  
17 subchapter be repealed or amended as appropriate.

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

25           **6. Inspection of records.** The ~~direeter~~ commissioner or ~~his~~  
26 the commissioner's representatives may likewise inspect the books  
27 and records of any applicant under section 8424, subsection 2,  
28 with respect to any information submitted in connection with that  
29 application. ~~He~~ The commissioner also may require periodic  
30 progress reports from ~~such persons~~ the applicant in connection  
31 with any such information.

32           **7. Contractual authority.** The ~~direeter, with the approval~~  
33 ~~of the commissioner, shall have~~ has the authority to enter into  
34 contracts for the acquisition of insecticides, aircraft,  
35 personnel and other goods and services necessary or appropriate  
36 for management programs and for other purposes related to this  
37 subchapter.

38           **8. Reimbursement to state agencies.** Out of funds available  
39 for any spray project, the ~~direeter~~ commissioner, subject to the  
40 approval of the Governor, may reimburse other state agencies for  
41 costs incurred by them in connection with ~~such~~ that spray  
42 project. ~~Such~~ Those costs may include, but ~~shall~~ are not be  
43 limited to, those incurred for environmental and health  
44 monitoring and regulation. Any department or agency of State  
45 Government is authorized to accept funds ~~which may be~~ that are  
46 available for carrying out the purposes of this subchapter.

2           **9. Cooperation.** The ~~direeter~~ commissioner shall consult and  
3 cooperate with the United States Forest Service, other agencies  
4 of the United States and of any state, the dominion government of  
5 Canada, the governments of any provinces of Canada and public and  
6 private landowners in the State in developing and undertaking  
7 joint management program activities.

8  
9           **10. Report.** The ~~direeter~~ commissioner shall, at the end of  
10 each calendar year, undertake a complete financial review of any  
11 management program activities undertaken that year and shall make  
12 a full report on the activities to the next session of the  
13 Legislature. The report shall must include, but is not be limited  
14 to, sources of funding, private, state or federal and total  
15 expenditures broken down in the following categories:  
16 ~~Insecticides~~ insecticides, aircraft, monitoring, research and  
17 other appropriate categories. Also to be included shall ~~be~~ is a  
18 statement of any remaining balance by source, private, state or  
19 federal.

20  
21           **11. Permit applications.** The ~~direeter~~ commissioner  
22 is responsible for processing all applications for regulatory  
23 permits and approvals for spray project operations as required by  
24 this subchapter.

25           **Sec. 45. 12 MRSA §8430**, as amended by PL 1987, c. 183, §4, is  
26 further amended to read:

27  
28           **§8430. Research**

29  
30           **1. Authority.** The Bureau Department of Forestry, acting  
31 through its ~~direeter~~, ~~with the approval of the~~ commissioner, may  
32 make grants of funds and enter into contracts for purposes of  
33 research related to forest management strategies, insecticide and  
34 spray application technologies, integrated pest management  
35 techniques, forest product marketing and utilization and other  
36 issues pertinent to the purposes of this subchapter. This  
37 research may be funded with any funds available, provided except  
38 that the cost of environmental and health monitoring of spray  
39 projects shall must be part of annual spray project costs and not  
40 paid out of General Fund ~~moneys~~ money.

41  
42           **2. Research on public lands.** The commissioner, ~~direeter~~ or  
43 other chief executive officer of any state agency having  
44 jurisdiction over any public land may make that land available on  
45 ~~such~~ terms and conditions ~~as he deems~~ the commissioner determines  
46 reasonable to any public or private nonprofit entity engaged in  
47 spruce budworm control research and related silvicultural control  
48 research. The ~~direeter~~ commissioner shall likewise encourage  
49 private landowners within the State to make their lands available  
50 for the same purposes.

2           **Sec. 46. 12 MRSA §8515**, as enacted by PL 1979, c. 545, §3, is  
amended to read:

4           **§8515. Compact administrator**

6           The compact administrator for this State ~~shall--be~~ is the  
8           ~~Director--of--the--Bureau~~ Commissioner of Forestry. The duties of  
the compact administrator ~~shall--be--deemed~~ are considered a  
10          regular part of the duties of ~~his~~ the commissioner's office.

12          **Sec. 47. 12 MRSA §8611**, as amended by PL 1989, c. 700, Pt. A,  
§40, is further amended to read:

14          **§8611. Department of Forestry advisory programs**

16          The ~~bureau~~ department shall undertake the following programs  
18          to provide information and educational services for forest  
management in this State.

20          **1. Forest management information.** The ~~bureau~~ department  
22          shall provide a forest management information clearinghouse  
service with a statewide toll-free number. The information and  
24          referral service ~~shall~~ must include, but is not be limited to:

- 26                A. Reporting, notification and management requirements  
pursuant to this chapter;
- 28                B. Timber and forest management options;
- 30                C. Soil conservation practices;
- 32                D. Insect and disease management practices;
- 34                E. Recreation management options; and
- 36                F. Wildlife management options.

38          **2. Natural resource educator.** The ~~director~~ commissioner  
40          shall employ a natural resource educator to develop and  
coordinate natural resource education, workshops and training  
42          opportunities for school-age children, forest landowners, forest  
products harvesters and forest managers. Specifically, this  
44          person shall:

- 46                A. Work with the Department of Education and organizations  
to integrate forestry and forest science programs into the  
48          science curricula in public schools; and

2 B. Establish a program for continuing education courses in  
3 timber harvesting equipment operation, safety and basic  
4 forest management skills.

6 **Sec. 48. 12 MRSA §8612, first ¶**, as enacted by PL 1989, c. 555,  
7 §8, is amended to read:

8 The ~~bureau~~ department shall employ by 1991, at least 16  
9 field foresters to be located in field offices.

10 **Sec. 49. 12 MRSA §8612, sub-§1, ¶I**, as enacted by PL 1989, c.  
11 555, §8, is amended to read:

12 I. Other duties as the ~~direetor~~ commissioner prescribes.

13 **Sec. 50. 12 MRSA §8612, sub-§4**, as enacted by PL 1989, c. 555,  
14 §8, is amended to read:

15 **4. Reporting requirements.** The commissioner shall report  
16 biannually beginning in 1991, to the joint standing committee of  
17 the Legislature having jurisdiction over energy and natural  
18 resources on activities under the field forester program. This  
19 report, to be completed by February 1st, shall must include a  
20 description of the types of assistance given to landowners and  
21 wood processors, a description of the activities of the field  
22 foresters and any recommendations for changes in the program.

23 **Sec. 51. 12 MRSA §8701, sub-§1**, as amended by PL 1989, c. 21,  
24 §§1 and 3, is further amended to read:

25 **1. Establishment; purpose.** The ~~direetor~~ commissioner may  
26 establish and lease within the State one or more forest  
27 nurseries. The object of these nurseries is to furnish forest  
28 tree seedlings, transplants and shrub material for use in  
29 planting the present and potential forest lands within the State.

30 **Sec. 52. 12 MRSA §8701, sub-§2**, as enacted by PL 1979, c. 545,  
31 §3, is amended to read:

32 **2. Surplus.** The ~~direetor~~ commissioner is authorized to  
33 dispose of surplus materials from the nursery at or below cost to  
34 other state or governmental agencies for such uses as erosion  
35 control, windbreaks and wildlife habitat.

36 **Sec. 53. 12 MRSA §§8702, 8703 and 8704**, as enacted by PL 1979,  
37 c. 545, §3, are amended to read:

38 **§8702. Public shade trees**

39 To promote aesthetic and environmental values of trees to  
40 communities and to restore those values lost through death of

2 trees from insect and disease depredation, soil depletion,  
adverse growth factors and old age, the ~~direeter~~ commissioner may  
4 enter into agreement with municipal officials and Penobscot and  
Passamaquoddy tribal governments to pay, so far as funds are  
6 available, up to 50% of the costs of procuring young  
tree-planting stock and planting and general care of public shade  
8 trees. Whenever the State does contribute funds for this purpose,  
~~it--shall--have~~ the State has the authority to establish  
10 requirements for a municipal tree care program and requirements  
and procedures relative to selecting, planting, and care of such  
12 trees. This program is not intended to extend beyond village or  
community limits, except for municipal parks or cemeteries.

14 **§8703. Municipal forests**

16 The ~~direeter~~ commissioner may establish a program to  
provide, at cost, forest seedlings or transplants for use on  
18 lands acquired by municipalities for forest purposes as allowed  
in ~~Title 30, chapter 227~~ Title 30-A, chapter 155. Application for  
20 such material shall must be made on forms as the ~~direeter~~  
commissioner prescribes. The ~~direeter~~ commissioner, whenever  
22 providing forest seedlings or transplants, shall recommend  
procedures for the planting, management and protection of the  
24 municipal forest lands.

26 **§8704. Rehabilitation program**

28 The ~~direeter~~ commissioner may carry out a forest  
rehabilitation program on unstocked and poorly stocked potential  
30 forest land either public or private with first priority to  
burned areas. ~~He~~ The commissioner shall make use of federal funds  
32 as and if available and of inmates of state institutions,  
including penal, whenever possible or feasible. The State shall  
34 participate in the cost of such forest rehabilitation up to 50%  
of the total cost on private land including the value of trees,  
36 ~~any-such~~ that rehabilitation on private lands to be only at the  
landowner's request.

38 **Sec. 54. 12 MRSA §8823**, as enacted by PL 1979, c. 545, §3, is  
40 amended to read:

42 **§8823. Maine commercial standard shingles**

44 **1. Maine commercial standard shingles.** "Maine commercial  
standard shingles," MCST, shall-mean means northern white-cedar  
46 shingles that are graded by producers authorized by the ~~Bureau~~  
Department of Forestry to label northern white-cedar shingles  
48 under this Article.



2           **2. Application.** The Maine commercial standard for northern  
white-cedar shingles ~~shall apply~~ applies only to those bundles of  
shingles ~~which that~~ are imprinted as described under section 8830.

4  
6           **Sec. 55. 12 MRSA §§8830, 8831, 8832 and 8833,** as enacted by PL  
1979, c. 545, §3, are amended to read:

8           **§8830. Labeling**

10           Maine northern white-cedar shingle producers ascribing to  
the standard established by this Article ~~shall be~~ are authorized  
12 to imprint on one or both ends of the shingle bundle the proper  
grade name for the quality of northern white-cedar shingles in  
14 the bundle. The grade name (EXTRA, CLEAR, 2ND CLEAR, CLEAR WALL,  
UTILITY) for the grade of shingle contained in the bundle ~~shall~~  
16 must be precisely as given in the standard under section 8824 and  
the name ~~shall~~ must be imprinted in black letters one inch high  
18 and also, below the grade designation, ~~shall~~ must be imprinted  
the letters "MCST" in black, for Maine Commercial Standard in  
20 letters of a height equal to those used for the grade name.  
Following the designation "MCST" ~~they the producers~~ shall imprint  
22 their registered mill number assigned to them by the ~~bureau~~  
department in numerals of equal heights to the letters "MCST."  
24 The numerals ~~shall~~ must be separated from the letters "MCST" by a  
hyphen.

26  
28           Northern white-cedar shingles manufactured or purchased by a  
registered mill may be graded and the bundles imprinted with the  
proper grade designations Maine Commercial Standard (MCST) and  
30 the registered mill number of the grading mill. The mill whose  
number is designated on the bundle ~~shall be~~ is responsible for  
32 the accuracy of the grade designated on the bundle.

34           **§8831. Registration**

36           The privilege to use the Maine Commercial Standard grades  
~~shall depend~~ depends on proper mill registration with the ~~bureau~~  
38 department and the assignment by the ~~director~~ commissioner of a  
MCST mill number to the shingle producer. The initial mill  
40 registration fee ~~shall be~~ is \$25 for each Maine shingle mill  
desiring to identify their shingles as being of Maine Commercial  
42 Standard with the right given to imprint the letters "MCST" on  
their bundles of northern white-cedar shingles, as well as their  
44 registered mill number. Subsequent annual registration fees ~~shall~~  
be are \$10 for each calendar year payable to the ~~bureau~~  
46 department before January of that year. Registration fees ~~shall~~  
be are credited to the General Fund.

48  
50           Those mills who wish to follow the grade names as given in  
section 8824 may do so, but those who are unwilling to agree to

2 the specifications of each grade as to measurements, tolerances,  
3 defects and definitions, including dimensions of shingles and  
4 bundles, ~~shall~~ may not imprint either the letters "MCST" or a  
5 registered mill number on the bundle, band, tie or on any label  
6 affixed to the bundle or shingle. Nor ~~will~~ may such an unwilling  
7 mill state, imply or infer that the shingles they are selling are  
8 Maine Commercial Standard (MCST) shingles in correspondence,  
9 publicity or solicitations.

10 **§8832. Grading and reinspection**

12 **1. Inspection.** The Bureau Department of Forestry may  
13 authorize the use of the standard and shall periodically verify  
14 the proper use of this standard by shingle manufacturers  
15 registered under this Article.

16 **2. Reinspection.** Grade complaints, not reconciled by the  
17 parties concerned, ~~shall be~~ are handled by the bureau department  
18 and a reinspection ~~shall~~ must be made when requested. Grade  
19 complaints ~~shall be~~ are recognized by the State for the purpose  
20 of reinspection when made by a producer, wholesaler, retailer or  
21 consumer, within 10 days of his the receipt of MCST shingles. The  
22 expense of reinspection by the bureau department when such the  
23 request is initiated by either the buyer or seller ~~shall be~~ is  
24 divided between the buyer and seller or paid by either, according  
25 to their agreement.

28 **§8833. Penalties and revocation**

30 **1. Penalties.** In addition to the penalty established in  
31 section 9701, the penalties for misgrading or unauthorized use of  
32 Maine Commercial Standard grades ~~shall~~ include the following.

34 A. The mill whose registered mill number appears on the  
35 bundle shall replace with bundles of the proper grade all  
36 bundles of shingles proven by reinspection to have been  
37 misgraded under this Article.

38 B. A 2nd and subsequent offense of this Article ~~shall~~  
39 result results in a civil violation for which a forfeiture  
40 of \$200 may be adjudged for each violation.

42 **2. Revocation.** The ~~director~~ commissioner may revoke,  
43 suspend or refuse to renew any registration of any mill for  
44 violation of sections 8830 and 8831 under the authority granted  
45 in Title 5, section 10004. The Administrative Court, acting  
46 pursuant to Title 4, chapter 25, may revoke the registration  
47 granted to any mill for violation of sections 8830 and 8831 for a  
48 period not to exceed 2 years, after which time the mill may make  
49 application for reinstatement as a registered mill.

2           **Sec. 56. 12 MRSA §8884, sub-§1**, as affected by PL 1989, c.  
3 600, Pt. B, §11, is amended to read:

4  
5           **1. Wood processor reports.** Owners or operators of all  
6 roundwood processing operations shall submit an annual report to  
7 the ~~director~~ commissioner of the bureau during the month of  
8 January for the roundwood used or processed by the operation  
9 during the preceding year. The report shall must specify the  
10 amount of roundwood processed by species and county where cut  
11 from the stump.

12           **Sec. 57. 12 MRSA §8884, sub-§1-A**, as amended by PL 1991, c.  
13 591, Pt. G, §10, is further amended to read:

14  
15           **1-A. Reclaimed waste wood and cedar waste report.** A  
16 taxpayer claiming a credit under Title 36, section 5219-F shall  
17 submit an annual report to the ~~Director--of--the--Bureau~~  
18 Commissioner of Forestry, initially by July 1, 1994, and during  
19 the month of January thereafter, specifying the source, volume  
20 and location of reclaimed wood waste or cedar waste for which a  
21 credit ~~has-been~~ is claimed.

22  
23           **Sec. 58. 12 MRSA §8888**, as affected by PL 1989, c. 600, Pt.  
24 B, §11, is amended to read:

25  
26           **§8888. Enforcement**

27  
28           ~~Enforcement-of-this~~ This subchapter shall may be enforced by  
29 any state, county or municipal law enforcement officer, including  
30 forest rangers and field foresters of the ~~Bureau~~ Department of  
31 Forestry and wardens of the Department of Inland Fisheries and  
32 Wildlife.

33  
34           **Sec. 59. 12 MRSA c. 805, sub-c. IV-A**, as enacted by PL 1989, c.  
35 875, Pt. J, §10, is repealed.

36  
37           **Sec. 60. 12 MRSA §8901, sub-§1**, as repealed and replaced by PL  
38 1987, c. 769, Pt. A, §51, is amended to read:

39  
40           **1. Appointment.** The ~~Director-of-the-Bureau~~ Commissioner of  
41 Forestry shall appoint forest rangers, subject to the Civil  
42 Service Law and the State Supervisor, Forest Fire Operations.  
43 Rangers assigned to posts at Clayton Lake, St. Pamphile, Estcourt  
44 Station, Daaquam, Musquacook Lake, Snare Brook and Baker Lake  
45 must be bilingual in French and English.

46  
47           **Sec. 61. 12 MRSA §8901, sub-§2, ¶A**, as enacted by PL 1979, c.  
48 545, §3, is amended to read:

2           A. Subject to supervision of the ~~direeter~~ commissioner,  
supervise the state forest fire control program, including  
4 personnel and facilities of all types;

6           **Sec. 62. 12 MRSA §8901, sub-§2, ¶G**, as amended by PL 1989, c.  
174, §1, is further amended to read:

8           G. Carry out such any other duties as the ~~direeter~~  
commissioner prescribes; and

10           **Sec. 63. 12 MRSA §8902**, as amended by PL 1985, c. 108, §3, is  
12 further amended to read:

14           **§8902. Forest fire wardens**

16           The ~~direeter~~ commissioner shall appoint a forest fire warden  
18 in each organized municipality. The municipal fire chief ~~shall~~  
may be appointed as forest fire warden if practicable and no  
20 other person may be appointed without the approval of the  
municipal officers. All appointed forest fire wardens ~~shall~~ serve  
22 at the pleasure of the ~~direeter~~ commissioner and ~~shall-be~~ are  
sworn to the faithful discharge of these duties and a certificate  
24 ~~thereof--shall~~ that confirms the swearing to the faithful  
discharge of these duties must be returned to the bureau  
26 department. Whoever has been notified of this appointment shall  
file with the ~~direeter~~-his commissioner that person's acceptance  
28 or rejection within 10 days. The appointed forest fire warden may  
appoint one or more deputy forest fire wardens subject to  
30 approval of the municipal officers. A deputy forest fire warden  
may act for the forest fire warden in the absence of the  
32 appointed forest fire warden, but no compensation in addition to  
that provided in this section may be made.

34           The State shall pay the appointed forest fire warden an  
annual fee of \$100. This payment ~~shall-be~~ is made contingent upon  
36 attendance at forest fire training schools, preparation of an  
annual forest fire plan for ~~his~~ the warden's town and such  
38 reports as the ~~direeter~~ commissioner may require. This fee in no  
way limits payment to the warden from ~~his~~ the warden's town. His  
40 Payments for the warden's services for work on actual forest  
fires, as well as ~~that~~ the work of deputy forest fire wardens,  
42 ~~shall-be~~ are paid by the town and at a rate determined by the  
town.

44           **Sec. 64. 12 MRSA §§8903, 8904 and 8905**, as enacted by PL 1979,  
46 c. 545, §3, are amended to read:

48           **§8903. General deputy wardens**

50           The ~~direeter~~ commissioner may appoint general deputy wardens  
as an adjunct to the personnel regularly employed in the forest

2 fire control program. They shall aid in forest fire prevention  
and shall take immediate action to control any unauthorized  
4 forest fires, employ assistance when required and notify the  
nearest forest ranger or town forest fire warden with dispatch.  
6 Such ~~The~~ general deputy wardens and ~~these~~ the personnel they  
employ may receive the prevailing local fire fighting wages for  
the period so engaged.

8  
10 **§8904. Coordinating protective agencies**

12 The ~~direeter~~ commissioner shall formulate an emergency ~~plans~~  
plan of action to establish staffing pools, equipment reserves,  
14 facilities for feeding, transportation and communication on  
forest fires. In preparing the plan, other agencies and  
16 organizations ~~having~~ that have the needed facilities ~~should~~ may  
be contacted, such as fire chiefs, civil defense units, the  
18 American Red Cross, sheriffs, the American Legion, the State  
Police, the Maine National Guard, the Department of  
20 Transportation, the Department of Inland Fisheries and Wildlife,  
the State Grange, colleges, the Civil Air Patrol and any other  
22 protective group as determined by the ~~direeter~~ commissioner.  
Whenever or wherever a major forest fire occurs or threatens, the  
~~bureau shall be~~ department is the coordinating agency until the  
24 Governor declares an emergency.

26 **§8905. Chain of command**

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

34 **Sec. 65. 12 MRSA §8906, sub-§1**, as enacted by PL 1979, c. 545,  
§3, is amended to read:

36 **1. Administrative units.** The ~~direeter shall have~~  
38 commissioner has the authority to divide the State into  
administrative units so as to most effectively provide for  
40 protection against loss or damage by forest fires.

42 **Sec. 66. 12 MRSA §8906, sub-§2**, as amended by PL 1991, c. 9,  
Pt. Y §2, is further amended to read:

44 **2. Equipment.** The ~~direeter~~ commissioner may establish  
46 lookout stations connected by telephone and radio, and construct,  
equip and maintain office-storehouse headquarters for necessary  
48 supplies, tools and equipment and provide for any other  
facilities essential for forest fire control. All fire lookout  
50 towers must be staffed during periods of fire danger. The

2       ~~direeter~~ commissioner shall notify the joint standing committees  
4       of the Legislature having jurisdiction over energy and natural  
6       resources and appropriations and financial affairs in writing  
8       prior to implementing any major policy changes in the operation  
10       and staffing of the fire lookout tower system. Within the  
12       unorganized territory, the ~~direeter~~ commissioner may, in addition  
14       to this subsection, construct and maintain roads and trails. In  
16       the event the ~~direeter~~ commissioner determines that any currently  
18       active fire tower should not be reopened for the subsequent fire  
20       season, the ~~direeter~~ commissioner shall provide notice to the  
22       Legislature of intended action by January 15th. This notice must  
24       include the location of the fire towers affected and the  
26       justifications for the closures. Notice of closures must be  
28       reviewed by the joint standing committee of the Legislature  
30       having jurisdiction over natural resources. Unless the  
32       Legislature determines otherwise, the ~~direeter~~ commissioner may  
34       close towers so indicated. If any fire tower is not reopened,  
36       the department shall work closely with the municipality in which  
38       the fire tower is located to minimize the impact that action  
40       will have on the municipality's responsibility to control forest  
42       fires.

24       **Sec. 67. 12 MRSA §8907, sub-§§1 and 2,** as repealed and replaced  
26       by PL 1991, c. 459, §3, are amended to read:

26       **1. Form.** The ~~Direeter--of--the--Bureau~~ Commissioner of  
28       Forestry, referred to in this section as the "~~direeter~~  
30       commissioner," shall designate the Uniform Summons and Complaint  
32       as the citation form to be used by the Maine Forest Service,  
34       except that the ~~direeter~~ commissioner may permit the use of any  
36       citation forms approved by the Chief Judge of the District Court  
38       before May 1, 1991 that are in current stock as of May 1, 1991  
40       until those stocks are depleted.

36       **2. Citation books.** The ~~direeter~~ commissioner is  
38       responsible for any forms approved by the Chief Judge of the  
40       District Court prior to May 1, 1991. The ~~direeter~~ commissioner  
42       may provide citation books to other law enforcement agencies and  
44       officers for their use in the enforcement of chapters 807 and  
46       809. The ~~direeter~~ commissioner may not require other agencies to  
48       use this form. The Department of Public Safety is responsible  
50       for all Uniform Summons and Complaints issued to the Maine Forest  
      Service. The ~~direeter~~ commissioner or the ~~direeter's~~  
      commissioner's designee is responsible for the further issuance  
      of Uniform Summons and Complaint books to individual law  
      enforcement officers and for the proper disposition of those  
      books.

50       **Sec. 68. 12 MRSA §§9001 and 9002,** as enacted by PL 1979, c.  
      545, §3, are amended to read:

2       **§9001. Proclamation by Governor**

4           **1. Determination by commissioner.** Whenever the ~~direeter~~  
6       commissioner determines that:

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

12           B. Human activity in connection with hunting or fishing is  
14       likely to pose a forest fire menace, the ~~direeter~~  
16       commissioner shall communicate sueh that determination to  
18       the Governor.

20           **2. Proclamation.** The Governor may, by proclamation, suspend  
22       the open season for hunting or fishing or prohibit out-of-door  
24       smoking ~~ex,~~ building or using out-of-door fires or other human  
26       activity likely to be a menace to the forests for such a time and  
28       in such sections of the State as are considered necessary. The  
30       type and manner of hunting and fishing or other human activity  
32       that is prohibited shall must be designated in the proclamation.

34           **3. Out-of-door fires at campgrounds.** The Governor may  
36       exempt from the prohibitions specified in subsection 2  
38       out-of-door fires at public campsites maintained by the  
40       Department of Conservation or the Department of Forestry. Other  
42       public, private and ~~commercially-operated~~ commercially operated  
44       campsites may also be exempted if they have received an on-site  
46       inspection and approval from the ~~bureau~~ department.

48       **§9002. Posting and publishing**

50           ~~Sueh~~ The proclamation shall must be published in such  
52       newspapers of the State and posted in such places as the Governor  
54       deems considers necessary and a copy of ~~sueh that~~ proclamation  
56       shall must be filed with the Secretary of State. A like copy  
58       shall must be furnished to the ~~direeter~~ commissioner, who shall  
60       attend to the posting and publication of the proclamation. ~~All~~  
62       The expense thereof of posting and publication and ~~all~~ the  
64       expense of enforcing the proclamation shall ~~be~~ are paid by the  
66       ~~direeter~~ commissioner, after allowance by the State Controller,  
68       from the appropriation for general forestry purposes.

70           **Sec. 69. 12 MRSA §9201**, as amended by PL 1983, c. 556, §8, is  
72       further amended to read:

74       **§9201. Responsibility for control of forest fires**

76           Responsibility for the control of forest fires in  
78       municipalities lies in the first instance with the town forest

wardens appointed for these municipalities by the ~~direeter~~  
2 commissioner. When in the judgment of a forest ranger the  
situation so warrants, the forest ranger may relieve a town  
4 forest fire warden of responsibility for control of a forest fire  
within a municipality and assume that responsibility ~~therefor~~.  
6 Final authority and responsibility for the control of a forest  
fire ~~shall-be~~ is that of the forest ranger.

8  
Municipal ~~Municipal~~ fire department personnel and equipment  
10 shall may not be moved within or without municipal limits upon  
the order of a town forest fire warden or a forest ranger, except  
12 with the approval of the fire chief or proper municipal official  
having authority to grant such that approval.

14  
**Sec. 70. 12 MRSA §9206**, as enacted by PL 1979, c. 545, §3, is  
16 amended to read:

18 **§9206. Reports and payrolls**

20 Town forest fire wardens and state forest rangers shall  
promptly prepare a report of their investigation of the cause,  
22 extent and damage on all forest fires in their charge. They shall  
prepare an exact and detailed statement of expenses incurred  
24 ~~therein~~, immediately after total extinguishment of the forest  
fire, on forms provided by the ~~direeter~~ commissioner.

26  
Statements of expenses shall must have proper payroll  
28 receipts and vouchers. Forest fire suppression costs qualifying  
for town and state payment are labor, transportation, food, fire  
30 department equipment from outside the affected town, privately  
owned equipment and other costs approved by the state forest  
32 ranger in charge.

34 All requests for the ~~state~~ State's 1/2 reimbursement shall  
must be presented to the ~~direeter~~ commissioner within 60 days  
36 after total extinguishment of the forest fire or become void. The  
~~direeter~~ commissioner may extend the time limit provided that a  
38 preliminary report has been made.

40 The ~~direeter~~ commissioner shall examine all forest fire  
suppression bills rendered by the town to the State for  
42 reimbursement or direct payment. After items not qualifying have  
been deducted, the ~~direeter~~ commissioner shall approve them for  
44 payment.

46 **Sec. 71. 12 MRSA §9302**, as enacted by PL 1979, c. 545, §3, is  
amended to read:

48 **§9302. Closing**



2 A municipal or private dump within the State not carrying  
out this subchapter shall ~~shall~~ must be posted as "Closed to Dumping"  
4 by the town forest fire warden, or the ~~direeter~~ commissioner.  
Thereafter--~~ne~~ After notice of the closing has been posted, a  
6 person shall may not deposit refuse of any kind within, along the  
road leading to, or on land adjacent to ~~sueh~~ that closed dump.

8 **Sec. 72. 12 MRSA §9321, sub-§1**, as amended by PL 1991, c. 36,  
§1, is further amended by amending the first paragraph to read:

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

14 **Sec. 73. 12 MRSA §9321, sub-§2**, as repealed and replaced by PL  
16 1983, c. 504, §2, is amended to read:

18 **2. Revocation.** The ~~direeter~~ commissioner or ~~his~~ the  
20 commissioner's delegate may revoke any permit during a period of  
high forest fire danger or any permit ~~which~~ that results in  
22 creation of a nuisance condition without compliance with the  
provisions of Title 4, chapter 25 or Title 5, chapter 375.

24 **Sec. 74. 12 MRSA §9321, sub-§3**, as enacted by PL 1979, c. 545,  
§3, is amended to read:

26 **3. Delegation.** The ~~direeter~~ commissioner may delegate the  
28 issuance of permits to forest rangers or town forest fire wardens  
and ~~thei#~~ wardens' deputies.

30 **Sec. 75. 12 MRSA §9321, sub-§4**, as amended by PL 1991, c. 36,  
32 §2, is further amended to read:

34 **4. Conditions.** The ~~direeter~~ commissioner may issue a  
36 permit with stated conditions or restrictions to ~~insure~~ ensure  
adequate control of permitted fires in accordance with criteria  
of subsection 1 and conformity to rules of the Department of  
38 Environmental Protection.

40 **Sec. 76. 12 MRSA §9322**, as amended by PL 1993, c. 555, §2, is  
42 further amended to read:

44 **§9322. Permits in the unorganized territory**

46 **1. Permits.** ~~Ne~~ A person may not kindle or use an  
out-of-door fire in the unorganized territory unless a permit has  
48 been obtained from the ~~direeter~~ commissioner. The ~~direeter~~  
commissioner may issue a permit on lands of another unless the  
majority ownerships of the land have withdrawn permission in  
50 writing to the ~~direeter~~ commissioner.

2           **2. Exemptions.** This section does not apply to the use of  
4 portable stoves which that are fueled by propane gas, gasoline or  
6 sterno; to recreational fires kindled when the ground is covered  
with snow; or to residential use of outdoor grills and fireplaces  
for recreational purposes, such as preparing food.

8           **3. Resident guides.** Upon application, the ~~Director-of-the~~  
10 Bureau Commissioner of Forestry may issue a statewide yearly  
12 permit for out-of-door fires to resident guides licensed by the  
14 Department of Inland Fisheries and Wildlife. The ~~director~~  
commissioner may restrict the scope of a permit to correspond  
with the classification of the guide license. Use of the permit  
is conditional upon the permittee:

- 16           A. Possessing a valid guide license;
- 18           B. Complying with any landowner campfire restrictions;
- 20           C. Complying with applicable out-of-door burning laws; and
- 22           D. Complying with out-of-door fire restrictions established  
24 by the ~~director~~ commissioner for the area in which and the  
time during which fires are made.

26 The ~~director~~ commissioner shall revoke the permit of any person  
28 who violates any condition or restriction established by this  
subsection. The ~~director~~ commissioner is not required to comply  
30 with the provisions of Title 4, chapter 25 or Title 5, chapter  
375 in revoking a permit under this subsection.

32           **4. Saco River Corridor.** For the purpose of issuing permits  
34 under this section, the lands within Oxford County within the  
Saco River Corridor, ~~---se~~ designated by Private and Special Law  
1973, chapter 150, as amended, ~~shall-be~~ are subject to the same  
36 requirements and procedures as lands within the unorganized  
territory.

38           **Sec. 77. 12 MRSA §9323, sub-§1,** as enacted by PL 1979, c. 545,  
40 §3, is amended to read:

42           **1. Prohibition.** ~~No~~ A person ~~shall~~ may not kindle or use a  
44 fire for clearing land or burning logs, stumps, roots, brush,  
slash, fields of grass, pasture or blueberry lands without a  
46 permit from the ~~director~~ commissioner.

48           **Sec. 78. 12 MRSA §9324,** as amended by PL 1991, c. 36, §3, is  
further amended to read:

50           **§9324. Prohibited acts**

2           **1. Extinguishment of fire.** ~~Whoever by himself or by his~~  
3 ~~servant, agent or guide or as the servant, agent or guide of any~~  
4 ~~ether person shall build~~ A person who builds a camp, cooking or  
5 other fire or use uses an abandoned camp, cooking or other fire  
6 in or adjacent to any woods in this State, shall, before leaving  
7 such that fire, totally extinguish the same.

8  
9           **2. Time and manner of kindling.** Whoever kindles or uses a  
10 fire on his that person's own land shall do so at a suitable time  
11 and in a careful and prudent manner and is liable in a civil  
12 action to any person injured by his that person's failure to  
13 comply with this provision.

14           **3. Disposal of lighted material.** ~~No~~ A person shall ~~may not~~  
15 dispose of a lighted match, cigarette, cigar, ashes or other  
16 flaming or glowing substance or any other substance or ~~thing~~  
17 object in such a condition that it is likely to ignite forest,  
18 brush, grass or other lands or dispose of any of the ~~afesaid~~  
19 those objects or substances from a moving vehicle.

20           **4. Building fire on land of another person.** ~~No~~ A person  
21 ~~shall~~ may not kindle or use an out-of-door fire on land of  
22 another person without permission of the owner, except at public  
23 campsites and lunch grounds maintained or authorized by the  
24 bureau department, state parks and state highway picnic areas.  
25 This subsection shall does not apply to the use of portable  
26 stoves ~~whieh~~ that are fueled by propane gas, gasoline or sterno.

27           **5. Permit required.** ~~No~~ A person, firm or corporation may  
28 not burn out of doors without a permit from a town forest fire  
29 warden or forest ranger, except as provided in this section and  
30 sections 9322, ~~9324~~ and 9325.

31           **6. Domestic trash.** Residential burning of highly  
32 combustible domestic, household trash in incinerators is allowed  
33 ~~where~~ when no municipal property tax supported trash collection  
34 service is available or will accept those materials ~~provided that~~  
35 only if the incinerator has been inspected and approved by a  
36 municipal fire chief, town forest fire warden or forest ranger  
37 using minimum criteria established by the ~~director~~ commissioner  
38 for safe fire operation.

39           **Sec. 79. 12 MRSA §9333**, as enacted by PL 1979, c. 545, §3, is  
40 amended to read:

41           **§9333. Along railroads and utility lines**

42           Whoever, as stumpage owner, operator, landowner or agent,  
43 cuts, or causes or permits to be cut any forest growth on lands

2        ~~which~~ that are within or border upon the rights-of-way of any  
3 railroad, electric power, telegraph, telephone or ~~pipelines~~ pipe  
4 line shall dispose of the slash in the manner described: All  
5 slash resulting from ~~sueh~~ the cutting of forest growth shall ~~may~~  
6 not remain on the ground within the right-of-way or within 25  
7 feet of the nearer side of ~~sueh~~ that right-of-way.

8        Slash accumulated by the construction and maintenance of  
9 railroads, highways, ~~or~~ electric power, telegraph, telephone or  
10 ~~pipelines--shall~~ pipe lines ~~may~~ not be left on the ground but  
11 shall ~~must~~ be either hauled away, burned or chipped. In the event  
12 a permit is denied or revoked under section 9323, the ~~direeter~~  
13 commissioner may allow logs ~~which~~ that are too large to be  
14 chipped to remain in the right-of-way until it is economically  
15 feasible for ~~their~~ removal.

16        **Sec. 80. 12 MRSA §9334**, as amended by PL 1983, c. 556, §15,  
17 is further amended to read:

18        **§9334. Along land bordering on another**

19        Whoever, as stumpage owner, operator, landowner or agent,  
20 cuts, ~~or~~ causes or permits to be cut any forest growth on land  
21 ~~which~~ that borders land of another outside the limits of the  
22 unorganized territory or within the unorganized territory ~~which~~  
23 that borders property outside shall dispose of the slash in the  
24 manner described: All slash resulting from such cutting of forest  
25 growth shall ~~may~~ not remain on the ground within 25 feet of the  
26 property line, ~~provided-that~~ if the ~~direeter~~ commissioner on his  
27 the commissioner's own initiative or upon written complaint of  
28 another declares that the situation constitutes a fire hazard.

29        **Sec. 81. 12 MRSA §§9335 and 9336**, as enacted by PL 1979, c.  
30 545, §3, are amended to read:

31        **§9335. By dwelling houses**

32        The ~~direeter~~ commissioner, by written notice to any stumpage  
33 owner, operator, landowner or agent cutting forest growth, may  
34 require the removal of slash within 100 feet of buildings and  
35 trailers currently used for human occupancy when, in ~~his~~ the  
36 commissioner's judgment, ~~sueh~~ that slash constitutes an unusual  
37 hazard endangering other property through the setting or  
38 spreading of forest fires.

39        **§9336. Manner of removal**

40        All slash resulting from cutting of forest growth shall ~~must~~  
41 be removed the required distances under this ~~Article~~ article and  
42 scattered or chipped and not piled in windrows within 30 days  
43

2 after cutting or within 30 days of notification to remove by the  
3 ~~direeter~~ commissioner, as provided.

4 **Sec. 82. 12 MRSA §9341**, as repealed and replaced by PL 1985,  
5 c. 696, §1, is amended to read:

6 **§9341. Establishment**

7  
8 The ~~Commissioner-of-Conservation~~ commissioner may construct  
9 and maintain public campsites to prevent forest fires, by  
10 providing for fire-safe sites and by preventing a proliferation  
11 of private fires, and to provide recreational opportunities on  
12 public lands and elsewhere in the State's forests where there is  
13 inadequate provision of private, primitive campsites.

14  
15 For the purpose of carrying out this program, the  
16 commissioner may accept voluntary services and other  
17 contributions, ~~pursuant to section 5012~~, enter into leases and  
18 other agreements and, pursuant to Title 5, chapter 375,  
19 subchapter II, establish rules and a schedule of fees for the use  
20 of these campsites. All such fees and other revenues derived from  
21 grants, contributions, contracts and transfers to carry out the  
22 purposes of this section shall must be deposited in a nonlapsing  
23 account to be called the Forest Recreation Resource Fund to be  
24 used for the purposes of this section. All funds in this account  
25 shall ~~be~~ are subject to allocation by the Legislature.

26  
27 **Sec. 83. 12 MRSA §9342**, as amended by PL 1985, c. 696, §2, is  
28 further amended to read:

29 **§9342. Seasonal use only**

30  
31 No A person may not place any trailer, camper, shelter or  
32 tent from May 1st to November 30th at any public campsite  
33 maintained or authorized pursuant to section 9341 and keep that  
34 trailer, camper, shelter or tent so located, vacant or occupied,  
35 for more than 14 days in any 30-day period. Persons already  
36 having placed a trailer, camper, shelter or tent at such a  
37 campsite for more than 14 days shall remove any such item and  
38 leave at the request of the commissioner, ~~his~~ the commissioner's  
39 designee or any fish and wildlife warden.

40  
41 **Sec. 84. 12 MRSA §§9401 and 9403**, as enacted by PL 1979, c.  
42 545, §3, are amended to read:

43 **§9401. Patrol along tracks**

44  
45 Whenever in the judgment of the ~~direeter~~ commissioner the  
46 woodlands along the railroads traversing the forest lands of the  
47 State are in a dry and dangerous condition, he the commissioner

2 shall maintain a competent and efficient fire patrol along the  
right-of-way or lands of ~~such~~ those railroads if, in ~~his~~ the  
4 commissioner's judgment, a satisfactory railroad fire patrol is  
not being provided.

6 **§9403. Expense of fire patrol paid by railroad**

8 The ~~director~~ commissioner shall keep, or cause to be kept,  
an account of the cost of maintenance by the State of ~~such a~~ fire  
10 patrol along the line of ~~such a~~ railroad, including ~~therein~~ the  
wages and expenses of the employees engaged in maintaining ~~such~~  
12 that fire patrol, and the total cost thereof--~~shall~~ must be paid  
to the ~~director~~ commissioner by the railroad company along whose  
14 land or right-of-way ~~such~~ that patrol is maintained. All such  
funds received by the ~~director~~--~~shall~~ commissioner must be  
16 credited to the General Fund.

18 **Sec. 85. 12 MRSA §9405-A**, as corrected by RR 1993, c. 1, §§37  
and 38, is amended by repealing and replacing the headnote to  
20 read:

22 **§9405-A. Railroad right-of-way; commissioner may order**  
**flammable materials removed**

24 **Sec. 86. 12 MRSA §9405-A, first ¶**, as enacted by PL 1993, c.  
26 271, §2 and affected by §4, is amended to read:

28 A person, firm or corporation operating a railroad on or  
through forest, brush, grass-covered land or areas of high-value  
30 property shall maintain its right-of-way according to the minimum  
standards established in this section by destroying, removing, or  
32 modifying so as not to be flammable any vegetation or other  
flammable material as defined in this section. The ~~director~~  
34 commissioner or an authorized agent is the final authority as to  
whether material is considered a flammable material and whether a  
36 condition is considered a fire hazard.

38 **Sec. 87. 12 MRSA §9405-A, sub-§3**, as corrected by RR 1993, c.  
1, §38, is amended to read:

40 **3. Communications.** The ~~bureau~~ department shall inform  
42 annually a railroad company operating within the State of the  
5-year fire-start areas and the areas that are high-value  
44 property along its right-of-way. In addition, the ~~bureau~~  
department shall notify a railroad company of new forest fire  
46 occurrences and changes in high-value property as they are  
observed.

48 A railroad company shall notify the ~~bureau~~ department of the name  
50 and mailing address of its authorized railroad representative on

2 the effective date of this section and thereafter whenever the  
name or mailing address changes.

4 **Sec. 88. 12 MRSA §9601, sub-§2**, as enacted by PL 1989, c. 174,  
§7, is amended to read:

6  
8 **2. Approved spark arresters.** Spark arresters shall must be  
approved by the ~~director~~ commissioner if judged effective to  
10 prevent the escape of sparks, carbon deposits or other substances  
likely to cause fires. The ~~director~~ commissioner may permit the  
12 use of spark arresters certified by the United States Forest  
Service, Department of Agriculture.

14 **Sec. 89. 12 MRSA §9601-A**, as amended by PL 1989, c. 174, §8,  
is further amended to read:

16  
18 **§9601-A. Prohibition on sale of equipment without spark  
arresters**

20 No A person may not sell or offer to sell any internal  
combustion all-terrain vehicle, chain saw or skidder in this  
22 State that has not been provided with a spark arresting device  
approved by the ~~director~~ commissioner. This prohibition does not  
24 apply to casual sales as defined in Title 36, section 1752.

26 **Sec. 90. 12 MRSA §9602**, as enacted by PL 1979, c. 545, §3, is  
amended to read:

28  
30 **§9602. Obstruction of discontinued woods roads prohibited**

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

38  
40 **Sec. 91. 12 MRSA §9701**, as enacted by PL 1979, c. 545, §3, is  
amended to read:

42 **§9701. Penalty**

44 Unless otherwise specifically stated, any person who  
violates any requirement of this Part, the condition or terms of  
46 any permit or license issued by the ~~director~~ commissioner or the  
provision of any rule ~~or--regulation~~ of the bureau department  
48 commits a civil violation for which a forfeiture not to exceed  
\$1,000 may be adjudged. Each day of a violation shall--be is  
50 considered a separate offense.

2           **Sec. 92. 14 MRSA §7208**, as amended by PL 1973, c. 460, §18,  
is further amended to read:

4           **§7208. Location by direction of court**

6           ~~Sueh~~ The part shall must be located by persons appointed by  
8 the court at the expense of the defendant and a plan ~~thereof~~  
returned to the court. If confirmed by the court, it shall order  
10 an attested copy of the location and plan to be filed in the  
office of the ~~Director of the Bureau~~ Commissioner of Forestry,  
12 and judgment shall must be rendered that the State be resealed of  
the residue and for costs.

14           **Sec. 93. 17 MRSA §2268, first ¶**, as repealed and replaced by PL  
16 1975, c. 739, §13, is amended to read:

18           Every law enforcement officer in the State, including but  
not limited to State Police, county sheriffs and their deputies,  
20 municipal police, wardens of the Department of Inland Fisheries  
and Wildlife, wardens of the Department of Marine Resources,  
22 rangers of the Bureau Department of Forestry and liquor  
inspectors of the Department of Public Safety ~~shall have~~ has  
24 authority to enforce this chapter.

26           **Sec. 94. 22 MRSA §1471-C, sub-§§1, 6 and 7**, as enacted by PL  
1975, c. 397, §2, are amended to read:

28           **1. Agricultural commodity.** "Agricultural commodity" means  
30 any plant, or part ~~thereof of a plant~~, or animal or animal  
product produced by a person, including farmers, ranchers,  
32 vineyardists, plant propagators, Christmas tree growers,  
aquaculturists, floriculturists, orchardists, foresters or other  
34 comparable persons, primarily for sale, consumption, propagation  
or other use by humans or animals.

36           **6. Defoliant.** ~~The term "defoliant"~~ "Defoliant" means any  
38 substance or mixture of substances intended for causing the  
leaves or foliage to drop from a plant, with or without causing  
40 abscission.

42           **7. Desiccant.** ~~The term "desiccant"~~ "Desiccant" means any  
substance or mixture of substances intended for artificially  
44 accelerating the drying of plant tissue.

46           **Sec. 95. 22 MRSA §1471-C, sub-§11-A**, as enacted by PL 1981, c.  
374, §2, is amended to read:

48           **11-A. Government pesticide supervisor.** "Government  
50 pesticide supervisor" means any federal, state or local



2 government agency, official or employee, whether or not the  
3 person is a private applicator with respect to some uses, who, in  
4 the course of his the person's duties, responsibilities or  
5 employment, supervises the use of any pesticides. For the  
6 purposes of this subsection, "supervise" means any and all  
activity other than the direct application of pesticides.

8 **Sec. 96. 22 MRSA §1471-C, sub-§13-A**, as enacted by PL 1987, c.  
9 723, §3, is amended to read:

10 **13-A. Household use pesticide product.** "Household use  
11 pesticide product" means any general use pesticide product ~~which~~  
12 that contains no more than 3% active ingredients and ~~which that~~  
13 is applied undiluted by homeowners to control pests in and around  
14 the family dwelling and associated structures. For the purposes  
15 of this definition and section 1471-U, subsection 5, petroleum  
16 solvents ~~shall~~ are not be considered active ingredients.

18 **Sec. 97. 22 MRSA §1471-C, sub-§§18, 19 and 21**, as enacted by PL  
19 1975, c. 397, §2, are amended to read:

22 **18. Pest.** ~~The term "pest"~~ "Pest" means any insect, rodent,  
23 nematode, fungus, weed, or any other form of terrestrial or  
24 aquatic plant or animal life or virus, bacteria or other  
~~micro-organism~~ microorganism, except viruses, bacteria or other  
25 ~~micro-organisms~~ microorganisms on or in living ~~man~~ persons or  
26 other living animals, ~~which that~~ the commissioner declares to be  
27 a pest.

30 **19. Pesticide.** ~~The term "pesticide"~~ "Pesticide" means any  
31 substance or mixture of substances intended for preventing,  
32 destroying, repelling or mitigating any pest, and any substance  
33 or mixture of substances intended for use as a plant regulator,  
34 defoliant or desiccant.

36 **21. Plant regulator.** ~~The term "plant regulator"~~ "Plant  
37 regulator" means any substance or mixture of substances intended,  
38 through physiological action, for accelerating or retarding the  
39 rate of growth or rate of maturation, or for otherwise altering  
40 the behavior of plants or the produce ~~thereof~~ of plants, but  
41 ~~shall~~ does not include substances to the extent that they are  
42 intended as plant nutrients, trace elements, nutritional  
43 chemicals, plant inoculants and soil amendments. Also, ~~the term~~  
44 "plant regulator" ~~shall~~ does not ~~be required to~~ include any of  
45 ~~such--of~~ those nutrient mixtures or soil amendments ~~as--are~~  
46 commonly known as vitamin hormone horticultural products, that  
47 are intended for improvement, maintenance, survival, health and  
48 propagation of plants, and ~~as--are~~ not for pest destruction and  
49 are nontoxic and nonpoisonous in the undiluted packaged  
50 concentration.

2           **Sec. 98. 22 MRSA §1471-C, sub-§22**, as amended by PL 1975, c.  
644, §3, is further amended to read:

4  
6           **22. Private applicator.** "Private applicator" means any  
person who uses or supervises the use of any pesticide ~~which~~ that  
is classified for restricted or limited use for purposes of  
8 producing any agricultural commodity on property owned or rented  
by ~~him-or-his~~ that person or that person's employer or, if  
10 applied without compensation other than trading of personal  
services between producers of agricultural commodities, on the  
12 property of another person.

14           **Sec. 99. 22 MRSA §1471-C, sub-§23-B**, as amended by PL 1985, c.  
122, §1, is further amended to read:

16           **23-B. Spray contracting firm.** "Spray contracting firm"  
18 means a person, as defined in this section, employed or  
contracted to conduct a public or private pesticide application.  
20 This term does not include the owner or lessee of land to be  
sprayed, employees of that landowner or lessee, the ~~Bureau~~  
22 Department of Forestry, the employees of the ~~Bureau~~ Department  
of Forestry or individuals who are certified as commercial  
24 applicators.

26           **Sec. 100. 22 MRSA §1471-R, sub-§§3, 4, 5 and 6**, as enacted by PL  
1983, c. 819, Pt. A, §54, are amended to read:

28           **3. Notification to the public.** Prior to the commencement of  
30 a forest insect aerial spray application, notice ~~shall~~ must be  
given to the public as follows.

32           A. If the project is a major forest insect aerial spray  
34 application, as defined in section 1471-C, the notification  
shall must be as follows.

36           (1) At least 14 days, but not more than 30 days, prior  
38 to spray application, notice ~~shall~~ must be published in  
a newspaper of general circulation in the area  
40 affected. The notice ~~shall~~ must describe the proposed  
spray activity, the area to be sprayed, the pesticide  
42 to be used, the date or dates on which the spraying is  
proposed to take place, any public precautions ~~which~~  
44 that appear on the pesticide label and the name,  
address and telephone number of persons responsible for  
46 the activity from whom more specific information  
regarding spray areas and times may be obtained.

48           (2) Any additions of spray blocks or changes in the  
50 choice of insecticides from the notification required

2 pursuant to subparagraph (1) shall must be published in  
a newspaper of general circulation in the area affected  
at least 24 hours before the change is effected.

4  
6 (3) Notice shall must be conspicuously posted at each  
point of major ingress and egress of the public into  
8 the area to be sprayed, including, without limitation,  
marked foot trails known to be used by the public and  
10 roads accessible to 4-wheeled vehicles and open to the  
public. The notice shall must contain the information  
12 described in subparagraph (1). The board shall  
determine the time period the notice shall must be  
14 posted prior to the commencement and following the  
completion of the spray project.

16 B. If the project is a minor forest insect aerial spray  
application, as defined in section 1471-C, the notification  
18 shall must be as follows: Notice notice in a newspaper of  
general circulation in the areas affected at least 4 days,  
20 but not more than 10 days, before the commencement of spray  
application. The notice shall must contain the information  
22 required in paragraph A, subparagraph (1).

24 C. Notice shall must otherwise be provided, as required by  
rule or order of the board, when ~~that~~ the board determines  
26 additional notification procedures to be necessary to reach  
the affected public.

28 **4. Notification to the board.** Written notice shall must be  
30 given to the board:

32 A. At least 15 days, but not more than 30 days, prior to  
the commencement of a major forest insect aerial spray  
34 application; or

36 B. At least 5 days prior to the commencement of a minor  
forest insect aerial spray application.

38 The notice shall must contain the information required under  
40 subsection 3, paragraph A, subparagraph (1), and shall must also  
include any other information ~~which is~~ required by the board. The  
42 notice shall must be on such form as the board may prescribe.

44 **5. Reports.** The following reports shall must be prepared.

46 A. Following the completion of each spray period, a written  
spray period report prepared by the monitor, as defined in  
48 section 1471-C, shall must be made available to the board  
within a reasonable time period established by the board.

50

2 The report shall must describe the spray activity, shall  
3 must certify the area actually sprayed and the pesticide  
4 used, weather conditions at the time, a map showing where  
5 spray booms were turned on and off and any nontarget areas  
6 that were sprayed, and the date and time on which spraying  
7 took place. The report shall must be on such form and filed  
8 in accordance with such procedure as the board may prescribe.

9  
10 B. In the event that a reportable spray incident occurs, a  
11 spray incident report shall must be telephoned to the board  
12 immediately following the completion of each spray period.  
13 A reportable spray incident is a misapplication which that  
14 may result in a potential threat to public health or the  
15 environment, including, without limitation: ~~Failure~~ failure  
16 to turn off spray booms over sensitive areas such as water  
17 bodies or human habitation; aircraft accidents involving  
18 chemical spills; and accidental discharge of insecticide,  
19 causing risk to human health. The report shall must be on  
20 such form and filed in accordance with such procedure as the  
21 board may prescribe.

22 The spray contracting firm or applicator shall--be is  
23 responsible for complying with the requirements of this  
24 section.

25 C. A project report as described in the board's regulations  
26 shall must be filed in accordance with such procedure as the  
27 board may prescribe.

28  
29 **6. Responsibility.** The following parties shall--be are  
30 responsible for complying with the requirements of this section,  
31 unless otherwise noted:

32  
33 A. In the case of a forest insect aerial spray program  
34 administered pursuant to Title 12, chapter 803, the ~~Bureau~~  
35 Department of Forestry; and

36  
37 B. In the case of any other forest insect aerial spray  
38 activities, the landowner or the landowner's representative,  
39 or, if the land is leased, the lessee.

40  
41 **Sec. 101. 22 MRSA §1692, first and 2nd ¶¶**, as enacted by PL  
42 1981, c. 508, §1, are amended to read:

43  
44 The department shall create an Environmental Health Program  
45 within the Division of Disease Control of the ~~Bureau-of-Health,~~  
46 Department of Human Services, Bureau of Health. This program  
47 shall must be staffed by individuals with training and experience  
48 in environmental medicine, epidemiology, toxicology, statistics  
49 and related fields.  
50

2 The Environmental Health Program shall ~~shall~~ must:

4 **Sec. 102. 22 MRSA §1692, sub-§4**, as enacted by PL 1981, c.  
508, §1, is amended to read:

6 **4. Advise state agencies.** Advise the Commissioner of Human  
7 Services, as well as other state agencies and boards, such as the  
8 ~~Departments~~ Department of Conservation, the Department of  
9 Forestry, the Department of Environmental Protection and the  
10 Department of Agriculture, Food and Rural Resources, regarding  
11 the potential health implications of their actions, the nature  
12 and extent of identified problems and the steps ~~which~~ that can be  
13 taken to address them; and

14 **Sec. 103. 25 MRSA §2801-B, sub-§1, ¶C**, as amended by PL 1989,  
15 c. 936, §2, is further amended to read:

16 C. Agents or representatives of the Department of  
17 Conservation, ~~--Bureau~~ of Forestry, whose law enforcement  
18 powers are limited to those specified by Title 12, section  
19 8901, subsection 3.

20 **Sec. 104. 25 MRSA §2801-B, sub-§2**, as enacted by PL 1989, c.  
21 521, §§2 and 17, is amended to read:

22 **2. Education and training required.** The directors or  
23 commissioners of the state agencies listed in subsection 1 shall  
24 provide adequate education and training for all law enforcement  
25 officers within their jurisdiction. The board shall advise the  
26 directors or commissioners concerning appropriate and adequate  
27 training.

28 **Sec. 105. 27 MRSA §502**, as corrected by RR 1991, c. 2, §103,  
29 is amended to read:

30 **§502. Maine Historic Preservation Commission**

31 There is created the Maine Historic Preservation  
32 Commission. It consists of ~~11~~ 12 members made up as follows: ~~The~~  
33 the Commissioner of Transportation or a representative of the  
34 Department of Transportation, and the Commissioner of  
35 Conservation or a representative of the Department of  
36 Conservation and the Commissioner of Forestry or a representative  
37 of the Department of Forestry, to serve ex officio; and 9  
38 representatives from among the citizens of the State, one of whom  
39 must be elected chair and one of whom must be elected vice-chair,  
40 who are known for their competence, experience and interest in  
41 historic preservation, including at least one prehistoric  
42 archaeologist, one historic archaeologist, one historian, one  
43

2 architectural historian and one architect, to be appointed by the  
Governor. In making these appointments, due consideration must be  
4 given to the recommendations made by the representative  
professional, civic and educational associations and groups  
concerned with or engaged in the field of historic preservation.

6  
8 **Sec. 106. 29-A MRSA §556, sub-§1, ¶E,** as enacted by PL 1993,  
c. 683, Pt. A, §2 and affected by Pt. B, §5, is amended to read:

10 E. The hauling of sawlogs and pulpwood harvested on lands  
owned by the State beyond the 100-mile limitation if, for  
12 lands administered by the Department of Conservation, the  
Commissioner of Conservation consents ~~or,~~ for land  
14 administered by the Department of Forestry, the Commissioner  
of Forestry consents or, for lands administered by the  
16 Baxter State Park Authority, the authority consents to the  
transport. Consent must be given to avoid severe economic  
18 hardship or disruption of land management plans;

20 **Sec. 107. 32 MRSA §1951, sub-§3,** as amended by PL 1987, c.  
735, §58, is repealed.

22 **Sec. 108. 32 MRSA §1951, sub-§3-A** is enacted to read:

24 **3-A. Department.** "Department" means the Department of  
26 Forestry.

28 **Sec. 109. 32 MRSA §2001,** as amended by PL 1993, c. 600, Pt.  
A, §107, is further amended to read:

30 **§2001. Membership; meetings; compensation and expenses**

32 The Arborist Examining Board, as established by Title 5,  
34 section 12004-A, subsection 2, within the Department of  
Professional and Financial Regulation and called "the board,"  
36 shall administer this chapter and ~~shall consist~~ consists of 6  
members. The Governor shall appoint 6 members as follows: Two  
38 members ~~shall~~ must be licensed commercial arborists, each of whom  
~~shall~~ must have been continuously engaged in practice as licensed  
40 commercial arborists for a period of 10 years prior to  
appointment; one member ~~shall~~ must be a plant pathologist who is  
42 either on the state or University of Maine System staff and part  
of whose work is concerned with trees; one member ~~shall~~ must be a  
44 representative of the public; one member, whose work is concerned  
partially with urban forestry, ~~shall~~ must be appointed from the  
46 Bureau Department of Forestry; and one member, whose work is  
partially concerned with state registration of pesticides, ~~shall~~  
48 must be appointed from the Department of Agriculture, Food and  
Rural Resources.

2 Appointments are for 5-year terms. Appointments of members  
must comply with section 60. A board member may be removed by  
the Governor for cause.

4  
6 Commercial arborists who are appointed to be, are or have  
been members of the board ~~shall be~~ are prohibited from using this  
position in the advertising of their business in any way.

8  
10 The board shall meet at least once a year to conduct its  
business and to elect its officers. Additional meetings ~~shall~~  
must be held as necessary to conduct the business of the board,  
12 and may be convened at the call of the ~~chairman~~ chair or a  
majority of the board members. Four members of the board ~~shall~~  
14 constitute a quorum for all purposes.

16 Board members ~~shall be compensated~~ are entitled to  
compensation according to the provisions of Title 5, chapter 379.

18  
20 **Sec. 110. 32 MRSA §2004**, as amended by PL 1987, c. 735, §62,  
is further amended to read:

22 **§2004. Disposal of fees**

24 Fees collected ~~shall~~ must be credited to the board and may  
be expended by the board for any expense incurred for examining,  
26 licensing and carrying out the purposes of this subchapter. The  
Department of Forestry must be reimbursed by the board for actual  
28 expenses of services rendered to the board in administering the  
law.

30  
32 **Sec. 111. 34-A MRSA §3033, sub-§2**, as amended by PL 1989, c.  
127, §8, is further amended to read:

34 **2. Fire or disaster.** The commissioner may authorize the  
training and use of able-bodied prisoners by the ~~Bureau~~  
36 Department of Forestry or the Maine Emergency Management Agency,  
to fight fires or provide assistance during or after a civil  
38 disaster.

40 **Sec. 112. 34-A MRSA §3033, sub-§3, ¶A**, as enacted by PL 1983,  
c. 581, §§18 and 59, is amended to read:

42  
44 A. The commissioner shall ~~promulgate~~ adopt such rules as he  
deems the commissioner determines proper to ensure the care  
and treatment of the prisoners and the safe working  
46 conditions of prisoners and departmental employees.

48 **Sec. 113. 36 MRSA §575**, as amended by PL 1985, c. 785, Pt. A,  
§109, is further amended to read:

2  
3 **§575. Administration; regulations**

4 The State Tax Assessor ~~shall-have~~ has the powers and duties  
5 provided in this subchapter. ~~He~~ The State Tax Assessor shall  
6 adopt and amend such rules as may be reasonable and appropriate  
7 to carry out these responsibilities. ~~He~~ The State Tax Assessor  
8 may contract with municipal, ~~State~~ state and ~~Federal-Governments~~  
9 federal governments or their agencies to assist in the carrying  
10 out of any of ~~his~~ the State Tax Assessor's assigned tasks. ~~He~~ The  
11 State Tax Assessor is authorized to hire such technical  
12 assistance as may be required for the performance of ~~his~~ the  
13 State Tax Assessor's assigned tasks. ~~He~~ The State Tax Assessor is  
14 authorized to request such technical assistance from the ~~Forestry~~  
15 Bureau Department of Forestry or the Department of Finance as the  
16 respective department may be able to provide.

17 **Sec. 114. 36 MRSA §576**, as amended by PL 1985, c. 99, is  
18 further amended to read:

19 **§576. Powers and duties**

20  
21 The State Tax Assessor shall determine the average annual  
22 net wood production rate for each forest type described in  
23 section 573, subsections 5 to 7, in each county or region to be  
24 used in determining valuations applicable to forest land under  
25 this subchapter, on the basis of the surveys of average annual  
26 growth rates applicable in the State made from time to time by  
27 the United States Forest Service or by the ~~Maine-Forestry-Bureau~~  
28 Department of Forestry. The growth rate surveys shall must be  
29 reduced by a percentage discount factor determined by the State  
30 Tax Assessor pursuant to section 576-B to reflect the growth  
31 ~~which that~~ that can be extracted on a sustained basis. ~~The-rates-shall~~  
32 ~~be--determined--after--passage--of--this--subchapter,--and--when~~  
33 ~~determined--shall--remain--in--effect--without--change--for--each--county~~  
34 ~~through--the--property--tax--year--ending--March--31,--1975.~~ In 1974 and  
35 in every 10th year ~~thereafter~~ after 1974, the State Tax Assessor  
36 shall review and set such rates for the following 10-year period  
37 in the same manner.  
38

39 The State Tax Assessor shall determine the average stumpage  
40 value for each forest type described in section 573, subsections  
41 5 to 7, applicable in each county, or in such alternative forest  
42 economic regions as ~~he~~ the State Tax Assessor may designate,  
43 after passage of this subchapter and in each year ~~thereafter~~  
44 after passage of this subchapter, taking into consideration the  
45 prices upon sales of sound standing timber of that forest type in  
46 that area during the previous calendar year, and such other  
47 considerations as ~~he--deems~~ the State Tax Assessor determines  
48 appropriate.  
49  
50



2 The proportions of the various species making up the type  
3 are to be used in the computations of the average annual net wood  
4 production rates and average stumpage values for each forest type  
5 and the proportions of the various products are to be used in the  
6 computations of average stumpage values.

7 After the State Tax Assessor has made the foregoing  
8 determinations, he the State Tax Assessor shall apply a  
9 capitalization rate as determined by ~~him~~ the State Tax Assessor  
10 pursuant to section 576-B, to the value of the annual net wood  
11 production to determine the 100% valuation per acre for each  
12 forest type for each area and shall state the wood production  
13 rates and values used to compute same.

14 The State Tax Assessor shall hold one or more public  
15 hearings, upon the foregoing matters to be determined, shall  
16 provide for a transcript ~~thereof~~ of the hearings, and shall issue  
17 a rule or rules stating those determinations on or before April  
18 15, 1985, and on or before October 1st each year ~~thereafter~~ after  
19 1985.

20 The State Tax Assessor shall certify and transmit such rules  
21 to the municipal assessors of each municipality with respect to  
22 forest land ~~therein~~ located in each municipality on or before  
23 April 1st of each year.

24 **Sec. 115. 36 MRSA §576-A**, as enacted by PL 1973, c. 308, §5,  
25 is amended to read:

26 **§576-A. Valuation of areas other than forest land**

27 Areas other than forest land within any parcel of forest  
28 land ~~shall~~ must be valued on the basis of fair market value.

29 **Sec. 116. 36 MRSA §576-B**, as amended by PL 1985, c. 779, §80,  
30 is further amended to read:

31 **§576-B. Determination of discount factor and  
32 capitalization rate**

33 The percentage factor by which the growth rates set by the  
34 State Tax Assessor pursuant to section 576 ~~shall~~ must be reduced  
35 to reflect the growth ~~which that~~ can be extracted on a sustained  
36 basis ~~shall-be~~ is 10%.

37 By February 1st of each even-numbered year, the State Tax  
38 Assessor shall determine and prescribe by rule the capitalization  
39 rate ~~which shall~~ that must be applied to the value of the annual  
40 net wood production pursuant to section 576. Determination of the  
41 opportunity cost ~~shall~~ must consider risks, access to financial

2 markets, relative nonproperty tax treatments and all other  
relevant factors. The State Tax Assessor shall estimate this rate  
4 by use of a well-defined procedure, which shall must be publicly  
available upon completion of the State Tax Assessor's  
6 determination.

8 The State Tax Assessor shall hold one or more public  
hearings, concerning his the State Tax Assessor's determination  
10 of the capitalization rate in November of each year preceding the  
date of his the State Tax Assessor's determinations. A transcript  
12 shall must be made of the proceedings.

14 The State Tax Assessor shall be authorized to procure  
assistance in making his determinations from the University of  
16 Maine System and such state agencies as he the State Tax Assessor  
may arrange.

18 Any person aggrieved by a determination of the State Tax  
Assessor under this section may appeal in accordance with the  
20 Maine Administrative Procedure Act. A person aggrieved hereunder  
~~shall be~~ under this section is any person with a legal interest  
22 in the land subject to the determination, any municipality in  
which the land subject to the determination lies and the Attorney  
24 General, upon the written petition of 10 residents of the State,  
if he the Attorney General sees fit to intervene or appeal, in  
26 which event the Attorney General ~~shall be~~ is authorized to employ  
independent counsel to represent the petitioners if he ~~deems~~ the  
28 Attorney General determines it appropriate to do so.

30 ~~The discount factor and capitalization rate determined by~~  
~~February 1, 1978, shall be utilized in redetermining the 100%~~  
32 ~~valuation per acre for each forest type for each county for tax~~  
~~year 1978. All average annual gross wood production rates and~~  
34 ~~average stumpage values previously determined for tax years 1977~~  
~~and 1978 shall also be used to redetermine the 100% valuation per~~  
36 ~~acre for each forest type for each county for tax year 1978.~~

38 ~~The 100% valuation per acre for each forest type for each~~  
~~county for tax year 1978 shall be deposited in the office of the~~  
40 ~~Secretary of State by March 1, 1978, and shall be transmitted to~~  
~~the municipal assessors of each municipality on or before April~~  
42 ~~1, 1978.~~

44 **Sec. 117. 36 MRSA §577**, as amended by PL 1973, c. 308, §6, is  
46 further amended to read:

48 **§577. Reduced valuation under special circumstances**

1. ~~On January 1, 1972, in the case of forest land areas exceeding one acre which on January 1, 1972 did not contain more than 3 cords per acre of wood which was merchantable for forest products, the valuation shall be reduced by 50% for a period of 10 property tax years, from April 1, 1973 through March 31, 1983.~~

2. **After January 1, 1972.** In the case of forest land areas upon which, at any time after January 1, 1972, the trees are destroyed by fire, disease, insect, infestation or other natural disaster, so that the area contains not more than 3 cords per acre of wood ~~which~~ that is merchantable for forest products, the valuation of that specific land area shall must be reduced by 75% for the first 10 property tax years following the loss.

3. **Procedure to obtain reduced valuation.** In order to obtain a reduced valuation, the landowner shall make a written request to the assessor on or before January 1st of the preceding tax year, presenting facts in affidavit form ~~which~~ that meet either of the foregoing requirements. The assessor may investigate the facts, utilizing the procedures set forth in section 579, and shall then determine whether the requirements for reduced valuation are met. If the requirements are met, such forest land areas shall must be assessed on the reduced basis herein provided in this section.

4. **Report and recommendation from Commissioner of Forestry.** In determining the applicability of this section, the assessor may request a report and recommendation from the ~~Director of the Bureau~~ Commissioner of Forestry.

**Sec. 118. 36 MRSA §581-E**, as enacted by PL 1989, c. 555, §18, is amended to read:

**§581-E. Report to the Department of Forestry**

The municipal assessor or chief assessor of a primary assessing area shall report to the Bureau Department of Forestry by November 1, 1990, or 30 days following the tax commitment date, whichever is sooner, and annually ~~thereafter~~ after that date, on forms provided by the bureau department, the following information relating to land taxed according to this subchapter:

1. **Landowner names and addresses.** The names and addresses of landowners;

2. **Total acreage.** The total acres taxed pursuant to this subchapter, including a forest type breakdown by softwood, mixed wood and hardwood; and

2           **3. Year of acceptance.** The year each parcel was accepted  
for taxation under this subchapter.

4           **Sec. 119. 36 MRSA §1285**, as amended by PL 1979, c. 666, §33,  
is further amended to read:

6  
8           **§1285. Collection of taxes in unorganized townships**

10           In addition to the methods of collecting state taxes  
provided by law, owners of real estate in unorganized townships  
12 shall ~~be~~ are liable to pay such taxes to the State Tax Assessor  
upon demand. If such taxes shall ~~be~~ are not be paid within 30 days  
14 after such demand, the State Tax Assessor may collect the same,  
with interest as provided by law, by a civil action in the name  
of the State. Such action shall ~~be~~ must be brought in a court of  
16 competent jurisdiction in the county where such unorganized  
townships are located, and the Attorney General may begin and  
18 prosecute such actions when requested by the State Tax Assessor.  
The demand shall ~~be~~ is sufficient if made by a writing mailed to  
20 such owner or his ~~the owner's~~ agent at his ~~the owner's~~ usual  
post-office address. In case such owner resides ~~without~~ outside  
22 the State and has no agent ~~within~~ inside the State known to the  
State Tax Assessor, such demand shall ~~be~~ is sufficient if made  
24 upon the ~~Director of the Bureau~~ Commissioner of Forestry. Such  
action shall ~~be~~ may be brought not less than 30 days after the  
26 giving or mailing of the demand. The beginning of such action,  
obtaining execution and collecting the same shall ~~be~~ is deemed a  
28 waiver of the rights of the State under sections 1281 and 1282.  
In case the owners of any such real estate are unknown, the  
30 demand shall ~~be~~ is sufficient if advertised in the state paper  
and in some newspaper, if any, published in the county in which  
32 the real estate lies.

34           **Sec. 120. 37-B MRSA §1053**, as amended by PL 1987, c. 769, Pt.  
A, §167, is further amended to read:

36  
38           **§1053. Administration**

40           This chapter shall ~~be~~ is administered by the agency. In  
carrying out the provisions of this chapter, the agency shall  
42 consult with other state agencies, including the Soil and Water  
Conservation Commission, the State Planning Office, the  
Department of Environmental Protection, ~~the~~ Department of  
44 Conservation, ~~the Department of Forestry,~~ ~~the~~ Department of  
Transportation and ~~the~~ Department of Public Safety, on matters  
46 pertaining to the technical aspects of the administration of this  
chapter and in emergency situations may require the aid and  
48 assistance of those agencies.

2           **Sec. 121. 38 MRSA §410-J, sub-§2**, as enacted by PL 1991, c.  
345, is amended to read:

4           **2. Forestry.** The ~~Department--of--Conservation,--Bureau~~  
5 ~~Commissioner~~ of Forestry ~~in--cooperation--with--the--commissioner~~  
6 shall develop best management practice guidelines to reduce and  
7 prevent nonpoint source pollution from wood harvesting and forest  
8 management activities. The ~~Bureau~~ Department of Forestry may  
9 publish best management practice guidelines for use by landowners  
10 and wood harvesters. Landowners and wood harvesters must be  
11 notified of these guidelines and assisted in their efforts to  
12 implement the guidelines in accordance with the ~~Bureau~~ Department  
13 of Forestry advisory programs under Title 12, sections 8611 and  
14 8612.

16           **Sec. 122. 38 MRSA §634, sub-§3**, as affected by PL 1989, c.  
17 890, Pt. A, §40 and amended by Pt. B, §183, is further amended to  
18 read:

20           **3. Application review.** Within 10 working days of receiving  
21 a completed application, the commissioner shall notify the  
22 applicant of the official date on which the application was  
23 accepted.

24  
25 The commissioner shall circulate the application among the  
26 Department of Environmental Protection, the Department of  
27 Conservation, the Department of Forestry, the Department of  
28 Inland Fisheries and Wildlife, the Department of Marine  
29 Resources, the Department of Transportation, the Maine Historic  
30 Preservation Commission, the State Planning Office, the Public  
31 Utilities Commission and the municipal officials of the  
32 municipality in which the project is located. The State Planning  
33 Office and the Public Utilities Commission shall submit written  
34 comments on section 636, subsection 7, paragraph F. For projects  
35 within the jurisdiction of the Maine Land Use Regulation  
36 Commission, the director may request and obtain technical  
37 assistance and recommendations from the staff of the department.  
38 The Commissioner of Environmental Protection shall respond to the  
39 requests in a timely manner. The recommendations of the  
40 Commissioner of Environmental Protection must be considered by  
41 the commission in acting upon a project application.

42  
43           **Sec. 123. Transition provisions.**

44  
45           1. Notwithstanding the Maine Revised Statutes, Title 5,  
46 sections 1585 and 1586, all accrued expenditures, assets,  
47 liabilities, balances or allocations, transfers, revenues or  
48 other available funds in any account or subdivision of an account  
49 of the Bureau of Forestry within the Department of Conservation  
50 are reallocated to the Department of Forestry.

2           2. Personnel of the Bureau of Forestry under the Department  
of Conservation are transferred to the Department of Forestry.  
4 The accrued fringe benefits, including vacation and sick leave,  
health and life insurance and retirement, of these personnel  
6 remain with the transferred personnel.

8           3. All rules and procedures pertaining to the Bureau of  
Forestry within the Department of Conservation currently in  
10 effect or in operation on the effective date of this Act are  
transferred to the Department of Forestry and remain in effect  
12 until rescinded or amended by the Department of Forestry.

14           4. All equipment and property of the State used by  
employees and officials of the Bureau of Forestry within the  
16 Department of Conservation are transferred to the Department of  
Forestry.

18           5. The Department of Administrative and Financial Services  
20 retains all authority and duties with respect to the Department  
of Forestry that the Department of Administrative and Financial  
22 Services presently exercises with respect to all other state  
agencies, as defined in the Maine Revised Statutes, Title 5,  
24 chapters 141 to 155. The Department of Conservation may not  
exercise any of the authority or duties transferred to the  
26 Department of Forestry pursuant to this Act.

28           6. All contracts and agreements currently in effect with  
the Bureau of Forestry on the effective date of this Act remain  
30 in effect until rescinded, terminated or modified by the  
Department of Forestry.

32           7. The Department of Forestry as created by this Act must  
34 be located at the present location of the Bureau of Forestry  
following the effective date of this Act until or unless the  
36 Commissioner of Administrative and Financial Services and the  
Commissioner of Forestry agree to a new location.

38           **Sec. 124. Revision Clause.** Wherever in the Maine Revised  
40 Statutes the words "Bureau of Forestry" or "Director of the  
Bureau of Forestry" appear or reference is made to those words,  
42 they are amended to read and mean the "Department of Forestry"  
and "Commissioner of Forestry" respectively, and the Revisor of  
44 Statutes shall implement this revision when updating, publishing  
or republishing the statutes.

46

48

## STATEMENT OF FACT

2

4 This bill removes the Bureau of Forestry, also known as the  
Maine Forest Service, from within the Department of Conservation  
and establishes it as a separate, new department. Transitional  
6 provisions are made to transfer employees, equipment, accounts  
and rules from the Bureau of Forestry within the Department of  
8 Conservation to the new Department of Forestry.