

MAINE STATE LEGISLATURE

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118th MAINE LEGISLATURE

SECOND REGULAR SESSION-1998

Legislative Document

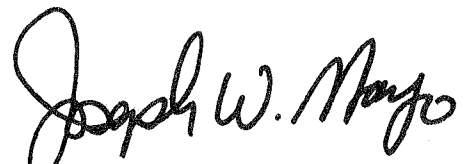
No. 2287

H.P. 1658

House of Representatives, March 24, 1998

**An Act to Implement the Recommendations of a Minority of the Joint
Standing Committee on Agriculture, Conservation and Forestry
Regarding Enhancing Forest Resource Assessment.**

Reported by Report "C" from the Joint Standing Committee on Agriculture, Conservation
and Forestry pursuant to Joint Order H.P. 1646.


JOSEPH W. MAYO, Clerk

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

2
3 **Sec. 1. 12 MRSA §8869, sub-§3**, as enacted by PL 1989, c. 555,
4 §10, is amended to read:

6 **3. Forest management plans for clear-cuts over 35 acres.**
7 For ~~clear-cuts--of--50~~ a clear-cut of 35 acres or more, the
8 landowner, or agent of the landowner, shall develop, prior to
9 harvest, a forest management plan for that clear-cut signed by a
10 professional forester that conforms to the standards set forth in
11 subsections 1 and 2. The plan must state the purpose of the
12 clear-cut. This plan must be kept on file by the landowner or
13 agent of the landowner and be available for inspection by the
14 bureau until adequate regeneration in accordance with the
15 standards set forth in subsection 1 is established.

16 **Sec. 2. 12 MRSA §8876**, as enacted by PL 1989, c. 875, Pt. J,
17 §10, is amended to read:

18
19 **§8876. Forest Resource Assessment Program**

20
21 There is established in the Bureau of Forestry a Forest
22 Resource Assessment Program. ~~The purposes of this program are~~
23 ~~to:~~ The purpose of the Forest Resource Assessment Program is to
24 systematically and continually assess the ability of the State's
25 forests to provide sustainable forest resources and socioeconomic
26 benefits for the people of this State. The Director of the
27 Bureau of Forestry, referred to in this subchapter as "the
28 director," shall implement this program to:

29
30 **1. Current status.** Assess the current status of forest
31 resources, including, but not limited to, timber, forest land
32 base, fiber, recreation, water, wildlife and soil;

33
34 **2. Future demand.** Project future demand for these forest
35 resources based on a common economic forecast developed by the
36 State Planning Office and on other appropriate economic
37 projections;

38
39 **3. Trends.** Identify trends in resource utilization and
40 forecast supply available to meet the projected demands;

41
42 **4. Potential shortfalls.** Identify potential shortfalls in
43 forest resources and the management and policy actions necessary
44 in the public and private sector to avoid shortfalls; and

45
46 **5. Recommendations.** Recommend to the Governor and the
47 Legislature the administrative and legislative policies or
48 actions needed to refine or redirect state agency programs and
49 stimulate or remove obstacles to private sector action in a
50

2 manner that contributes to an adequate supply of natural
resources.

4 ~~The Director of the Bureau of Forestry~~ director shall
6 establish and consult with technical working groups composed of
8 members of the existing staff of the Department of Conservation
10 and other persons knowledgeable in the areas referenced in
12 subsection 1 and related fields to carry out the purposes of this
chapter. The working groups must have expertise in forest
14 management, forest utilization, recreation management, land use
regulation, wildlife and fisheries management, watershed
management and other areas as determined appropriate by the
director.

16 The director shall coordinate the efforts of this program
18 fully with ongoing bureau and federal forestry program planning
efforts and with the efforts of the Maine Economic Growth Council
20 to develop a long-term plan for the State's economy pursuant to
Title 10, section 929-B.

22 **Sec. 3. 12 MRSA §8877-A is enacted to read:**

24 **§8877-A. Determination of supply and demand for timber resources**

26 The director shall use a variety of methods, including those
28 specified in this section, to assess the status of timber
resources, project future demand for these resources and forecast
the supply available to meet the projected demands.

30 1. Forest inventory. The director, in cooperation with the
32 United States Forest Service, shall conduct a forest inventory
and analysis program. The inventory must be based on plot data
34 collected annually in a manner that provides for the entire State
to be inventoried on a cycle of not more than 5 years. Plot data
36 must be collected and compiled to provide for analysis by
ownership class and geographic region. The director shall
38 provide for collection of supplemental plot data when needed to
assess the impact of catastrophic events on the State's forests
40 or significant changes in harvesting levels or methods.
Inventory data may not be presented in a manner that identifies a
landowner.

42 2. Remote sensing data. The director shall review data
44 collected using remote sensing technology to determine the area
of forest types and gross changes in forest types.

46 3. Timber supply modeling. The director shall coordinate
48 efforts to project future timber supply using forest models based
on growth, harvest and other dynamic factors affecting the

2 forest. The models must allow for statewide projections and
3 projections for geographic regions and landowner classes.

4 **Sec. 4. 12 MRSA §8878**, as enacted by PL 1989, c. 875, Pt. J,
5 §10, is repealed.

6 **Sec. 5. 12 MRSA §§8878-A and 8879** are enacted to read:

7 **§8878-A. Annual report on clearcutting**

8
9
10 The director shall prepare and publish an annual report that
11 summarizes clearcutting statewide by geographic region and by
12 ownership class. For the purposes of this section,
13 "clearcutting" means harvesting that results in an area meeting
14 the definition of a clear-cut in section 8868, subsection 1.

15
16 **1. Information.** For landowners owning 100,000 acres or more
17 of forest land statewide, the summary must include aggregate data
18 and frequency distributions and must present the following
19 information:

20
21 **A. Total area clear-cut;**

22
23 **B. Area clear-cut as a percentage of a landowner's**
24 **statewide land ownership;**

25
26 **C. Stated purposes for clearcutting;**

27
28 **D. The number of clear-cuts over 75 acres in size;**

29
30 **E. Total acres planted; and**

31
32 **F. Total acres precommercially thinned.**

33
34 **2. Sources of information.** The summary must be based on
35 landowner harvest reports required under section 8885. The
36 director may request additional information and provide field
37 verification as resources allow.

38
39 **§8879. Biennial report on the state of the State's forests**

40
41 The director shall publish a biennial report on the state of
42 the State's forests. The director must submit a copy of the
43 report to the joint standing committee of the Legislature having
44 jurisdiction over forestry matters by January 1st of odd-numbered
45 years beginning January 1, 1999.

46
47 **1. Content.** The report must describe the condition of the
48 State's forests based on historical information and information
49 collected and analyzed by the bureau for the biennium. The
50

2 report must summarize importing and exporting of forest products
3 for foreign and interstate activities. The director shall obtain
4 public input during the preparation of the report through public
5 hearings and other appropriate methods.

6 2. Recommendations. The report may include recommendations
7 for state and private actions designed to address the needs
8 identified in the assessment.

10 A. State action recommendations must be defined in terms of
11 necessary policies, programs, staff and budgetary
12 requirements to achieve specific goals.

14 B. Recommendations for actions on privately held forest
15 lands may be developed separately for large, industrial
16 ownerships and small, nonindustrial ownerships. These
17 recommendations must be defined in terms of actions needed
18 to achieve specific goals.

20 **Sec. 6. 12 MRSA §8885, sub-§1**, as enacted by PL 1989, c. 555,
21 §12 and affected by c. 600, Pt. B, §11, is amended to read:

22 **1. Harvest report.** Any Except as provided in subsection
23 1-A, an owner of forest land who sells forest products or
24 harvests forest products for that owner's commercial use shall
25 submit a report to the director stating the species, volume and
26 stumpage price per unit of measure for each transaction, the
27 municipality or township where the stumpage was located, the
28 estimated acreage of the harvest, the harvest method employed and
29 the extent of whole-tree harvesting of both solid and chipped
30 wood. For lump-sum sales, the purchaser shall be responsible for
31 submitting the report.

34 **Sec. 7. 12 MRSA §8885, sub-§1-A** is enacted to read:

36 **1-A. Alternate harvest report.** The director may develop
37 alternate forms for or methods of collecting harvest information
38 from landowners who do not harvest timber on a regular basis.
39 The director shall define landowners subject to the provisions of
40 this subsection and provide report forms pursuant to section
41 8883, subsection 2.

42 **Sec. 8. 12 MRSA §8885, sub-§2-A** is enacted to read:

44 **2-A. Report on clear-cuts.** When timber harvesting produces
45 a clear-cut as defined in section 8868, the landowner shall
46 report to the director the acreage of the clear-cut and the
47 purpose of the clear-cut.

1. It provides for annual collection of inventory data and
2 for an inventory cycle of not more than 5 years. It provides for
4 the use of remote sensing technology and modeling to assess
timber supply.

2. It requires the Director of the Bureau of Forestry to
6 prepare and publish an annual report summarizing clearcutting
8 activities.

3. It requires a biennial report on the state of the
10 State's Forests.

4. It allows alternate forms for reporting harvesting
12 information.

5. It requires a landowner to state the purpose of a
14 clear-cut on the landowner harvest report.

6. It requires a person filing a notification of intent to
16 harvest to complete and submit the harvest report whether or not
18 timber was harvested during the year.

7. It changes from semiannually to annually the required
20 report on stumpage prices published by the Bureau of Forestry.
22
24