

# MAINE STATE LEGISLATURE

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L.D. 1690

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DATE: May 18, 2001

(Filing No. S-222)

**AGRICULTURE, CONSERVATION AND FORESTRY**

Reported by:

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**STATE OF MAINE  
SENATE  
120TH LEGISLATURE  
FIRST REGULAR SESSION**

COMMITTEE AMENDMENT "A" to S.P. 544, L.D. 1690, Bill, "An Act to Promote Outcome-based Forest Policy"

Amend the bill by striking out all of the emergency preamble.

Further amend the bill in section 1 by striking out all of paragraph Q and inserting in its place the following:

'Q. The director, in cooperation with public and private landowners, shall actively pursue creating experimental areas on public and private land where the principles and applicability of outcome-based forest policy, as defined in section 8868, can be applied and tested. No more than 6 such areas may be designated, a single area may not exceed 100,000 acres and the total area under agreement may not exceed 200,000 acres. One area must be owned by a landowner holding fewer than 1,000 acres statewide. The director shall seek to designate areas representing differing forest types and conditions and from different geographic regions of the State. The term of initial agreements may not exceed 5 years. This paragraph is repealed July 1, 2006.'

Further amend the bill in section 2 in subsection 2-B in the last line (page 2, line 9 in L.D.) by inserting after the following: "forests." the following: 'This subsection is repealed July 1, 2006.'

M. S.

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2 Further amend the bill in section 3 in subsection 3-A in the  
first paragraph in the 3rd line (page 2, line 15 in L.D.) by  
striking out the following: "should" and inserting in its place  
4 the following: 'must'

6 Further amend the bill in section 3 in subsection 3-A in the  
first paragraph in the last line (page 2, line 18 in L.D.) by  
striking out the following: "should" and inserting in its place  
8 the following: 'must'

10 Further amend the bill in section 3 in subsection 3-A in the  
12 blocked paragraph in the last line (page 2, line 34 in L.D.) by  
inserting after the following: "principles." the following: 'In  
14 order to participate in the outcome based forestry experiment,  
the landowner, director and technical panel must develop agreed  
16 upon desired outcomes for the experimental area and develop a  
method for determining if the outcomes have been attained and a  
18 system for reporting results to the public. This subsection is  
repealed July 1, 2006.'

20 Further amend the bill in section 4 by striking out all of  
22 subsection 7 and inserting in its place the following:

24 '**7. Application.** This section ~~shall-apply~~ applies to all  
forest lands within the State, including land in municipal and  
26 state ownership. Only Except as provided in subsection 7-A, only  
state-owned or operated research forests or industrially owned  
28 research forests certified by the commissioner are exempt from  
these requirements.'

30 Further amend the bill by inserting after section 4 the  
32 following:

34 '**Sec. 5. 12 MRSA §8869, sub-§7-A** is enacted to read:

36 **7-A. Exemption for outcome-based forest policy experimental**  
**areas.** Outcome-based forest policy experimental areas designated  
38 under section 8003, subsection 3, paragraph O are exempt from the  
requirements of this subchapter and rules adopted pursuant to  
40 this subchapter. This subsection is repealed July 1, 2006.'

42 Further amend the bill in section 5 in subsection 13 in the  
4th line (page 2, line 51 in L.D.) by inserting after the  
44 following: "areas" the following: ', as created pursuant to  
section 8003, subsection 3, paragraph O,'

46 Further amend the bill in section 5 in subsection 13 by  
48 striking out all of the last underlined sentence (page 3, lines 7  
and 8 in L.D.) and inserting in its place the following: 'The  
50 bureau, working with the landowner and the panel of technical

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2 experts appointed under subsection 3-A, may publish reports as  
3 long as those reports do not reveal confidential information.  
4 This subsection is repealed July 1, 2006.'

6 Further amend the bill in section 6 by striking out all of  
7 subsection 1 and inserting in its place the following:

8 '1. **Content.** The report must describe the condition of the  
9 State's forests based on historical information and information  
10 collected and analyzed by the bureau for the biennium. The  
11 report must provide an assessment at the state level of progress  
12 in achieving the standards developed pursuant to section 8876-A,  
13 including progress of the outcome-based forestry experiment  
14 authorized under section 8003, subsection 3, paragraph Q. The  
15 director shall also provide observations on differences in  
16 achieving standards by landowner class. The report must  
17 summarize importing and exporting of forest products for foreign  
18 and interstate activities. The director shall obtain public  
19 input during the preparation of the report through public  
20 hearings and other appropriate methods.'

22 Further amend the bill by inserting after section 7 the  
23 following:

24 '**Sec. 8. Report to the Legislature on outcome-based forestry.** By  
25 December 31, 2005, the Director of the Bureau of Forestry within  
26 the Department of Conservation, in consultation with the panel of  
27 technical experts established pursuant to the Maine Revised  
28 Statutes, Title 12, section 8869, sub-§3-A, shall submit a report  
29 to the 122nd Legislature on the feasibility of implementing  
30 outcome-based forestry as a basis for forest policy. The report  
31 must include the results of the experiment in outcome-based  
32 forestry, established in the Maine Revised Statutes, Title 12,  
33 section 8003, subsection 3, paragraph Q, and an assessment of the  
34 feasibility of this program as an effective means to improve  
35 forest management. If the director recommends outcome-based  
36 forestry as an effective and desirable means to attain forest  
37 policy goals, the report must also include:

40 1. Justification for establishing such a policy, based on  
41 the results of the experiment, including an analysis of the  
42 improvements in forest management likely under outcome-based  
43 forestry;

44 2. Steps needed to arrive at broadly supported outcomes,  
45 based on the principles of soil productivity; water quality,  
46 wetlands and riparian zones; timber supply and quality;  
47 aesthetic impacts of timber harvesting; biological diversity; and  
48 public accountability;

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3. The conditions under which landowners would be allowed to participate in the program and be exempt from certain rules and regulations, such as bureau approval of outcome-based forestry plans;

4. The bureau's plan to assess compliance with outcome-based forestry plans and to determine thresholds for noncompliance;

5. A discussion of outcome-based forestry's potential to improve public accountability and confidence in forest management, including specific tools that can be used to improve accountability and public confidence in forestry; and

6. An overall implementation plan, including general recommendations, recommendations for statutory changes and regulatory changes and the estimated costs to implement such a plan.'

Further amend the bill by striking out all of the emergency clause.

Further amend the bill by relettering or renumbering any nonconsecutive Part letter or section number to read consecutively.

Further amend the bill by inserting at the end before the summary the following:

**FISCAL NOTE**

The Department of Conservation will incur some minor additional costs to work with private and public landowners on the implementation of outcome-based forest policy and to submit a required report to the Legislature. These costs can be absorbed within the department's existing budgeted resources.'

**SUMMARY**

This amendment is the majority report. It specifies that the designated experimental areas may be on public as well as private land. It clarifies that provisions relating to the experimental areas sunset on July 1, 2006. It requires a report by the Department of Conservation, Bureau of Forestry to the Legislature with recommendations no later than December 31, 2005. It removes the emergency preamble and clause. It also adds a fiscal note to the bill.