

MAINE STATE LEGISLATURE

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L.D. 1690

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DATE: *May 18, 2001* (Filing No. S-*223*)

AGRICULTURE, CONSERVATION AND FORESTRY

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

COMMITTEE AMENDMENT "*B*" 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 This paragraph is repealed July 1, 2006.'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 the following: 'This subsection is repealed July 1, 2006.'

Further amend the bill in section 3 by striking out all of subsection 3-A and inserting in its place the following:

COMMITTEE AMENDMENT

2 '3-A. Plans for experimental areas. Practices applied on
3 an experimental area created pursuant to section 8003, subsection
4 3, paragraph O must provide at least the equivalent forest and
5 environmental protection as provided by existing rules and any
6 applicable local regulations. At a minimum, tests of
7 outcome-based principles must be designed to demonstrate the
8 extent to which the criteria in paragraphs A to F have been
9 maintained or improved. The tests must include a means of
10 assessing the impact of forest management activities on each of
11 the following:

12 A. Soil productivity, including at a minimum an assessment
13 of soil movement and disruption caused by forest operations
14 and a measurement of the organic layer and identification
15 and assessment of soil microorganisms before and after
16 harvesting or other management activities;

17 B. Water quality, wetlands and riparian zones, including an
18 assessment of aquatic life and water quality in water bodies
19 within or in proximity to the experimental area;

20 C. Timber supply and quality, including at a minimum a
21 measurement of past stand growth for each stand within the
22 experimental area to serve as a baseline, an inventory of
23 each stand and a record of volumes harvested by species;

24 D. Aesthetic impacts of timber harvesting, including an
25 assessment of the effectiveness of the layout of harvest
26 areas, the management of harvesting residue and the
27 construction of roads and landings in minimizing negative
28 aesthetic impacts;

29 E. Biological diversity, including baseline information on
30 the percentages of the experimental area in various age
31 classes and in plantations at the beginning of the
32 experimental period and changes during the period; and

33 F. Public accountability, including an assessment of the
34 availability of information on the activities within the
35 experimental area.

36 The Governor shall appoint a panel of technical experts to work
37 with the director to implement, monitor and assess tests of
38 outcome-based forestry principles. This subsection is repealed
39 July 1, 2006.'

40 Further amend the bill in section 4 by striking out all of
41 subsection 7 and inserting in its place the following:
42

R. 018

COMMITTEE AMENDMENT "B" to S.P. 544, L.D. 1690

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

8 Further amend the bill by inserting after section 4 the
9 following:

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

11 7-A. Exemption for outcome-based forest policy experimental
12 areas. Outcome-based forest policy experimental areas designated
13 under section 8003, subsection 3, paragraph O are exempt from the
14 requirements of this subchapter and rules adopted pursuant to
15 this subchapter. This subsection is repealed July 1, 2006.'

16 Further amend the bill in section 5 in subsection 13 in the
17 4th line (page 2, line 51 in L.D.) by inserting after the
18 following: "areas" the following: ', as created pursuant to
19 section 8003, subsection 3, paragraph O, '

20 Further amend the bill in section 5 in subsection 13 by
21 striking out all of the last underlined sentence (page 3, lines 7
22 and 8 in L.D.) and inserting in its place the following: 'The
23 bureau shall publish a report with findings and conclusions for
24 each experimental area as long as information determined to be
25 confidential under this subsection is not included in the
26 published report. This subsection is repealed July 1, 2006.'

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

29 '1. **Content.** The report must describe the condition of the
30 State's forests based on historical information and information
31 collected and analyzed by the bureau for the biennium. The
32 report must provide an assessment at the state level of progress
33 in achieving the standards developed pursuant to section 8876-A,
34 including the progress of the outcome-based forestry experiment
35 authorized under section 8003, subsection 3, paragraph O,
36 including information specific to each designated experimental
37 area. The director shall also provide observations on
38 differences in achieving standards by landowner class. The
39 report must summarize importing and exporting of forest products
40 for foreign and interstate activities. The director shall obtain
41 public input during the preparation of the report through public
42 hearings and other appropriate methods.'

COMMITTEE AMENDMENT

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

'Sec. 8. Report to the Legislature on outcome-based forestry. No later than December 31, 2005, the Director of the Bureau of Forestry within the Department of Conservation, in consultation with the panel of technical experts established pursuant to the Maine Revised Statutes, Title 12, section 8869, subsection 3-A, shall submit a report to the 122nd Legislature on the feasibility of implementing outcome-based forestry as a basis for forest policy. The report must include the results of the experiment in outcome-based forestry, established in the Maine Revised Statutes, Title 12, section 8003, subsection 3, paragraph Q, and an assessment of the feasibility of this program as an effective means to improve forest management. If the director recommends outcome-based forestry as an effective and desirable means to attain forest policy goals, the report must also include:

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

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

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.

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

6 Further amend the bill by inserting at the end before the
summary the following:
8

10 FISCAL NOTE

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

18 SUMMARY

20 This amendment is the minority report. It specifies that the
22 designated experimental areas may be on public as well as private
land. It clarifies that provisions relating to the experimental
24 areas sunset on July 1, 2006. It requires tests to evaluate the
impact of forest management on each of 6 criteria. It requires
26 the biennial report of the Department of Conservation, Bureau of
Forestry to include progress reports on each designated
28 experimental area. It requires a report to the Legislature with
recommendations by December 31, 2005. It also adds a fiscal note
30 to the bill.