

MAINE STATE LEGISLATURE

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120th MAINE LEGISLATURE

FIRST REGULAR SESSION-2001

Legislative Document

No. 1690

S.P. 544

In Senate, March 20, 2001

An Act to Promote Outcome-based Forest Policy.

(EMERGENCY)

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

A handwritten signature in cursive script that reads "Joy J. O'Brien".

JOY J. O'BRIEN
Secretary of the Senate

Presented by Senator NUTTING of Androscoggin. (GOVERNOR'S BILL).
Cosponsored by Senators: KNEELAND of Aroostook, President MICHAUD of Penobscot,
Representatives: BRUNO of Raymond, CARR of Lincoln, COWGER of Hallowell, FOSTER
of Gray, GOOLEY of Farmington.

2 **Emergency preamble. Whereas,** Acts of the Legislature do not
become effective until 90 days after adjournment unless enacted
as emergencies; and

4
6 **Whereas,** the State's forest policy has suffered from
instability for years; and

8 **Whereas,** forest policy stability is critical to the
long-term investments needed for the State's working forests to
10 continue providing economic, social and ecological benefits to
the citizens of this State; and

12
14 **Whereas,** while command and control regulation can prevent
abuses of public trust resources and public values, it can not by
itself guarantee excellent forest management and may in fact
16 discourage it; and

18 **Whereas,** outcome-based forest policy has the potential to
encourage forest landowners to achieve publicly credible desired
20 future conditions in the State's forests while having the freedom
to use their creativity and skill to attain those conditions; and

22
24 **Whereas,** immediate enactment of this legislation is
necessary to record the Legislature's position on forest policy
stability; and

26
28 **Whereas,** in the judgment of the Legislature, these facts
create an emergency within the meaning of the Constitution of
Maine and require the following legislation as immediately
30 necessary for the preservation of the public peace, health and
safety; now, therefore,

32
34 **Be it enacted by the People of the State of Maine as follows:**

36 **Sec. 1. 12 MRSA §8003, sub-§3, ¶Q** is enacted to read:

38 Q. The director, in cooperation with private landowners,
shall actively pursue creating experimental areas on 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 term of initial agreements may not exceed 5
46 years.

48 **Sec. 2. 12 MRSA §8868, sub-§2-B** is enacted to read:

2 2-B. Outcome-based forest policy. "Outcome-based forest
4 policy" means a science-based, voluntary process to achieve
6 agreed-upon economic, environmental and social outcomes in the
8 State's forest, as an alternative to prescriptive regulation,
10 demonstrating measurable progress towards achieving statewide
12 sustainability goals and allowing landowners to use creativity
14 and flexibility to achieve objectives, while providing for the
16 conservation of public trust resources and the public values of
18 forests.

20 **Sec. 3. 12 MRSA §8869, sub-§3-A** is enacted to read:

22 3-A. Plans for experimental areas. Practices applied on an
24 experimental area created pursuant to section 8003, subsection 3,
26 paragraph O should provide at least the equivalent forest and
28 environmental protection as provided by existing rules and any
30 applicable local regulations. At a minimum, tests of
32 outcome-based principles should address:

34 A. Soil productivity;

36 B. Water quality, wetlands and riparian zones;

38 C. Timber supply and quality;

40 D. Aesthetic impacts of timber harvesting;

42 E. Biological diversity; and

44 F. Public accountability.

46 The Governor shall appoint a panel of technical experts to work
48 with the director to implement, monitor and assess tests of
50 outcome-based forestry principles.

Sec. 4. 12 MRSA §8869, sub-§7, as enacted by PL 1989, c. 555,
§10, is amended to read:

7. Application. This section shall ~~apply~~ applies to all
forest lands within the State, including land in municipal and
state ownership. Only state-owned or operated research forests
~~or~~ industrially owned research forests or outcome-based forest
policy experimental areas certified by the commissioner are
exempt from these requirements.

Sec. 5. 12 MRSA §8869, sub-§13 is enacted to read:

13. Confidential information. Information provided to the
bureau voluntarily or to fulfill reporting requirements for the
purposes of establishing and monitoring outcome-based forest
policy experimental areas is designated as confidential for the

2 purposes of Title 1, section 402, subsection 3, paragraph A if
3 the bureau has determined that failure to designate the
4 information as confidential would provide competitors an
5 opportunity to obtain business or competitive advantage over the
6 person to whom the information belongs or pertains or would
7 result in loss or other significant detriment to that person.
8 Summary reports may be published that use aggregated data that do
9 not reveal the activities of an individual person or firm.

10 **Sec. 6. 12 MRSA §8879, sub-§1**, as enacted by PL 1997, c. 720,
11 §13, is amended to read:

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

25 **Emergency clause.** In view of the emergency cited in the
26 preamble, this Act takes effect when approved.
27

30 SUMMARY

31 This bill adds outcome-based forest policy as another way
32 for landowners to manage forests in the State. The bill defines
33 outcome-based forest policy and makes the information provided to
34 the Department of Conservation, Bureau of Forestry concerning the
35 outcome-based forest policy experimental areas confidential. The
36 bill also directs the Director of the Bureau of Forestry in
37 cooperation with private landowners to create experimental areas
38 on private land where the principles and applicability of
39 outcome-based forest policy can be applied and tested.
40