

MAINE STATE LEGISLATURE

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120th MAINE LEGISLATURE

FIRST REGULAR SESSION-2001

Legislative Document

No. 1811

S.P. 628

In Senate, May 22, 2001

An Act to Permit the Salvage of Pulpwood.

(AFTER DEADLINE)

(EMERGENCY)

Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 205.

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 President MICHAUD of Penobscot.
Cosponsored by Representative CLARK of Millinocket and
President Pro Tem BENNETT of Oxford, Senator KNEELAND of Aroostook,
Representative: STANLEY of Medway.

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,** it is necessary that this legislation take effect
before the 90-day period so that salvage activities may begin
immediately; and

8
10 **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
12 necessary for the preservation of the public peace, health and
safety; now, therefore,

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

16 **Sec. 1. 12 MRSA §1867, sub-§1, ¶A-1** is enacted to read:

18 A-1. "Pulpwood" means a portion of a tree intended for use
20 in the paper-making process.

22 **Sec. 2. 12 MRSA §1867, sub-§1, ¶B,** as enacted by PL 1997, c.
678, §13, is amended to read:

24 B. "Salvage" means any activity involved in the retrieval
26 of sunken logs or pulpwood from submerged land.

28 **Sec. 3. 12 MRSA §1867, sub-§6** is enacted to read:

30 6. Pulpwood salvage exemption. A person who has been
32 granted a charter or other specific authorization by the
Legislature prior to June 30, 1998 to erect and maintain piers
34 and booms to collect and store pulpwood in waters over submerged
lands may salvage the pulpwood stored in compliance with that
36 charter and is exempt from subsections 3, 4 and 5 of this
section, as long as:

38 A. The person provides documentation satisfactory to the
40 bureau of the legislative charter or approval specifically
authorizing pulpwood storage at the proposed salvage site;

42 B. The salvaged pulpwood is to be processed at a mill owned
44 by the person performing the salvage;

46 C. The person performing the salvage obtains and complies
with all applicable permitting and other legal requirements
48 of local, state and federal agencies having jurisdiction
over the salvage activity; and

2 D. The person performing the salvage provides a plan
3 acceptable to the bureau that results in substantial
4 improvements or benefits to public trust rights or uses on
5 that or a related body of water.

6 Pulpwood salvaged under a plan approved and implemented in
7 accordance with the terms of this subsection is the property of
8 the person performing the salvage.

10 **Emergency clause.** In view of the emergency cited in the
11 preamble, this Act takes effect when approved.

12
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14 **FISCAL NOTE**

16 Allowing certain companies to salvage pulpwood from
17 submerged lands owned by the Bureau of Parks and Lands within the
18 Department of Conservation may result in a loss of dedicated
19 revenues usually generated by the sale of this pulpwood. The
20 amounts can not be determined at this time. However, the bureau
21 will be compensated for the value of any salvaged pulpwood by
22 improvements to the property by the involved company.

24
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26 **SUMMARY**

28 This bill allows companies previously chartered by the
29 Legislature to store wood over publicly owned submerged lands to
30 salvage the pulpwood for use in a company-owned facility.
31 Compensation to the State for the value of the pulpwood is waived
32 as long as the salvage operation results in substantial
improvements to public trust rights.