

MAINE STATE LEGISLATURE

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121st MAINE LEGISLATURE

FIRST REGULAR SESSION-2003

Legislative Document

No. 1616

H.P. 1194

House of Representatives, May 15, 2003

An Act To Promote Stewardship of Forest Resources

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

Millicent M. MacFarland
MILLICENT M. MacFARLAND
Clerk

Presented by Speaker COLWELL of Gardiner. (GOVERNOR'S BILL)
Cosponsored by Senator BRYANT of Oxford and
Representatives: FLETCHER of Winslow, KOFFMAN of Bar Harbor, McKEE of Wayne,
PINEAU of Jay, SAVIELLO of Wilton, SMITH of Monmouth, Senators: President
DAGGETT of Kennebec, KNEELAND of Aroostook.

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

PART A

Sec. A-1. 12 MRSA c. 805, sub-c. 3-A, §8866 is enacted to read:

§8866. Purpose

The Legislature finds and declares that the State's forests are resources of state significance. These resources have great economic value, environmental value, scenic beauty and unique characteristics and unsurpassed recreational, cultural and historical values of present and future benefit to the citizens of the State. The well-being of communities of the State depends upon sustainable forest management. Liquidation harvesting is a serious and direct threat to forest management, forest industries and rural communities over the landscape of Maine. Liquidation harvesting produces significant adverse economic and environmental effects and threatens the health, safety and general welfare of the citizens of the State. Liquidation harvesting is incompatible with responsible forest stewardship and must be substantially eliminated.

Sec. A-2. 12 MRSA §8868, sub-§6 is enacted to read:

6. Liquidation harvesting. "Liquidation harvesting" means the purchase of timberland followed by a harvest that removes most or all commercial value in standing timber, without regard for long-term forest management principles, and the subsequent sale or attempted resale of the harvested land within 5 years.

Sec. A-3. 12 MRSA §8869, first ¶, as enacted by PL 1989, c. 555, §10, is amended to read:

To promote a healthy and sustainable forest that contains a balance of age classes necessary for a sustainable timber supply and spatial and compositional diversity, forest harvesting shall be and liquidation harvesting are regulated pursuant to this subchapter.

Sec. A-4. 12 MRSA §8869, sub-§14 is enacted to read:

14. Substantial elimination of liquidation harvesting. The commissioner shall adopt rules to substantially eliminate liquidation harvesting.

Sec. A-5. Rulemaking regarding liquidation harvesting. No later than February 1, 2004, the Commissioner of Conservation shall provisionally adopt rules to substantially eliminate

2 liquidation harvesting by requiring measures that include,
without limitation, increased professional involvement in
4 planning and implementation of timber harvesting activities on
forest lands.

6 Rules adopted pursuant to this section must require that
timber harvesting activities be conducted with attention to
8 long-term forest management principles. The rules must include
appropriate exemptions, including, but not limited to, exemptions
10 for landowners and land managers with independent 3rd-party
certification, harvests covering small acreages and permitted
12 land conversions. The rules must apportion appropriate legal
responsibilities to landowners, foresters and loggers for
14 compliance with the rules.

16 The Commissioner of Conservation shall consult with the
Commissioner of Environmental Protection and the Commissioner of
18 Inland Fisheries and Wildlife to ensure that Bureau of Forestry
rules regarding forestry practices are consistent with
20 environmental and wildlife habitat protection.

22 Rules adopted pursuant to this section are major substantive
rules as defined in the Maine Revised Statutes, Title 5, chapter
24 375, subchapter 2-A and must be submitted to the Legislature no
later than March 1, 2004 for review.
26

28 PART B

30 **Sec. B-1. Report to Legislature.** No later than January 2, 2004,
the Commissioner of Conservation shall report to the Joint
32 Standing Committee on Agriculture, Conservation and Forestry with
recommendations and an implementation plan for solutions to the
34 issue of liquidation harvesting. The commissioner shall review,
at a minimum, the following:
36

38 1. Improvements to standards and guidelines for timber
harvests;

40 2. Increased professional involvement in timber harvests;

42 3. Improved professional accountability of foresters;

44 4. Modifications to land use laws;

46 5. Disincentives to liquidation harvesting;

48 6. Incentives for landowners who receive independent,
3rd-party certification that their forest lands are well managed;
50

52 7. Economic policies to expand markets for forest products
harvested from well-managed forests and to promote Maine as a

2 world leader in green-certified forest lands, as certified by the
Forest Stewardship Council and forest products; and

4 8. Other relevant approaches.

6 In conducting the review, the commissioner shall solicit
input from representatives of the forestry industry, state
8 agencies, municipalities, industrial and nonindustrial
landowners, environmental groups, Legislators and members of the
10 public.

12 The final report must include proposed changes to existing
laws, rules and policies necessary to implement the
14 recommendations.

16 **Sec. B-2. Legislation authorized.** The Joint Standing Committee
on Agriculture, Conservation and Forestry may report out a bill
18 to the Second Regular Session of the 121st Legislature to
implement any or all of the provisions of the plan recommended
20 under section 1 of this Part or revisions to the plan approved by
the committee.

22
24 **SUMMARY**

26 Part A of this bill defines the public's interest in
forests, defines "liquidation harvesting" and requires the
28 Commissioner of Conservation to adopt rules substantially
prohibiting liquidation harvesting.

30 The commissioner is required to provisionally adopt major
32 substantive rules to eliminate liquidation harvesting by
requiring measures that include, without limitation, increased
34 professional involvement in planning and implementation of timber
harvesting activities on forest lands.

36 Part B requires the Commissioner of Conservation to develop
38 recommendations for additional solutions to the issue of
liquidation harvesting. It requires the Department of
40 Conservation to provide a final report no later than January 2,
2004 to the Joint Standing Committee on Agriculture, Conservation
42 and Forestry and authorizes the committee to report out a bill to
the Second Regular Session of the 121st Legislature to implement
44 the recommendations in the report.