

# MAINE STATE LEGISLATURE

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L.D. 1782

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DATE: 2-24-04

(Filing No. H-714)

**AGRICULTURE, CONSERVATION AND FORESTRY**

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**STATE OF MAINE  
HOUSE OF REPRESENTATIVES  
121ST LEGISLATURE  
SECOND SPECIAL SESSION**

COMMITTEE AMENDMENT "A" to H.P. 1304, L.D. 1782, Bill, "An Act To Provide Residents of the United States with Timber Harvesting Jobs on Land Managed by the Department of Conservation, Bureau of Parks and Lands"

Amend the bill by striking out the title and substituting the following:

**'An Act To Ensure Fair Payment for Timber Harvesting Jobs on Land Managed by the Department of Conservation, Bureau of Parks and Lands'**

Further amend the bill by striking out everything after the enacting clause and before the summary and inserting in its place the following:

**'Sec. 1. 12 MRSA §1834, sub-§2, as enacted by PL 1997, c. 678, §13, is amended to read:**

**2. Grant of permits.** The bureau may grant permits and enter into contracts to cut timber, harvest grass and wild foods, tap maple trees for sap and cultivate and harvest crops provided that those permits and contract rights create revocable licenses to the permittee or party to the contract and do not create any real property interest in the nonreserved public lands. Permits and contracts for the harvesting of timber from the nonreserved public lands must include a provision requiring that persons engaged in timber harvesting on the nonreserved public lands be compensated at rates not less than the most recently issued prevailing wage and piece rates and equipment allowances for the pulpwood and logging industry as determined by the Department of Labor, Bureau of Labor Standards.

**COMMITTEE AMENDMENT**

2 If the Department of Labor does not determine a prevailing wage  
4 or piece rate for a timber harvesting occupation or an equipment  
6 allowance for a type of harvesting equipment, the director may  
8 establish those rates by referring to prevailing rates and  
10 allowances in the industry for that occupation or type of  
12 equipment. Any rates or allowances established by the director  
14 under this subsection apply only to permits and contracts on  
16 nonreserved public lands governed by this section.

18 **Sec. 2. 12 MRSA §1848, sub-§2, as enacted by PL 1997, c. 678,**  
20 **§13, is amended to read:**

22 **2. Grant of permits.** The bureau may grant permits and  
24 enter into contracts to cut timber, harvest grass and wild foods,  
26 tap maple trees for sap and cultivate and harvest crops provided  
that such permits and contract rights create revocable licenses  
to the permittee or party to the contract and do not create any  
real property interest in the public reserved lands. Permits and  
contracts for the harvesting of timber from the reserved public  
lands must include a provision requiring that persons engaged in  
timber harvesting on the public reserved lands be compensated at  
rates not less than the most recently issued prevailing wage and  
piece rates and equipment allowances for the pulpwood and logging  
industry as determined by the Department of Labor, Bureau of  
Labor Standards.

28 If the Department of Labor does not determine a prevailing wage  
30 or piece rate for a timber harvesting occupation or an equipment  
32 allowance for a type of harvesting equipment, the director may  
34 establish those rates by referring to prevailing rates and  
36 allowances in the industry for that occupation or type of  
38 equipment. Any rates or allowances established by the director  
40 under this subsection apply only to permits and contracts on  
42 public reserved lands governed by this section.'

### 38 SUMMARY

40 This amendment replaces the bill. It requires a contract to  
42 harvest timber on the public reserved and nonreserved lands to  
44 include a provision requiring that timber harvesters be paid a  
46 wage or piece rate not less than the prevailing wage or rate  
established by the Maine Department of Labor and equipment  
allowances equal to or greater than the allowances established by  
the Department of Labor. If a prevailing wage or piece rate is  
not established by the Department of Labor for a specific

COMMITTEE AMENDMENT "A" to H.P. 1304, L.D. 1782

2 harvesting occupation or an equipment allowance is not  
established by the Department of Labor for a specific type of  
equipment, the Director of the Bureau of Parks and Lands is  
4 authorized to establish wages or piece rates and allowances to  
apply on the reserved and nonreserved lands.

**FISCAL NOTE REQUIRED**  
**(See attached)**

**121st Maine Legislature  
Office of Fiscal and Program Review**

**LD 1782**

**An Act To Provide Residents of the United States with Timber  
Harvesting Jobs on Land Managed by the Department of Conservation,  
Bureau of Parks and Lands**

**LR 2385(02)**

**Fiscal Note for Bill as Amended by Committee Amendment " "**

**Committee: Agriculture, Conservation and Forestry**

**Fiscal Note Required: Yes**



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**Fiscal Note**

Possible current biennium revenue decrease - Other Special Revenue Funds

**Fiscal Detail and Notes**

As a result of certain timber harvesting employment requirements, the Department of Conservation estimates that collections of Other Special Revenue Funds revenues may decrease. Any decrease will depend on certain employment factors; the amounts can not be determined at this time.