

MAINE STATE LEGISLATURE

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AGRICULTURE, CONSERVATION AND FORESTRY

Minority

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STATE OF MAINE
HOUSE OF REPRESENTATIVES
122ND LEGISLATURE
SECOND REGULAR SESSION

COMMITTEE AMENDMENT "B" to H.P. 1312, L.D. 1872, Bill, "An Act To Provide Forest Certification Cost-share Incentives to Forest Landowners and Licensed Foresters"

Amend the bill by striking out all of section 2 and inserting in its place the following:

'Sec. 2. 12 MRSA §8011, as enacted by PL 2001, c. 439, Pt. KKKK, §1, is repealed and the following enacted in its place:

§8011. Cost-share fund established; purpose

A forest certification incentive cost-share fund, referred to in this chapter as "the fund," is established as a nonlapsing dedicated account to provide incentives to licensed foresters and landowners for obtaining independent 3rd-party certification and recertification. The bureau shall administer the fund in accordance with section 8014. The bureau may accept donations and grants from public and private sources for deposit in the fund.'

Further amend the bill in section 3 in subsection 3 in paragraph B in the 2nd line (page 2, line 5 in L.D.) by striking out the following: "must receive no" and inserting in its place the following: 'may not receive any'

Further amend the bill by striking out all of section 5 and inserting in its place the following:

2 'Sec. 5. 12 MRSA §8013, as enacted by PL 2001, c. 439, Pt.
KKKK, §1, is repealed.

4 Sec. 6. 12 MRSA §8014 is enacted to read:

6 **§8014. Administration of cost-share fund; procedure**

8 The bureau shall administer the fund to reimburse eligible
10 persons for a portion of the costs of obtaining independent
3rd-party certification in accordance with this section.

12 1. Eligibility. The following persons are eligible for
cost-share funds:

14 A. A licensed forester who has obtained independent
16 3rd-party certification or recertification as a forest
18 resource manager in order that the forester's client
landowners may obtain the benefits accruing from such
certification;

20 B. A landowner who owns 1,000 acres or less of forest land
22 statewide, has obtained independent 3rd-party certification
24 or recertification for the land and submits the verification
required under subsection 5; and

26 C. A group of landowners who have collectively obtained
28 3rd-party certification or recertification for their land as
long as some or all of the landowners own 1,000 acres or
30 less and the group submits the verification required under
subsection 6.

32 2. Maximum amount of cost-share funds distributed. The
34 amount of cost-share funds distributed to a person eligible for
reimbursement under subsection 1 may not exceed 50% of the cost
of obtaining independent 3rd-party certification.

36 The maximum amount of cost-share funds distributed to a group of
38 landowners eligible for reimbursement under subsection 1,
40 paragraph C is calculated by multiplying the number of landowners
in the group who own 1,000 acres or less of forest land by 50% of
42 the cost of obtaining independent 3rd-party certification and
dividing the product by the total number of landowners in the
group.

44 For the purposes of this subsection, "cost of obtaining
46 independent 3rd-party certification" means the fee paid to an
external auditor to complete the certification process.

48 3. Repayment required. A licensed forester, landowner or
50 group of landowners that accepts cost-share funds in accordance

2 with this chapter but that fails to retain certification for the
3 full certification period shall repay the full amount of the
4 cost-share funds received to the bureau. The bureau may impose a
5 reasonable interest rate on the amount of the funds to be
6 repaid. The bureau shall deposit all repayments and interest
7 received under this subsection into the fund.

8 4. Forms. The bureau shall provide application forms for
9 licensed foresters, landowners and groups of landowners seeking
10 cost-share funds pursuant to this chapter.

11 5. Verification for landowner. To qualify for cost-share
12 funds, a landowner must provide a statement signed by the
13 external auditor performing the certification under this section
14 verifying that the auditor does not have a conflict of interest,
15 including, but not limited to, a role in management of the land,
16 and that the management plan and its implementation are
17 consistent with recommendations or published guidelines for an
18 independent 3rd-party certification program and address the
19 following:

20
21 A. Sustainable harvest of timber consistent with ownership
22 size and forest conditions;

23 B. Improvement of timber quality;

24
25 C. Known occurrences of rare, threatened or endangered
26 species listed by the Natural Areas Program established
27 under section 544 and the Department of Inland Fisheries and
28 Wildlife;

29 D. Known occurrences of plants or natural communities
30 designated by the Natural Areas Program established under
31 section 544 in accordance with section 544-B;

32 E. Deer wintering areas and other important habitats
33 identified by the Department of Inland Fisheries and
34 Wildlife;

35 F. Vernal pools and other important habitats identified
36 during site visits; and

37 G. Diversity within native habitats, such as size and
38 condition of trees and age classes of stands, consistent
39 with ownership size and forest conditions.

40
41 6. Verification for group of landowners. A group of
42 landowners applying for cost-share funds must provide a statement
43 signed by the group's certification manager verifying that:
44

2 A. A representative subset of the entire group of certified
properties has been sampled during a field audit process; and

4 B. Management of the certified properties is consistent
with the guidelines under subsection 5, paragraphs A to G.'

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SUMMARY

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12 This amendment is the minority report of the Joint Standing
14 Committee on Agriculture, Conservation and Forestry. Like the
16 majority report, it expands the eligibility criteria for
18 reimbursement from the forest certification incentive cost-share
20 fund to include a group of landowners who collectively receive
certification, allows the fund to be used for recertification and
limits the amount of reimbursement received by a group of
landowners based on the number of landowners at or below the
1,000-acre ownership threshold. The minority report adds that to
qualify for cost-share funds, a landowner or group of landowners
must submit a statement verifying that management of the
certified land addresses each of 7 areas.