

MAINE STATE LEGISLATURE

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122nd MAINE LEGISLATURE

SECOND REGULAR SESSION-2006

Legislative Document

No. 2083

H.P. 1474

House of Representatives, March 21, 2006

**An Act To Implement the Recommendations of the Joint Standing
Committee on Agriculture, Conservation and Forestry Relating to
Review of the Department of Conservation**

(EMERGENCY)

Reported by Representative PIOTTI of Unity for the Joint Standing Committee on
Agriculture, Conservation and Forestry pursuant to the Maine Revised Statutes, Title 3, section
955, subsection 4.

Millicent M. MacFarland
MILLICENT M. MacFARLAND
Clerk

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

3 **Whereas,** statutes authorizing the Department of Conservation, Bureau of Forestry
4 to study outcome-based forest policy as an alternative to prescriptive regulation will be
5 repealed on July 1, 2006 unless action is taken by the Legislature; and

6 **Whereas,** an extension of this repeal date is necessary for further study by the
7 bureau of this potentially beneficial policy; and

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

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

13 **Sec. 1. 3 MRSA §959, sub-§1, ¶A,** as amended by PL 2003, c. 578, §1 and c.
14 600, §1, is further amended to read:

15 A. The joint standing committee of the Legislature having jurisdiction over
16 agriculture, conservation and forestry matters shall use the following list as a
17 guideline for scheduling reviews:

- 18 (1) Baxter State Park Authority in 2009;
- 19 (2) Department of Conservation in ~~2005~~ 2011;
- 20 (3) Blueberry Advisory Committee in ~~2005~~ 2011;
- 21 (4) Board of Pesticides Control in ~~2005~~ 2011;
- 22 (5) Wild Blueberry Commission of Maine in ~~2005~~ 2011;
- 23 (6) Seed Potato Board in ~~2005~~ 2011;
- 24 (7) Maine Dairy and Nutrition Council in 2007;
- 25 (8) Maine Dairy Promotions Board in 2007;
- 26 (9) Maine Milk Commission in 2007;
- 27 (10) State Harness Racing Commission in 2007;
- 28 (11) Maine Agricultural Bargaining Board in ~~2003~~ 2009;
- 29 (12) Department of Agriculture, Food and Rural Resources in 2009; and
- 30 (14) Land for Maine's Future Board in 2007.

31 **Sec. 2. 12 MRSA §8003, sub-§3, ¶Q,** as enacted by PL 2001, c. 339, §1, is
32 amended to read:

33 Q. The director, in cooperation with public and private landowners, shall actively
34 pursue creating experimental areas on public and private land where the principles
35 and applicability of outcome-based forest policy, as defined in section 8868, can be
36 applied and tested. No more than 6 such areas may be designated, a single area may

1 not exceed 100,000 acres and the total area under agreement may not exceed 200,000
2 acres. One area must be owned by a landowner holding fewer than 1,000 acres
3 statewide. The director shall seek to designate areas representing differing forest
4 types and conditions and from different geographic regions of the State. The term of
5 initial agreements may not exceed 5 years. This paragraph is repealed July 1, ~~2006~~
6 2007.

7 **Sec. 3. 12 MRSA §8868, sub-§2-B,** as enacted by PL 2001, c. 339, §2, is
8 amended to read:

9 **2-B. Outcome-based forest policy.** "Outcome-based forest policy" means a
10 science-based, voluntary process to achieve agreed-upon economic, environmental and
11 social outcomes in the State's forest, as an alternative to prescriptive regulation,
12 demonstrating measurable progress towards achieving statewide sustainability goals and
13 allowing landowners to use creativity and flexibility to achieve objectives, while
14 providing for the conservation of public trust resources and the public values of forests.
15 This subsection is repealed July 1, ~~2006~~ 2007.

16 **Sec. 4. 12 MRSA §8869, sub-§3-A,** as enacted by PL 2001, c. 339, §3, is
17 amended to read:

18 **3-A. Plans for experimental areas.** Practices applied on an experimental area
19 created pursuant to section 8003, subsection 3, paragraph Q must provide at least the
20 equivalent forest and environmental protection as provided by existing rules and any
21 applicable local regulations. At a minimum, tests of outcome-based principles must
22 address:

- 23 A. Soil productivity;
- 24 B. Water quality, wetlands and riparian zones;
- 25 C. Timber supply and quality;
- 26 D. Aesthetic impacts of timber harvesting;
- 27 E. Biological diversity; and
- 28 F. Public accountability.

29 The Governor shall appoint a panel of technical experts to work with the director to
30 implement, monitor and assess tests of outcome-based forestry principles. In order to
31 participate in the outcome-based forestry experiment, the landowner, director and
32 technical panel must develop agreed-upon desired outcomes for the experimental area
33 and develop a method for determining if the outcomes have been attained and a system
34 for reporting results to the public. This subsection is repealed July 1, ~~2006~~ 2007.

35 **Sec. 5. 12 MRSA §8869, sub-§7-A,** as enacted by PL 2001, c. 339, §5, is
36 amended to read:

37 **7-A. Exemption for outcome-based forest policy experimental areas.** Outcome-
38 based forest policy experimental areas designated under section 8003, subsection 3,
39 paragraph Q are exempt from the requirements of this subchapter and rules adopted
40 pursuant to this subchapter. This subsection is repealed July 1, ~~2006~~ 2007.

1 authorization for outcome-based forestry. It authorizes the committee to report out
2 legislation to the 123rd Legislature.

3 This bill requires the Director of the Bureau of Parks and Lands within the
4 Department of Conservation to review the bureau's rent structure for leasing submerged
5 lands and to report back to the joint standing committee of the Legislature having
6 jurisdiction over public lands by January 2, 2007. This bill also establishes the next
7 review date for agencies reviewed by the Joint Standing Committee on Agriculture,
8 Conservation and Forestry under the State Government Evaluation Act.

FISCAL NOTE REQUIRED
(See attached)

Approved: 03/19/06 *MAC*



122nd MAINE LEGISLATURE

LD 5083

LR 3166(01)

**An Act to Implement the Recommendations of the Joint Standing Committee of Agriculture,
Conservation and Forestry Relating to Review of the Department of Conservation**

Fiscal Note for Committee Bill

Committee: Agriculture, Conservation and Forestry

Fiscal Note Required: Yes

Fiscal Note

Minor cost increase - General Fund