

MAINE STATE LEGISLATURE

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123rd MAINE LEGISLATURE

FIRST REGULAR SESSION-2007

Legislative Document

No. 1914

S.P. 713

May 23, 2007

An Act To Extend the Time Allowed for Outcome-based Forestry

(EMERGENCY)

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 Senator NUTTING of Androscoggin. (GOVERNOR'S BILL)

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

3 **Whereas,** this legislation seeks to extend the time during which the laws governing
4 outcome-based forestry are in effect; and

5 **Whereas,** the laws governing outcome-based forestry are scheduled to be repealed
6 July 1, 2007; and

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

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

12 **Sec. 1. 12 MRSA §8003, sub-§3, ¶Q,** as amended by PL 2005, c. 550, §2, is
13 further amended to read:

14 Q. The director, in cooperation with public and private landowners, shall actively
15 pursue creating experimental areas on public and private land where the principles
16 and applicability of outcome-based forest policy, as defined in section 8868, can be
17 applied and tested. No more than 6 such areas may be designated, ~~a single area may~~
18 ~~not exceed 100,000 acres and the total area under agreement may not exceed 200,000~~
19 ~~acres. One area must be owned by a landowner holding fewer than 1,000 acres~~
20 ~~statewide.~~ The director shall seek to designate areas representing differing forest
21 types and conditions and from different geographic regions of the State. The term of
22 initial agreements may not exceed 5 years. This paragraph is repealed July 1, 2007
23 2012.

24 **Sec. 2. 12 MRSA §8868, sub-§2-B,** as amended by PL 2005, c. 550, §3, is
25 further amended to read:

26 **2-B. Outcome-based forest policy.** "Outcome-based forest policy" means a
27 science-based, voluntary process to achieve agreed-upon economic, environmental and
28 social outcomes in the State's forest, as an alternative to prescriptive regulation,
29 demonstrating measurable progress towards achieving statewide sustainability goals and
30 allowing landowners to use creativity and flexibility to achieve objectives, while
31 providing for the conservation of public trust resources and the public values of forests.
32 This subsection is repealed July 1, 2007 2012.

33 **Sec. 3. 12 MRSA §8869, sub-§3-A,** as amended by PL 2005, c. 550, §4, is
34 further amended to read:

35 **3-A. Plans for experimental areas.** Practices applied on an experimental area
36 created pursuant to section 8003, subsection 3, paragraph Q must provide at least the
37 equivalent forest and environmental protection as provided by existing rules and any
38 applicable local regulations. At a minimum, tests of outcome-based principles must
39 address:

- 1 A. Soil productivity;
- 2 B. Water quality, wetlands and riparian zones;
- 3 C. Timber supply and quality;
- 4 D. Aesthetic impacts of timber harvesting;
- 5 E. Biological diversity; and
- 6 F. Public accountability.

7 The Governor shall appoint a panel of technical experts to work with the director to
8 implement, monitor and assess tests of outcome-based forestry principles. In order to
9 participate in the outcome-based forestry experiment, the landowner, director and
10 technical panel must develop agreed-upon desired outcomes for the experimental area
11 and develop a method for determining if the outcomes have been attained and a system
12 for reporting results to the public. This subsection is repealed July 1, ~~2007~~ 2012.

13 **Sec. 4. 12 MRSA §8869, sub-§7-A**, as amended by PL 2005, c. 550, §5, is
14 further amended to read:

15 **7-A. Exemption for outcome-based forest policy experimental areas.** Outcome-
16 based forest policy experimental areas designated under section 8003, subsection 3,
17 paragraph Q are exempt from the requirements of this subchapter and rules adopted
18 pursuant to this subchapter. This subsection is repealed July 1, ~~2007~~ 2012.

19 **Sec. 5. 12 MRSA §8869, sub-§13**, as amended by PL 2005, c. 550, §6, is further
20 amended to read:

21 **13. Confidential information.** Information provided to the bureau voluntarily or to
22 fulfill reporting requirements for the purposes of establishing and monitoring outcome-
23 based forest policy experimental areas, as created pursuant to section 8003, subsection 3,
24 paragraph Q, is designated as confidential for the purposes of Title 1, section 402,
25 subsection 3, paragraph A if the bureau has determined that failure to designate the
26 information as confidential would provide competitors an opportunity to obtain business
27 or competitive advantage over the person to whom the information belongs or pertains or
28 would result in loss or other significant detriment to that person. The bureau, working
29 with the landowner and the panel of technical experts appointed under subsection 3-A,
30 may publish reports as long as those reports do not reveal confidential information. This
31 subsection is repealed July 1, ~~2007~~ 2012.

32 **Emergency clause.** In view of the emergency cited in the preamble, this
33 legislation takes effect when approved.

34 **SUMMARY**

35 This bill extends the time during which the laws governing outcome-based forestry
36 are in effect. These laws are scheduled to be repealed July 1, 2007. This bill delays the
37 repeal date until July 1, 2012. It removes the acreage limitations on outcome-based
38 forestry agreements.