

# MAINE STATE LEGISLATURE

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# 124th MAINE LEGISLATURE

## SECOND REGULAR SESSION-2010

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Legislative Document

No. 1552

H.P. 1094

House of Representatives, December 21, 2009

### **An Act To Improve Employment Opportunities for Maine Workers in the Forest Industry**

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Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 203.

Received by the Clerk of the House on December 17, 2009. Referred to the Committee on Labor pursuant to Joint Rule 308.2 and ordered printed pursuant to Joint Rule 401.

*Millicent M. MacFarland*  
MILLICENT M. MacFARLAND  
Clerk

Presented by Representative MARTIN of Eagle Lake.  
Cosponsored by Senator JACKSON of Aroostook.

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

2 **Sec. 1. 12 MRSA §8883-B, sub-§2, ¶A,** as enacted by PL 2003, c. 452, Pt. F,  
3 §44 and affected by Pt. X, §2, is amended to read:

4 A. The name, address and phone number of the landowner, any designated agent  
5 and, ~~if known, any harvester or harvesters.~~ The notification must indicate if the  
6 harvester uses bonded labor under the federal H2 bonded labor program under 20  
7 Code of Federal Regulations, Section 655.200 et seq. If a landowner or a harvester  
8 employed by or under contract to the landowner uses bonded labor under the federal  
9 H2 bonded labor program or the landowner fails to provide the information required  
10 under this paragraph and the land being harvested is taxed under the Maine Tree  
11 Growth Tax Law, the director of the bureau shall notify the State Tax Assessor and  
12 the assessor of the jurisdiction in which the parcel is located that the land or a portion  
13 of the land no longer meets the requirements of Title 36, chapter 105, subchapter 2-A  
14 and must be withdrawn in accordance with Title 36, section 581;

15 **Sec. 2. 36 MRSA §574-B, sub-§2,** as enacted by PL 1989, c. 555, §16, is  
16 amended to read:

17 **2. Evidence of compliance with plan.** The landowner must comply with the plan  
18 developed under subsection 1, and must submit, every 10 years to the municipal assessor  
19 in a municipality or the State Tax Assessor for parcels in the unorganized territory, a  
20 statement from a licensed professional forester that the landowner is managing the parcel  
21 according to schedules in the plan required under subsection 1; ~~and~~

22 **Sec. 3. 36 MRSA §574-B, sub-§3,** as repealed and replaced by PL 2001, c. 603,  
23 §4, is amended to read:

24 **3. Transfer of ownership.** When land taxed under this subchapter is transferred to a  
25 new owner, within one year of the date of transfer, the new landowner must file with the  
26 municipal assessor or the State Tax Assessor for land in the unorganized territory one of  
27 the following:

- 28 A. A sworn statement indicating that a new forest management and harvest plan has  
29 been prepared; or
- 30 B. A statement from a licensed professional forester that the land is being managed  
31 in accordance with the plan prepared for the previous landowner.

32 The new landowner may not harvest or authorize the harvest of forest products for  
33 commercial use until a statement described in paragraph A or B is filed with the assessor.  
34 A person owning timber rights on land taxed under this subchapter may not harvest or  
35 authorize the harvest of forest products for commercial use until a statement described in  
36 paragraph A or B is filed with the assessor.

37 Parcels of land subject to section 573, subsection 3, paragraph B or C are exempt from  
38 the requirements under this section.

1 For the purposes of this subsection, "transferred to a new owner" means the transfer of  
2 the controlling interest in the fee ownership of the land or the controlling interest in the  
3 timber rights on the land; and

4 **Sec. 4. 36 MRSA §574-B, sub-§4** is enacted to read:

5 4. Use of bonded labor. A parcel of land is not eligible for classification under this  
6 subchapter if the land is harvested using bonded labor under the federal H2 bonded labor  
7 program under 20 Code of Federal Regulations, Section 655.200 et seq. or the landowner  
8 has failed to file the report required under Title 12, section 8883-B, subsection 1. An  
9 assessor that receives notification from the Department of Conservation, Bureau of  
10 Forestry that a landowner reports the use of bonded labor or has failed to file the report  
11 required under Title 12, section 8883-B, subsection 1 shall withdraw the parcel from  
12 classification. Land withdrawn under this subsection is subject to the penalty provided in  
13 section 581.

14 **Sec. 5. 36 MRSA §2729** is enacted to read:

15 **§2729. Use of bonded labor**

16 A parcel of land subject to tax under this chapter may not benefit from the General  
17 Fund contribution to the support of forest fire protection activities if the land is harvested  
18 during the tax year using bonded labor under the federal H2 bonded labor program under  
19 20 Code of Federal Regulations, Section 655.200 et seq. or the landowner has failed to  
20 file the report required under Title 12, section 8883-B, subsection 1. Upon the receipt of  
21 notification from the Department of Conservation, Bureau of Forestry that a landowner  
22 reports the use of bonded labor or has failed to file the report required under Title 12,  
23 section 8883-B, subsection 1, the assessor shall assess an additional tax equal to 150% of  
24 the amount per acre computed under section 2723-A.

25 **SUMMARY**

26 This bill requires a landowner to notify the Department of Conservation, Bureau of  
27 Forestry if forest land is harvested by a harvester who uses bonded labor under the federal  
28 H2 bonded labor program under 20 Code of Federal Regulations, Section 655.200 et seq.  
29 If a landowner or a harvester employed by or under contract to the landowner uses  
30 bonded labor under the federal H2 bonded labor program or the landowner fails to  
31 provide the required notification, the land must be withdrawn from the Maine Tree  
32 Growth Tax Law and a penalty assessed under the commercial forestry excise tax to  
33 compensate the State for the General Fund contribution to the cost of forest fire  
34 protection activities.