

MAINE STATE LEGISLATURE

The following document is provided by the
LAW AND LEGISLATIVE DIGITAL LIBRARY
at the Maine State Law and Legislative Reference Library
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied
(searchable text may contain some errors and/or omissions)

S.M.G.
R.O.B.S.

L.D. 1741

2

Date: 3.1.12

(Filing No. S-409)

3

AGRICULTURE, CONSERVATION AND FORESTRY

4

Reproduced and distributed under the direction of the Secretary of the Senate.

5

STATE OF MAINE

6

SENATE

7

125TH LEGISLATURE

8

SECOND REGULAR SESSION

9
10

COMMITTEE AMENDMENT "A" to S.P. 598, L.D. 1741, Bill, "An Act To Streamline the Paperwork Requirements of the State's Forest Practices Laws"

11

Amend the bill by striking out all of section 1 (page 1, lines 2 to 6 in L.D.)

12
13

Amend the bill by striking out all of sections 4 and 5 (page 2, lines 7 to 17 in L.D.) and inserting the following:

14

'Sec. 4. 12 MRSA §8881, sub-§12 is enacted to read:

15
16

12. Timber harvesting. "Timber harvesting" has the same meaning as in section 8868, subsection 4.

17
18

Sec. 5. 12 MRSA §8883-B, sub-§1, as enacted by PL 2003, c. 452, Pt. F, §44 and affected by Pt. X, §2, is amended to read:

19
20
21

1. Notification required prior to harvest. Unless exempted under subsection 6 or by rule, ~~prior to commencing harvesting operations~~ the a landowner or designated agent shall notify the bureau of: prior to beginning timber harvesting.

22
23

~~A. A harvest operation of 50 cords or less; or~~

~~B. A commercial harvest operation of more than 50 cords.~~

24
25

When the ~~harvest~~ timber harvesting is occurring within a municipality, the bureau shall send a copy of the notification form to the municipal clerk.

26
27

Sec. 6. 12 MRSA §8883-B, sub-§2, ¶G, as enacted by PL 2003, c. 452, Pt. F, §44 and affected by Pt. X, §2, is amended to read:

28
29
30
31
32
33
34

G. An indication whether the land being harvested is taxed under the Maine Tree Growth Tax Law. ~~If the land being harvested is taxed under the Maine Tree Growth Tax Law, the notification must include a statement, signed by the landowner, indicating that the harvest is consistent with the forest management and harvest plan required by Title 36, section 574-B, subsection 1. A licensed professional forester who has a fiduciary responsibility to the landowner may sign the statement required in this paragraph.~~

1 Failure to indicate that the harvest is consistent with the forest management and
2 harvest plan constitutes a withdrawal from taxation under the Maine Tree Growth
3 Tax Law of the land being harvested in a manner that is not consistent with the forest
4 management and harvest plan. When such failure is indicated, the director shall
5 notify the assessor for the jurisdiction in which the parcel is located that the land or a
6 portion of the land no longer meets the requirements of Title 36, chapter 105,
7 subchapter 2-A and must be withdrawn in accordance with Title 36, section 581;'

8 Amend the bill in section 7 in subsection 6 by striking out all of the last underlined
9 paragraph (page 3, lines 7 to 9 in L.D.)

10 Amend the bill by inserting after section 7 the following:

11 '**Sec. 8. 12 MRSA §8883-B, sub-§6-A** is enacted to read:

12 **6-A. Alternative notifications.** The bureau may develop alternative notification
13 forms and methods for reporting:

14 A. A timber harvesting operation 10 acres or less in area; and

15 B. Timber harvesting for the purpose of converting the land to another use when a
16 person certified in erosion control practices by the Department of Environmental
17 Protection is responsible for management of erosion and sedimentation control at the
18 harvest site.'

19 Amend the bill in section 8 in subsection 7 in paragraph C in the first line (page 3,
20 line 19 in L.D.) by striking out the following: "commercial harvest" and inserting the
21 following: 'commercial harvest timber harvesting'

22 Amend the bill in section 8 in subsection 7 in paragraph D in the first line (page 3,
23 line 25 in L.D.) by striking out the following: "commercial" and inserting the following:
24 'commercial timber'

25 Amend the bill by inserting after section 8 the following:

26 '**Sec. 9. 12 MRSA §8883-B, sub-§9** is enacted to read:

27 **9. Rulemaking.** No later than November 1, 2012, the bureau shall adopt rules to
28 implement this section. Rules adopted pursuant to this subsection are routine technical
29 rules as defined in Title 5, chapter 375, subchapter 2-A.'

30 Amend the bill by striking out all of section 10 (page 3, lines 38 and 39 in L.D.) and
31 inserting the following:

32 '**Sec. 10. Directive to amend certain rules pertaining to certification of**
33 **clearcuts and notification of timber harvesting.** No later than November 1, 2012,
34 the Commissioner of Conservation shall amend the Department of Conservation Rule
35 Chapter 20: Forest Regeneration and Clearcutting Standards to:

36 1. Remove the requirement that a licensed professional forester certify that
37 regeneration standards have been met for Category 2 and Category 3 clearcuts;

38 2. Remove the requirement that a landowner file a report with the Department of
39 Conservation, Bureau of Forestry along with certification that the regeneration standards
40 have been met for Category 2 and Category 3 clearcuts; and



125th MAINE LEGISLATURE

LD 1741

LR 2500(02)

An Act To Streamline the Paperwork Requirements of the State's Forest Practices Laws

Fiscal Note for Bill as Amended by Committee Amendment "A" (S-409)
Committee: Agriculture, Conservation and Forestry
Fiscal Note Required: Yes

Fiscal Note

Minor cost increase - General Fund
Minor revenue increase - General Fund

Correctional and Judicial Impact Statements

Increases the number of civil violations related to failure to notify bureau of a commercial harvest operation of less than 50 cords.

The collection of additional fines may also increase General Fund revenue by minor amounts.

Fiscal Detail and Notes

Additional costs to the Department of Conservation associated with rulemaking can be absorbed within existing budgeted resources.