

MAINE STATE LEGISLATURE

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Date: 6/3/2013

(Filing No. S-175)

AGRICULTURE, CONSERVATION AND FORESTRY

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STATE OF MAINE
SENATE
126TH LEGISLATURE
FIRST REGULAR SESSION

COMMITTEE AMENDMENT "A" to S.P. 26, L.D. 59, Bill, "An Act Relating to the Unlawful Cutting of Trees"

Amend the bill by striking out everything after the enacting clause and before the summary and inserting the following:

'Sec. 1. 12 MRSA §8869-A is enacted to read:

§8869-A. Prior division approval for harvesting trees and authority to issue stop-work orders

The division shall establish a prior approval process for harvesting trees by a person that has committed 2 violations of unlawful cutting of trees pursuant to Title 17, section 2510, subsection 1. The process must include at a minimum the following:

1. Written approval. Requiring written approval from the division for the person to harvest trees on any land in the State; and

2. Bonding. Requiring the person to post a private bond in an amount not less than \$500,000 before commencing tree harvesting.

The division shall issue a stop-work order if the requirements of this section are not met at the time harvesting is occurring.

For the purposes of this section, "person" means an individual, corporation, partnership, association or any other legal entity.

The Commissioner of Agriculture, Conservation and Forestry shall adopt rules to carry out the provisions of this section. Rules adopted pursuant to this section are major substantive rules as defined in the Maine Revised Statutes, Title 5, chapter 375, subchapter 2-A.

Sec. 2. Appropriations and allocations. The following appropriations and allocations are made.

AGRICULTURE, CONSERVATION AND FORESTRY, DEPARTMENT OF

COMMITTEE AMENDMENT

1 **Forest Policy and Management - Division of 0240**
2 Initiative: Provides one-time funding for rule-making costs.

3	GENERAL FUND	2013-14	2014-15
4	All Other	\$3,700	\$0
5			
6	GENERAL FUND TOTAL	<u>\$3,700</u>	<u>\$0</u>
7			

8 **SUMMARY**

9 This amendment replaces the bill, which establishes criminal penalties for the
10 unlawful cutting of trees in the Maine Revised Statutes, Title 17, section 2510. The
11 amendment requires the Division of Forestry to establish a process that applies to a
12 person that has committed 2 violations of unlawful cutting of trees. The process must
13 include requiring written approval from the division prior to harvesting, requiring
14 bonding in an amount not less than \$500,000 before harvesting and the division's issuing
15 a stop-work order if the requirements of prior approval and bonding are not met at the
16 time harvesting is occurring. The Department of Agriculture, Conservation and Forestry
17 is required to adopt major substantive rules to carry out the provisions of this legislation.

18 The amendment also adds an appropriations and allocations section.

19 **FISCAL NOTE REQUIRED**

20 (See attached)



126th MAINE LEGISLATURE

LD 59

LR 815(02)

An Act Relating to the Unlawful Cutting of Trees

Fiscal Note for Bill as Amended by Committee Amendment

A(5-176)

Committee: Agriculture, Conservation and Forestry

Fiscal Note Required: Yes

Fiscal Note

	FY 2013-14	FY 2014-15	Projections FY 2015-16	Projections FY 2016-17
Net Cost (Savings)				
General Fund	\$3,700	\$0	\$0	\$0
Appropriations/Allocations				
General Fund	\$3,700	\$0	\$0	\$0

Fiscal Detail and Notes

The bill includes a one-time General Fund appropriation of \$3,700 in fiscal year 2013-14 to the Department of Agriculture, Conservation and Forestry for rulemaking costs, including printing, advertising and room rental.