

MAINE STATE LEGISLATURE

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Date: 4/6/16

L.D. 1629
(Filing No. H-648)

AGRICULTURE, CONSERVATION AND FORESTRY

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**STATE OF MAINE
HOUSE OF REPRESENTATIVES
127TH LEGISLATURE
SECOND REGULAR SESSION**

COMMITTEE AMENDMENT "A" to H.P. 1106, L.D. 1629, Bill, "An Act To Implement the Recommendations of the Commission To Study the Public Reserved Lands Management Fund"

Amend the bill in Part A by inserting before section 1 the following:

Sec. A-1. 12 MRSA §1807, as enacted by PL 2015, c. 267, Pt. FF, §1, is amended to read:

§1807. Sustainable harvest level

Except as provided in this section, timber harvesting on public reserved lands and nonreserved public lands may not exceed in total an average of 160,000 cords per year over any 3-year period. If an independent timber inventory conducted after July 1, 2015 establishes a different sustainable harvest, the department, upon recommendation from staff within the bureau based on opinions of silvicultural experts in public reserved lands management and data from the most recent physical forest inventory, may adopt by rule a different harvesting level consistent with ~~that~~ the most recent physical forest inventory, as long as the harvesting level is also consistent with multiple use objectives, existing management plans and the department's most recent integrated resource policy for public reserved and nonreserved lands, state parks and state historic sites. Rules adopted pursuant to this section are major substantive rules as defined in Title 5, chapter 375, subchapter 2-A and must be reviewed by the joint standing committee of the Legislature having jurisdiction over public reserved and nonreserved lands matters.

Sec. A-2. 12 MRSA §1808 is enacted to read:

§1808. Forest inventory timeline established

The department shall conduct a detailed forest inventory of the State's public reserved lands and public nonreserved lands by March 15, 2017 and every 5 years thereafter.'

Amend the bill in Part A by striking out all of section 2.

COMMITTEE AMENDMENT

1 Amend the bill in Part A by striking out all of section 5 (page 1, lines 30 to 34 in
2 L.D.) and inserting the following:

3 **'Sec. A-5. 12 MRSA §1853, sub-§1, ¶H** is enacted to read:

4 H. A breakdown of growth based on the most recent physical forest inventory and of
5 harvest in each region of any public reserved lands units established by the bureau,
6 identifying any harvesting that occurred during the preceding fiscal year in individual
7 management units where harvest exceeds annual growth.'

8 Amend the bill in Part A in section 6 in §1859 by inserting before subsection 1 the
9 following:

10 **'1. Legislative findings.** Whereas expenditures from the Public Reserved Lands
11 Management Fund established under section 1849, subsection 2 must be consistent with
12 the public trust limitations embodied in the Constitution of Maine, Article X; and the
13 Constitution of Maine, Article X designates the public lots for the benefit of the schools
14 in this State; and educating new loggers in the State will help to ensure that the public
15 reserved lands continue to be managed to demonstrate exemplary land management
16 practices, the Legislature declares that authorizing grants under this section is consistent
17 with the Legislature's responsibility as trustee.'

18 Amend the bill in Part A in section 6 in §1859 by renumbering any nonconsecutive
19 subsection number to read consecutively.

20 Amend the bill in Part A by inserting after section 6 the following:

21 **'Sec. A-7. Identification of areas of insufficient access to public reserved**
22 **lands.** The Bureau of Parks and Lands within the Department of Agriculture,
23 Conservation and Forestry shall identify areas where the State does not currently have
24 deeded access to the State's public reserved lands. The bureau shall direct regional
25 foresters in the bureau who are familiar with the physical landscape of the identified areas
26 and with the landowners involved to develop goals and priorities regarding increased
27 access to the State's public reserved lands, and the bureau shall submit their findings to
28 the joint standing committee of the Legislature having jurisdiction over public reserved
29 lands matters by March 1, 2018 in the annual report dealing with public reserved lands
30 submitted pursuant to the Maine Revised Statutes, Title 12, section 1853.

31 **Sec. A-8. Statewide priority lists of recreational infrastructure projects**
32 **and Americans with Disabilities Act projects.** The Bureau of Parks and Lands
33 within the Department of Agriculture, Conservation and Forestry shall develop a
34 statewide priority list of recreational infrastructure projects for the State's public reserved
35 lands and a statewide priority list of projects under the federal Americans with
36 Disabilities Act of 1990 for the State's public reserved lands. The bureau shall present the
37 priority lists to the joint standing committee of the Legislature having jurisdiction over
38 public reserved lands matters by March 1, 2018 in the annual report dealing with public
39 reserved lands submitted pursuant to the Maine Revised Statutes, Title 12, section 1853.
40 After receipt of the lists, the joint standing committee of the Legislature having
41 jurisdiction over public reserved lands matters shall hold a meeting for the purpose of
42 obtaining public input on the statewide priority lists.

1 **Sec. A-9. Review of bid process.** The Bureau of Parks and Lands within the
 2 Department of Agriculture, Conservation and Forestry shall review its bid process for
 3 timber harvesting and road construction projects, including any liability concerns related
 4 to the bid process. The bureau shall report to the joint standing committee of the
 5 Legislature having jurisdiction over public reserved lands matters with any recommended
 6 changes to the bid process by March 15, 2017.

7 **Sec. A-10. Appropriations and allocations.** The following appropriations and
 8 allocations are made.

9 **AGRICULTURE, CONSERVATION AND FORESTRY, DEPARTMENT OF**
 10 **Land Management and Planning Z239**

11 Initiative: Provides an allocation for educational grants to programs related to logging at
 12 public secondary or public postsecondary educational institutions.

13	OTHER SPECIAL REVENUE FUNDS	2015-16	2016-17
14	All Other	\$0	\$300,000
15			
16	OTHER SPECIAL REVENUE FUNDS TOTAL	<u>\$0</u>	<u>\$300,000</u>

17 **Land Management and Planning Z239**

18 Initiative: Provides an allocation for STA-CAP costs.

19	OTHER SPECIAL REVENUE FUNDS	2015-16	2016-17
20	All Other	\$0	\$3,250
21			
22	OTHER SPECIAL REVENUE FUNDS TOTAL	<u>\$0</u>	<u>\$3,250</u>

23 **Land Management and Planning Z239**

24 Initiative: Provides an allocation to develop infrastructure projects to comply with the
 25 federal Americans with Disabilities Act of 1990 for the State's public reserved lands.

26	OTHER SPECIAL REVENUE FUNDS	2015-16	2016-17
27	All Other	\$0	\$50,000
28			
29	OTHER SPECIAL REVENUE FUNDS TOTAL	<u>\$0</u>	<u>\$50,000</u>

30 **Land Management and Planning Z239**

31 Initiative: Provides an allocation to conduct a detailed forest inventory of the State's
 32 public reserved lands and public nonreserved lands.

1	OTHER SPECIAL REVENUE FUNDS	2015-16	2016-17
2	All Other	\$0	\$65,000
3			
4	OTHER SPECIAL REVENUE FUNDS TOTAL	\$0	\$65,000

5	AGRICULTURE, CONSERVATION AND		
6	FORESTRY, DEPARTMENT OF		
7	DEPARTMENT TOTALS	2015-16	2016-17
8			
9	OTHER SPECIAL REVENUE FUNDS	\$0	\$418,250
10			
11	DEPARTMENT TOTAL - ALL FUNDS	\$0	\$418,250
12			

13 Amend the bill by relettering or renumbering any nonconsecutive Part letter or
 14 section number to read consecutively.

15 **SUMMARY**

16 This amendment implements additional recommendations of the Commission To
 17 Study the Public Reserved Lands Management Fund that were not included in the bill.
 18 These recommendations include:

19 1. Directing the Department of Agriculture, Conservation and Forestry to conduct a
 20 detailed forest inventory of the State's public reserved lands and public nonreserved lands
 21 by March 15, 2017 and every 5 years thereafter;

22 2. Establishing additional guidelines that must be followed by the Department of
 23 Agriculture, Conservation and Forestry before it may adopt any rule that would make
 24 changes to the annual allowable harvesting level for public reserved lands;

25 3. Directing the Bureau of Parks and Lands within the Department of Agriculture,
 26 Conservation and Forestry to identify areas where the State does not currently have
 27 deeded access to the State's public reserved lands. This amendment also requires the
 28 bureau to direct regional foresters in the bureau who are familiar with the physical
 29 landscape and landowners to develop goals and priorities regarding increased access to
 30 the State's public reserved lands and requires the bureau to submit their findings to the
 31 joint standing committee of the Legislature having jurisdiction over public reserved lands
 32 matters by March 1, 2018;

33 4. Directing the Bureau of Parks and Lands within the Department of Agriculture,
 34 Conservation and Forestry to develop a statewide priority list of recreational
 35 infrastructure projects for the State's public reserved lands and a statewide priority list of
 36 projects under the federal Americans with Disabilities Act of 1990 for the State's public
 37 reserved lands. The priority lists must be presented to the joint standing committee of the
 38 Legislature having jurisdiction over public reserved lands matters by March 1, 2018.
 39 After receipt of the lists, the joint standing committee is required to hold a meeting for the
 40 purpose of obtaining public input related to the lists; and

COMMITTEE AMENDMENT



127th MAINE LEGISLATURE

LD 1629

LR 2688(02)

An Act To Implement the Recommendations of the Commission To Study the Public Reserved Lands Management Fund

Fiscal Note for Bill as Amended by Committee Amendment 'A' (H-648)
 Committee: Agriculture, Conservation and Forestry

Fiscal Note Required: Yes

Fiscal Note

Legislative Cost/Study

	FY 2015-16	FY 2016-17	Projections FY 2017-18	Projections FY 2018-19
Appropriations/Allocations				
Other Special Revenue Funds	\$0	\$418,250	\$50,000	\$50

Legislative Cost/Study

The general operating expenses of this study are projected to be \$1,500 in fiscal year 2016-17. The Legislature's budget includes \$10,000 in in fiscal year 2016-17 for legislative studies. Whether this amount is sufficient to fund all studies will depend on the number of studies authorized by the Legislative Council and the Legislature. The additional costs of providing staffing assistance to the study during the interim can be absorbed utilizing existing budgeted staff resources.

Fiscal Detail and Notes

The bill requires the Department of Agriculture, Conservation and Forestry (ACF) to conduct a detailed forest inventory of the State's public reserved lands and public nonreserved lands, provide educational grants to certain educational programs related to logging and to develop a statewide priority list of projects under the federal Americans with Disabilities Act of 1990 for the State's public reserved lands. This bill includes Other Special Revenue Funds allocations to the Public Reserved Lands Management Fund within ACF in fiscal year 2016-17 of \$65,000 for the forest inventory, \$300,000 for educational grants, \$50,000 for conducting recreational infrastructure projects related to the federal Americans with Disabilities Act of 1990 and \$3,250 for other related costs. The Public Reserved Lands Management Fund has sufficient resources to cover these expenditures.