

MAINE STATE LEGISLATURE

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128th MAINE LEGISLATURE

FIRST REGULAR SESSION-2017

Legislative Document

No. 586

S.P. 201

In Senate, February 16, 2017

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

Reference to the Committee on Agriculture, Conservation and Forestry suggested and ordered printed.

A handwritten signature in cursive script that reads "Heather J.R. Priest".

HEATHER J.R. PRIEST
Secretary of the Senate

Presented by Senator SAVIELLO of Franklin.

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

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

4 **§1807. Sustainable harvest level**

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

18 **Sec. 2. 12 MRSA §1808** is enacted to read:

19 **§1808. Forest inventory timeline established**

20 The department shall conduct a detailed forest inventory of the State's public reserved
21 lands and nonreserved public lands by March 15, 2018 and every 5 years thereafter.

22 **Sec. 3. 12 MRSA §1849, sub-§2**, as enacted by PL 1997, c. 678, §13, is amended
23 to read:

24 **2. Fund established.** All income received by the director from the public reserved
25 lands, except income provided for in section 1855, must be deposited with the Treasurer
26 of State to be credited to the Public Reserved Lands Management Fund, which is
27 established as a nonlapsing fund. Any interest earned on this money must also be
28 credited to the fund. No expenditure may be made from the fund other than for the
29 bureau's general operating purposes with respect to management of the public reserved
30 lands unless the fund has a cash operating balance of at least \$2,500,000 at the start of the
31 fiscal year during which the expenditure is made.

32 **Sec. 4. 12 MRSA §1853, sub-§1, ¶F**, as amended by PL 2007, c. 564, §2; PL
33 2011, c. 657, Pt. W, §7; and PL 2013, c. 405, Pt. A, §24, is further amended to read:

34 F. The status of ecological reserves including the acreage of reserved public land
35 designated as ecological reserves, results of monitoring, scientific research and other
36 activities related to the bureau's ecological reserves; ~~and~~

37 **Sec. 5. 12 MRSA §1853, sub-§1, ¶G**, as enacted by PL 2007, c. 564, §2, is
38 amended to read:

1 G. A description of any changes in allowed uses of the public reserved lands,
2 including the acreage affected and the reason for the change-; and

3 **Sec. 6. 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 **Sec. 7. 12 MRSA §1859** is enacted to read:

9 **§1859. Funding for educational programs related to logging**

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 **2. Educational grant program established; eligibility.** The bureau shall establish,
19 maintain and administer an educational grant program, referred to in this section as “the
20 grant program,” and an application system for the grant program to allow an eligible
21 public secondary and public postsecondary educational program to apply for an
22 educational grant under the grant program. Only an educational program at a public
23 secondary or public postsecondary educational institution that is related to logging,
24 referred to in this section as “an eligible educational program,” is eligible to receive
25 funding under the grant program.

26 **3. Grants; source of funds; limits.** An approved eligible educational program may
27 receive a one-time grant of up to \$50,000 from the grant program. The source of the
28 funds for the grants is the Public Reserved Lands Management Fund established under
29 section 1849, subsection 2. Total distributions from the Public Reserved Lands
30 Management Fund under the grant program may not exceed \$300,000.

31 **4. Permitted use of funding.** An eligible educational program that receives a grant
32 under the grant program may use the grant in more than one year if such an extended use
33 is approved by the bureau during the application process. Grants received through the
34 grant program may be used only for educational purposes, including but not limited to
35 upgrading existing logging equipment. Any grants issued to an eligible educational
36 program must supplement, not supplant, existing school funding.

37 **5. Participation of regional managers.** The bureau shall include managers of any
38 regional public reserved lands units established by the bureau in the process established
39 for approving the distribution of funds to eligible educational programs under the grant
40 program and shall ensure that the managers are involved with, or have the option to be

1 involved with, any eligible educational program that receives funding through the grant
2 program.

3 **6. Rulemaking.** The bureau shall adopt rules to carry out the purposes of this
4 section. Rules adopted pursuant to this subsection are routine technical rules as defined
5 in Title 5, chapter 375, subchapter 2-A.

6 **Sec. 8. Identification of areas of insufficient access to public reserved**
7 **lands.** The Bureau of Parks and Lands within the Department of Agriculture,
8 Conservation and Forestry shall identify areas where the State does not currently have
9 deeded access to the State's public reserved lands. The bureau shall direct regional
10 foresters in the bureau who are familiar with the physical landscape of the identified areas
11 and with the landowners involved to develop goals and priorities regarding increased
12 access to the State's public reserved lands, and the bureau shall submit their findings to
13 the joint standing committee of the Legislature having jurisdiction over public reserved
14 lands matters by March 1, 2019 in the annual report dealing with public reserved lands
15 submitted pursuant to the Maine Revised Statutes, Title 12, section 1853.

16 **Sec. 9. Statewide priority lists of recreational infrastructure projects and**
17 **Americans with Disabilities Act projects.** The Bureau of Parks and Lands within
18 the Department of Agriculture, Conservation and Forestry shall develop a statewide
19 priority list of recreational infrastructure projects for the State's public reserved lands and
20 a statewide priority list of projects under the federal Americans with Disabilities Act of
21 1990 for the State's public reserved lands. The bureau shall present the priority lists to
22 the joint standing committee of the Legislature having jurisdiction over public reserved
23 lands matters by March 1, 2019 in the annual report dealing with public reserved lands
24 submitted pursuant to the Maine Revised Statutes, Title 12, section 1853. After receipt of
25 the lists, the joint standing committee of the Legislature having jurisdiction over public
26 reserved lands matters shall hold a meeting for the purpose of obtaining public input on
27 the statewide priority lists.

28 **Sec. 10. Review of bid process.** The Bureau of Parks and Lands within the
29 Department of Agriculture, Conservation and Forestry shall review its bid process for
30 timber harvesting and road construction projects, including any liability concerns related
31 to the bid process. The bureau shall report to the joint standing committee of the
32 Legislature having jurisdiction over public reserved lands matters with any recommended
33 changes to the bid process by March 15, 2018.

34 **Sec. 11. Appropriations and allocations.** The following appropriations and
35 allocations are made.

36 **AGRICULTURE, CONSERVATION AND FORESTRY, DEPARTMENT OF**
37 **Land Management and Planning Z239**

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

1	OTHER SPECIAL REVENUE FUNDS	2017-18	2018-19
2	All Other	\$300,000	\$0
3			
4	OTHER SPECIAL REVENUE FUNDS TOTAL	<u>\$300,000</u>	<u>\$0</u>
5	Land Management and Planning Z239		
6	Initiative: Provides an allocation for STA-CAP costs.		
7			
8	OTHER SPECIAL REVENUE FUNDS	2017-18	2018-19
9	All Other	\$3,250	\$0
10			
11	OTHER SPECIAL REVENUE FUNDS TOTAL	<u>\$3,250</u>	<u>\$0</u>
12	Land Management and Planning Z239		
13	Initiative: Provides an allocation to develop infrastructure projects to comply with the		
14	federal Americans with Disabilities Act of 1990 for the State's public reserved lands.		
15			
16	OTHER SPECIAL REVENUE FUNDS	2017-18	2018-19
17	All Other	\$50,000	\$0
18			
19	OTHER SPECIAL REVENUE FUNDS TOTAL	<u>\$50,000</u>	<u>\$0</u>
20	Land Management and Planning Z239		
21	Initiative: Provides an allocation to conduct a detailed forest inventory of the State's		
22	public reserved lands and nonreserved public lands.		
23			
24	OTHER SPECIAL REVENUE FUNDS	2017-18	2018-19
25	All Other	\$65,000	\$0
26			
27	OTHER SPECIAL REVENUE FUNDS TOTAL	<u>\$65,000</u>	<u>\$0</u>
28			
29	AGRICULTURE, CONSERVATION AND		
30	FORESTRY, DEPARTMENT OF		
31	DEPARTMENT TOTALS	2017-18	2018-19
32			
33	OTHER SPECIAL REVENUE FUNDS	\$418,250	\$0
34			
35	DEPARTMENT TOTAL - ALL FUNDS	<u>\$418,250</u>	<u>\$0</u>

1 **SUMMARY**

2 This bill implements the recommendations of the Commission To Study the Public
3 Reserved Lands Management Fund.

4 The bill establishes additional guidelines that must be followed by the Department of
5 Agriculture, Conservation and Forestry before it may adopt any rule that would make
6 changes to the annual allowable harvesting level for public reserved lands and
7 nonreserved public lands. The bill directs the department to conduct a detailed forest
8 inventory of the State's public reserved lands and nonreserved public lands by March 15,
9 2018 and every 5 years thereafter.

10 The bill prohibits any expenditures from the Public Reserved Lands Management
11 Fund other than for the general operations of the Bureau of Parks and Lands within the
12 department with respect to management of public reserved lands, unless the fund has at
13 least \$2,500,000 at the start of the fiscal year. The bill requires the bureau's annual report
14 dealing with public reserved lands to include a breakdown of growth based on the most
15 recent physical forest inventory and of harvest in each region of any public reserved lands
16 units established by the bureau, identifying any harvesting that occurred during the
17 preceding fiscal year in individual management units where harvest exceeds annual
18 growth.

19 The bill directs the bureau to establish an educational grant program to provide one-
20 time grants to eligible public secondary and postsecondary institutions for educational
21 programs related to logging. Funding for the grants comes from the Public Reserved
22 Lands Management Fund.

23 The bill directs the bureau to identify areas where the State does not currently have
24 deeded access to the State's public reserved lands. The bill also requires the bureau to
25 direct regional foresters in the bureau who are familiar with the physical landscape and
26 landowners to develop goals and priorities regarding increased access to the State's public
27 reserved lands and requires the bureau to submit their findings to the joint standing
28 committee of the Legislature having jurisdiction over public reserved lands matters by
29 March 1, 2019.

30 The bill directs the bureau to develop a statewide priority list of recreational
31 infrastructure projects for the State's public reserved lands and a statewide priority list of
32 projects under the federal Americans with Disabilities Act of 1990 for the State's public
33 reserved lands. The priority lists must be presented to the joint standing committee of the
34 Legislature having jurisdiction over public reserved lands matters by March 1, 2019.
35 After receipt of the lists, the joint standing committee is required to hold a meeting for the
36 purpose of obtaining public input related to the lists.

37 Finally, the bill directs the bureau to review its bid process for timber harvesting and
38 road construction projects, including any liability concerns related to the bid process.
39 The bureau is directed to report to the joint standing committee of the Legislature having
40 jurisdiction over public reserved lands matters with any recommended changes to the bid
41 process by March 15, 2018. The bill also provides allocations for educational grants,
42 infrastructure projects and a detailed forest inventory.