

MAINE STATE LEGISLATURE

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129th MAINE LEGISLATURE

FIRST REGULAR SESSION-2019

Legislative Document

No. 1540

H.P. 1123

House of Representatives, April 11, 2019

**An Act Concerning Timber Harvesting on Public Lands and in
State Parks, Historic Sites and the Restricted Zone of the Allagash
Wilderness Waterway**

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

A handwritten signature in cursive script that reads "R B. Hunt".

ROBERT B. HUNT
Clerk

Presented by Representative DUNPHY of Old Town.
Cosponsored by Senator DILL of Penobscot and
Representatives: HICKMAN of Winthrop, MAXMIN of Nobleboro, O'NEIL of Saco,
PLUECKER of Warren, Senators: BLACK of Franklin, DAVIS of Piscataquis.

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

2 **Sec. 1. 12 MRSA §1801, sub-§4-B** is enacted to read:

3 **4-B. Forest products.** "Forest products" has the same meaning as in section 8881,
4 subsection 3.

5 **Sec. 2. 12 MRSA §1807**, as amended by PL 2017, c. 289, §1, is further amended
6 to read:

7 **§1807. Sustainable harvest level**

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

22 **Sec. 3. 12 MRSA §1817, sub-§§5 and 6**, as enacted by PL 1997, c. 678, §13, are
23 amended to read:

24 **5. Acquisition of parks.** The location and probable cost of acquisition, development
25 and operation of parks that if acquired, developed and operated under this chapter could
26 satisfy such needs; ~~and~~

27 **6. Public purposes of parks to meet recreation needs.** The public purposes to
28 which such parks or portions of parks might be put;

29 **Sec. 4. 12 MRSA §1817, sub-§6-A** is enacted to read:

30 **6-A. Forest products.** The State's actual and potential forest inventory status and
31 needs, including the need of the people of the State for a sawmill or other forest products
32 processing or manufacturing facility to be located in the State. The bureau shall work
33 with the Bureau of Forestry in carrying out the provisions of this subsection; and

34 **Sec. 5. 12 MRSA §1826, sub-§§5 and 6** are enacted to read:

35 **5. Contract, contractor requirements.** If the State contracts with another entity to
36 perform the harvesting or other related activities, including skidding, processing, loading
37 or trucking, the contract must be based on stumpage sale and the contractor must be an

1 established business located in the State. The entity with which the State contracts under
2 this subsection must possess current certification as a master logger by a logger
3 certification program recognized by the Bureau of Forestry, and must have provided
4 during the bidding process evidence of ownership of at least 50% of the equipment and
5 motor vehicles to be used to fulfill the contract. A contractor under this subsection shall
6 provide or verify workers' compensation coverage consistent with the requirements of
7 Title 39-A for every individual involved in fulfilling the contract.

8 **6. Forest products harvested from state parks and historic sites.** Forest products
9 harvested from a state park or historic site must be used at the state park or historic site or
10 sold to a sawmill or other forest products processing or manufacturing facility located in
11 the State to be processed or used in manufacturing at that facility.

12 **Sec. 6. 12 MRSA §1826**, as enacted by PL 1997, c. 678, §13 and amended by PL
13 2011, c. 657, Pt. W, §7 and PL 2013, c. 405, Pt. A, §24, is further amended by adding at
14 the end a new paragraph to read:

15 The bureau shall adopt rules to carry out the provisions of this section. Rules adopted
16 pursuant to this section are routine technical rules as defined in Title 5, chapter 375,
17 subchapter 2-A.

18 **Sec. 7. 12 MRSA §1833, sub-§1**, as enacted by PL 1997, c. 678, §13 and
19 amended by PL 2011, c. 657, Pt. W, §7 and PL 2013, c. 405, Pt. A, §24, is further
20 amended to read:

21 **1. Purpose.** ~~The bureau shall manage nonreserved public lands in a manner~~
22 ~~consistent with~~ Legislature declares that it is in the public interest and for the general
23 benefit of the people of the State that title, possession and the responsibility for the
24 management of nonreserved public lands be vested and established in the bureau acting
25 on behalf of the people of the State and that the nonreserved public lands be managed
26 under the principles of multiple use and shall to produce a sustained yield of products and
27 services in accordance with both prudent and fair business practices and the principles of
28 sound planning and to demonstrate exemplary land management practices, including
29 silvicultural, wildlife and recreational practices, that reflect state policies governing
30 management of forested and related types of lands.

31 **Sec. 8. 12 MRSA §1834, sub-§5** is enacted to read:

32 **5. Severed timber and other forest products.** Severed timber or other forest
33 products taken or harvested under this subchapter may be sold only to a sawmill or other
34 forest products processing or manufacturing facility located in the State to be processed
35 or used in manufacturing at that facility.

36 **Sec. 9. 12 MRSA §1848, sub-§5** is enacted to read:

37 **5. Severed timber and other forest products.** Severed timber or other forest
38 products taken or harvested under this subchapter may be sold only to a sawmill or other
39 forest products processing or manufacturing facility located in the State to be processed
40 or used in manufacturing at that facility.

1 State and that the lands be managed to demonstrate exemplary land management
2 practices, including silvicultural, wildlife and recreational practices, that reflect state
3 policies governing management of forested and related types of lands; and

4 5. Requiring that the annual report dealing with public reserved lands identify persons
5 who conduct timber harvesting on the lands and the sawmill or other forest products
6 processing or manufacturing facility located in the State to which the forest products
7 derived from the harvesting were delivered.