

MAINE STATE LEGISLATURE

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129th MAINE LEGISLATURE

FIRST REGULAR SESSION-2019

Legislative Document

No. 1770

H.P. 1257

House of Representatives, May 23, 2019

An Act To Amend the Forestry Laws Regarding Responsibility for Compliance with Those Laws

Submitted by the Department of Agriculture, Conservation and Forestry pursuant to Joint Rule 204.

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 HICKMAN of Winthrop.

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

2 **Sec. 1. 12 MRSA §8868, sub-§8** is enacted to read:

3 **8. Responsible party.** "Responsible party" means:

4 A. The landowner owning the property at the time timber harvesting activities are
5 conducted;

6 B. The landowner's designated agent at the time timber harvesting activities are
7 conducted;

8 C. The professional forester or the employer of the professional forester who:

9 (1) Signs a document pertaining to the timber harvesting activities;

10 (2) Supervises the timber harvesting activities; or

11 (3) Certifies that the timber harvesting activities are conducted in accordance
12 with a timber harvest plan, permit, variance or other required document; or

13 D. The person who conducts the timber harvesting activities.

14 **Sec. 2. 12 MRSA §8869, sub-§15** is enacted to read:

15 **15. Responsible party.** All responsible parties are jointly and severally responsible
16 for compliance with this section and liable for violations of rules adopted pursuant to this
17 subchapter. A responsible party who orders, contracts for or conducts any activity in
18 violation of this section or of rules adopted pursuant to this subchapter commits a civil
19 violation and is subject to the penalties provided in chapter 809.

20 **Sec. 3. 12 MRSA §8881, sub-§8-A** is enacted to read:

21 **8-A. Responsible party.** "Responsible party" has the same meaning as in section
22 8868, subsection 8.

23 **Sec. 4. 12 MRSA §8883-B, sub-§7-A** is enacted to read:

24 **7-A. Responsible party.** All responsible parties are jointly and severally
25 responsible for compliance with this section and liable for violations of rules adopted
26 pursuant to this subchapter. A responsible party who orders, contracts for or conducts
27 any activity in violation of this section or of rules adopted pursuant to this subchapter
28 commits a civil violation and is subject to the penalties provided in this section.

29 **Sec. 5. 12 MRSA §8885, sub-§7** is enacted to read:

30 **7. Responsible party.** All responsible parties are jointly and severally responsible
31 for compliance with this section and liable for violations of rules adopted pursuant to this
32 subchapter. A responsible party who orders, contracts for or conducts any activity in
33 violation of this section or of rules adopted pursuant to this subchapter commits a civil
34 violation and is subject to the penalties provided in this section.

SUMMARY

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This bill clarifies in the laws governing forest practices and forest landowner and wood processor reporting requirements that the parties responsible for compliance with those laws include the landowner, the landowner's designated agent, the professional forester, the professional forester's employee and the person who conducts timber harvesting activities.