

MAINE STATE LEGISLATURE

The following document is provided by the
LAW AND LEGISLATIVE DIGITAL LIBRARY
at the Maine State Law and Legislative Reference Library
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied
(searchable text may contain some errors and/or omissions)

ROS

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34

Date: 5/3/21

(Filing No. S- 70)

**MAJORITY
TAXATION**

Reproduced and distributed under the direction of the Secretary of the Senate.

**STATE OF MAINE
SENATE
130TH LEGISLATURE
FIRST SPECIAL SESSION**

COMMITTEE AMENDMENT "A" to S.P. 76, L.D. 188, "An Act Regarding the Transportation of Products in the Forest Products Industry"

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

Sec. 1. 10 MRSA §2364-B, sub-§1, ¶H, as enacted by PL 1997, c. 648, §2, is amended to read:

H. The destination of the wood, both town and customer; ~~and~~

Sec. 2. 10 MRSA §2364-B, sub-§1, ¶I, as enacted by PL 1997, c. 648, §2, is amended to read:

I. The signature of the truck driver; and

Sec. 3. 10 MRSA §2364-B, sub-§1, ¶J is enacted to read:

J. An affirmation by the owner of the land from which the wood was harvested that the load of wood is being transported in a legal manner consistent with federal law or regulation or any international trade agreement.

Sec. 4. 10 MRSA §2364-B, sub-§6, as enacted by PL 2003, c. 454, §1 and amended by PL 2011, c. 657, Pt. W, §§5 and 7 and PL 2013, c. 405, Pt. A, §23, is further amended to read:

6. Presentation of trip ticket to forest ranger. Upon request, a truck driver or an owner or manager of any log yard or mill site shall present a copy of the trip ticket to a forest ranger in any log yard or mill site. Upon request, a wood scaler shall present the record of measurement including a copy of the trip ticket or information contained on the trip ticket to a forest ranger. A forest ranger may request and use this information for the purpose of enforcing and investigating alleged violations of Title 12, section 8883; Title 14, section 7552; and Title 17, section 2510. For purposes of this subsection, "forest ranger" means a person employed by the Department of Agriculture, Conservation and Forestry, Bureau of Forestry under Title 12, section 8901. A truck driver, an owner or

COMMITTEE AMENDMENT

ROS

1 manager of any log yard or mill site or a wood scaler who fails to comply with the
2 provisions of this subsection is subject to the penalties provided in section 2368.

3 **Sec. 5. 12 MRSA §8003, sub-§3, ¶R** is enacted to read:

4 R. The director shall enforce section 8006.

5 **Sec. 6. 12 MRSA §8006** is enacted to read:

6 **§8006. Transportation of forest products**

7 **1. Civil violation.** A landowner that owns 50,000 acres or more of forest land, as
8 defined in Title 36, section 573, subsection 3, in the State commits a civil violation if the
9 landowner hires, or contracts with a person who hires, a person to transport forest products,
10 as defined in section 8881, subsection 3, that are harvested from the landowner's land from
11 a location in the State to another location in the State in violation of federal law or
12 regulation or an international trade agreement.

13 **2. Fine.** The fine for violation of subsection 1 is \$500 for the first violation, \$1,000
14 for the 2nd violation and \$1,500 for the 3rd and any subsequent violation.

15 **3. Additional penalty; 3rd and subsequent violations.** A landowner that violates
16 subsection 1 after having violated that subsection 3 or more times after October 1, 2021
17 must be assessed the following additional penalties for the 2 years after the date of the 3rd
18 or subsequent violation:

19 A. The parcel of land from which the forest products were harvested is suspended from
20 classification under the Maine Tree Growth Tax Law for 2 years, and the land must be
21 assessed for property tax purposes at its just value, as defined in Title 36, section
22 701-A, during the period of suspension; and

23 B. The landowner is not eligible for:

24 (1) The property tax exemption under Title 36, chapter 105, subchapter 4-C;

25 (2) Reimbursement under Title 36, chapter 915; or

26 (3) Any income tax credit under Title 36, chapter 822 that is applicable to taxable
27 income resulting from the landowner's business activities.

28 **4. Enforcement; notification.** Violations of this section are enforced in the same
29 manner as provided in section 8307. The director shall notify the State Tax Assessor and
30 municipal property tax assessors of any violation by a landowner under this section.

31 **Sec. 7. Appropriations and allocations.** The following appropriations and
32 allocations are made.

33 **AGRICULTURE, CONSERVATION AND FORESTRY, DEPARTMENT OF**
34 **Division of Forest Protection Z232**

35 Initiative: Provides appropriations for 3 Forest Ranger III positions and associated costs.

36 GENERAL FUND	2021-22	2022-23
37 POSITIONS - LEGISLATIVE COUNT	3.000	3.000
38 Personal Services	\$231,750	\$324,000
39 All Other	\$56,250	\$75,000
40	_____	_____

ROS

COMMITTEE AMENDMENT "A" to S.P. 76, L.D. 188 (S-70)

1	GENERAL FUND TOTAL	\$288,000	\$399,000
---	--------------------	-----------	-----------

2

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

5

SUMMARY

6 This amendment replaces the bill. It creates a civil violation for landowners of 50,000
7 acres or more of forest land that hire, or contract with a person who hires, a person to
8 transport forest products that are harvested from the landowner's land from a location in
9 the State to another location in the State in violation of federal law or regulation or an
10 international trade agreement. The Director of the Bureau of Forestry within the
11 Department of Agriculture, Conservation and Forestry is required to enforce this provision
12 and to notify the State Tax Assessor and municipal property tax assessors of violations.
13 The amendment clarifies the treatment of violations under the Maine Tree Growth Tax Law
14 and removes the provision in the bill that provides that violators may not receive certain
15 state grants or other state funding. The amendment retains the provision of the bill that
16 requires owners and managers of log yards and mill sites to present a copy of a trip ticket
17 to a forest ranger in the log yard or mill site upon request. The amendment adds an
18 appropriations and allocations section.

19

FISCAL NOTE REQUIRED

20

(See attached)

COMMITTEE AMENDMENT



130th MAINE LEGISLATURE

LD 188

LR 642(02)

An Act Regarding the Transportation of Products in the Forest Products Industry

Fiscal Note for Bill as Amended by Committee Amendment "A" (S-70)

Committee: Taxation

Fiscal Note Required: Yes

Fiscal Note

	FY 2021-22	FY 2022-23	Projections FY 2023-24	Projections FY 2024-25
Net Cost (Savings)				
General Fund	\$288,000	\$399,000	\$415,200	\$432,210
Appropriations/Allocations				
General Fund	\$288,000	\$399,000	\$415,200	\$432,210

Correctional and Judicial Impact Statements

The additional workload associated with the minimal number of new cases filed in the court system does not require additional funding at this time.

The collection of additional fine and/or fee revenue will increase General Fund and dedicated revenue by minor amounts.

Fiscal Detail and Notes

The Department of Agriculture, Conservation and Forestry has indicated that the enforcement provisions of this bill will require additional staffing and resources. The bill includes ongoing General Fund appropriations of \$288,000 in fiscal year 2021-22 and \$399,000 in fiscal year 2022-23 for three Forest Ranger III positions and associated costs.

The bill prohibits a landowner who owns 50,000 or more acres of forest land from transporting forest products harvested on the landowner's land from one location in the State to another location in the State in violation of federal law or regulation or international trade agreement. A landowner who violates this prohibition 3 or more times would have the parcel of land suspended from the Maine Tree Growth Tax Law for 2 years. If such suspensions occur, Other Special Revenue Funds revenue and municipal revenue will be increased from penalties and increased tax revenue arising from changing the assessment. The bill also restricts landowners who have had land suspended from tree growth because of violating the prohibition discussed above from receiving a property tax exemption under the Business Equipment Tax Exemption program, the Business Equipment Tax Reimbursement program or any other income tax credit provided by the State. To the extent this occurs, General Fund revenues, Local Government Fund revenues (revenue sharing) and municipal revenue will increase. No estimate of increased revenue from violations can be made at this time.