

MAINE STATE LEGISLATURE

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ROS

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L.D. 188

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Date: 5/18/21

(Filing No. S- 95)

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STATE OF MAINE

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SENATE

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130TH LEGISLATURE

7

FIRST SPECIAL SESSION

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

11

Amend the amendment in section 3 in paragraph J in the last 2 lines (page 1, lines 21
12 and 22 in amendment) by striking out the following: "federal law or regulation or any
13 international trade agreement" and inserting the following: 'state law'

14

Amend the amendment in section 4 in subsection 6 in the 6th line (page 1, line 31 in
15 amendment) by inserting after the following: "section" the following: '8006 and Title 12,
16 section'

17

Amend the amendment in section 5 in paragraph R in the first line (page 2, line 4 in
18 amendment) by inserting after the following: "8006" the following: 'for those violations
19 discovered as part of the inspection process pursuant to Title 10, section 2364-B, subsection
20 6 and within the existing resources of the bureau'

21

Amend the amendment by striking out all of sections 6 and 7 and inserting the
22 following:

23

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

24

§8006. Intrastate transportation of forest products by nonresidents

25

1. Definitions. As used in this section, unless the context otherwise indicates, the
26 following terms have the following meanings.

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A. "Forest land" has the same meaning as in Title 36, section 573, subsection 3.

28

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

29

C. "Landowner" means a person that owns 50,000 acres or more of forest land in this
30 State.

31

D. "Motor carrier" means a contract carrier, a common carrier or a private carrier of
32 property by motor vehicle.

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E. "Resident of the United States" does not include a person eligible to be in the United
34 States under the United States H-2A visa program.

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2. Prohibition; landowner. A landowner may not hire, or contract with a person to hire, a motor carrier to transport forest products that are harvested from the landowner's land from a location in the State to another location in the State unless the motor carrier is operated by a resident of the United States.

A landowner who violates this subsection commits a civil violation and is subject to a penalty of \$1,000 for the first violation, \$10,000 for the 2nd violation and \$25,000 for the 3rd and any subsequent violation.

3. Prohibition; motor carrier. A motor carrier may not transport forest products that are harvested from a landowner's land from a location in the State to another location in the State unless the motor carrier is operated by a resident of the United States.

A motor carrier who violates this subsection commits a civil violation and is subject to a penalty of \$1,000 for the first violation, \$2,500 for the 2nd violation and \$10,000 for the 3rd and any subsequent violation.

4. Disposition of fines. Notwithstanding any law to the contrary, fines collected pursuant to this section may be retained by the bureau and used to assist with the enforcement of this section.

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

Sec. 7. Legislative intent. It is the intent of the Legislature that the inspection of trip tickets pursuant to the Maine Revised Statutes, Title 10, section 2364-B, subsection 6 and subsequent enforcement of Title 12, section 8006 by the Director of the Bureau of Forestry within the Department of Agriculture, Conservation and Forestry, as required pursuant to Title 12, section 8003, subsection 3, paragraph R, be done within the existing resources of the bureau.'

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

SUMMARY

This amendment establishes the civil violation of intrastate transport of forest products by nonresidents to prohibit the transportation of certain forest products from a location in Maine to another location in Maine unless the person doing the transporting is a resident of the United States, except that the person may not be in the United States under the federal H-2A visa program. The civil violation applies to a landowner of 50,000 acres or more of forest land in Maine that contracts with an unauthorized motor carrier and to an unauthorized motor carrier that engages in the prohibited activity.

As in the committee amendment, this amendment specifies that enforcement is the responsibility of the Director of the Bureau of Forestry within the Department of Agriculture, Conservation and Forestry but limits the enforcement to violations of the new civil violation as part of the ticket inspection process, removes references to federal law or regulation and international trade agreements and requires enforcement to be done within the existing resources of the bureau. This amendment increases the amounts of the fines levied against landowners who hire or contract with an unauthorized motor carrier and imposes fines on unauthorized motor carriers that violate the law. This amendment allows

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SENATE AMENDMENT "A" to COMMITTEE AMENDMENT "A" to S.P. 76, L.D. 188 (5-95)

1 the bureau to retain any fines collected for the civil violation and to use them to assist with
2 the enforcement of the civil violation of intrastate transport of forest products by
3 nonresidents.

4 This amendment also removes the appropriations and allocations section from the
5 committee amendment.

6 SPONSORED BY:  _____

7 (President JACKSON, T.)

8 COUNTY: Aroostook

FISCAL NOTE REQUIRED
(See Attached)

SENATE AMENDMENT



130th MAINE LEGISLATURE

LD 188

LR 642(06)

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

Fiscal Note for Senate Amendment "H" to Committee Amendment "A" (S-95)

Sponsor: Pres. Jackson of Aroostook

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)

Fiscal Detail and Notes

This amendment directs the Bureau of Forestry within the Department of Agriculture, Conservation and Forestry (ACF) to enforce within the existing resources of the bureau certain violations discovered as part of the normal inspection process pursuant to Maine Revised Statutes, Title 10, section 2364-B, subsection 6. The positions and the funding added in the committee amendment are removed. Fines for violations are increased from \$500 for a first violation, \$1,000 for a second violation and \$1,500 for a third and any subsequent violations to \$1,000 for a first violation, \$2,500 for a second violation and \$10,000 for a third and any subsequent violations. Any fine revenue collected from these civil violations can be retained by the bureau and used to assist with enforcement of the bill.

The amendment also removes other penalties for violations, including suspension from the Maine Tree Growth Tax Law, the Business Equipment Tax Exemption program, the Business Equipment Tax Reimbursement program and any other income tax credit applicable to taxable income from the landowner's business activities.