

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE
ONE HUNDRED AND TWENTIETH LEGISLATURE
FIRST REGULAR SESSION
December 6, 2000 to June 22, 2001

THE GENERAL EFFECTIVE DATE FOR
FIRST REGULAR SESSION
NON-EMERGENCY LAWS IS
SEPTEMBER 21, 2001

PUBLISHED BY THE REVISOR OF STATUTES
IN ACCORDANCE WITH MAINE REVISED STATUTES ANNOTATED,
TITLE 3, SECTION 163-A, SUBSECTION 4.

J.S. McCarthy Company
Augusta, Maine
2001

ment of child care under this Act as soon as reasonably possible, but no later than March 1, 2002.

See title page for effective date.

CHAPTER 339

S.P. 544 - L.D. 1690

An Act to Promote Outcome-based Forest Policy

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

Sec. 1. 12 MRSA §8003, sub-§3, ¶Q is enacted to read:

Q. The director, in cooperation with public and private landowners, shall actively pursue creating experimental areas on public and private land where the principles and applicability of outcome-based forest policy, as defined in section 8868, can be applied and tested. No more than 6 such areas may be designated, a single area may not exceed 100,000 acres and the total area under agreement may not exceed 200,000 acres. One area must be owned by a landowner holding fewer than 1,000 acres statewide. The director shall seek to designate areas representing differing forest types and conditions and from different geographic regions of the State. The term of initial agreements may not exceed 5 years. This paragraph is repealed July 1, 2006.

Sec. 2. 12 MRSA §8868, sub-§2-B is enacted to read:

2-B. Outcome-based forest policy. "Outcome-based forest policy" means a science-based, voluntary process to achieve agreed-upon economic, environmental and social outcomes in the State's forest, as an alternative to prescriptive regulation, demonstrating measurable progress towards achieving statewide sustainability goals and allowing landowners to use creativity and flexibility to achieve objectives, while providing for the conservation of public trust resources and the public values of forests. This subsection is repealed July 1, 2006.

Sec. 3. 12 MRSA §8869, sub-§3-A is enacted to read:

3-A. Plans for experimental areas. Practices applied on an experimental area created pursuant to section 8003, subsection 3, paragraph Q must provide at least the equivalent forest and environmental protection as provided by existing rules and any

applicable local regulations. At a minimum, tests of outcome-based principles must address:

- A. Soil productivity;
- B. Water quality, wetlands and riparian zones;
- C. Timber supply and quality;
- D. Aesthetic impacts of timber harvesting;
- E. Biological diversity; and
- F. Public accountability.

The Governor shall appoint a panel of technical experts to work with the director to implement, monitor and assess tests of outcome-based forestry principles. In order to participate in the outcome-based forestry experiment, the landowner, director and technical panel must develop agreed-upon desired outcomes for the experimental area and develop a method for determining if the outcomes have been attained and a system for reporting results to the public. This subsection is repealed July 1, 2006.

Sec. 4. 12 MRSA §8869, sub-§7, as enacted by PL 1989, c. 555, §10, is amended to read:

7. Application. This section ~~shall apply~~ applies to all forest lands within the State, including land in municipal and state ownership. ~~Only~~ Except as provided in subsection 7-A, only state-owned or operated research forests or industrially owned research forests certified by the commissioner are exempt from these requirements.

Sec. 5. 12 MRSA §8869, sub-§7-A is enacted to read:

7-A. Exemption for outcome-based forest policy experimental areas. Outcome-based forest policy experimental areas designated under section 8003, subsection 3, paragraph Q are exempt from the requirements of this subchapter and rules adopted pursuant to this subchapter. This subsection is repealed July 1, 2006.

Sec. 6. 12 MRSA §8869, sub-§13 is enacted to read:

13. Confidential information. Information provided to the bureau voluntarily or to fulfill reporting requirements for the purposes of establishing and monitoring outcome-based forest policy experimental areas, as created pursuant to section 8003, subsection 3, paragraph Q, is designated as confidential for the purposes of Title 1, section 402, subsection 3, paragraph A if the bureau has determined that failure to designate the information as confidential would provide competitors an opportunity to obtain business or competitive advantage over the person to

whom the information belongs or pertains or would result in loss or other significant detriment to that person. The bureau, working with the landowner and the panel of technical experts appointed under subsection 3-A, may publish reports as long as those reports do not reveal confidential information. This subsection is repealed July 1, 2006.

Sec. 7. 12 MRSA §8879, sub-§1, as enacted by PL 1997, c. 720, §13, is amended to read:

1. Content. The report must describe the condition of the State's forests based on historical information and information collected and analyzed by the bureau for the biennium. The report must provide an assessment at the state level of progress in achieving the standards developed pursuant to section 8876-A, including progress of the outcome-based forestry experiment authorized under section 8003, subsection 3, paragraph Q. The director shall also provide observations on differences in achieving standards by landowner class. The report must summarize importing and exporting of forest products for foreign and interstate activities. The director shall obtain public input during the preparation of the report through public hearings and other appropriate methods.

Sec. 8. Report to the Legislature on outcome-based forestry. By December 31, 2005, the Director of the Bureau of Forestry within the Department of Conservation, in consultation with the panel of technical experts established pursuant to the Maine Revised Statutes, Title 12, section 8869, subsection 3-A, shall submit a report to the 122nd Legislature on the feasibility of implementing outcome-based forestry as a basis for forest policy. The report must include the results of the experiment in outcome-based forestry, established in the Maine Revised Statutes, Title 12, section 8003, subsection 3, paragraph Q, and an assessment of the feasibility of this program as an effective means to improve forest management. If the director recommends outcome-based forestry as an effective and desirable means to attain forest policy goals, the report must also include:

1. Justification for establishing such a policy, based on the results of the experiment, including an analysis of the improvements in forest management likely under outcome-based forestry;

2. Steps needed to arrive at broadly supported outcomes, based on the principles of soil productivity; water quality, wetlands and riparian zones; timber supply and quality; aesthetic impacts of timber harvesting; biological diversity; and public accountability;

3. The conditions under which landowners would be allowed to participate in the program and be

exempt from certain rules and regulations, such as bureau approval of outcome-based forestry plans;

4. The bureau's plan to assess compliance with outcome-based forestry plans and to determine thresholds for noncompliance;

5. A discussion of outcome-based forestry's potential to improve public accountability and confidence in forest management, including specific tools that can be used to improve accountability and public confidence in forestry; and

6. An overall implementation plan, including general recommendations, recommendations for statutory changes and regulatory changes and the estimated costs to implement such a plan.

See title page for effective date.

CHAPTER 340

H.P. 1331 - L.D. 1788

An Act to Allow Marine Patrol Officers to Hold Elected Positions

Emergency preamble. Whereas, Acts of the Legislature do not become effective until 90 days after adjournment unless enacted as emergencies; and

Whereas, elected municipal officials who are also marine patrol officers are currently required to serve without compensation; and

Whereas, it is necessary that this legislation be enacted as an emergency in order that marine patrol officers who have been elected to municipal offices may begin to accept compensation for those elected offices; and

Whereas, in the judgment of the Legislature, these facts create an emergency within the meaning of the Constitution of Maine and require the following legislation as immediately necessary for the preservation of the public peace, health and safety; now, therefore,

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

Sec. 1. 12 MRSA §6025, sub-§2, as amended by PL 1979, c. 541, Pt. B, §14, is further amended to read:

2. Fees and other offices. Except before the District Court, officers ~~shall be~~ are allowed the same fees as sheriffs and their deputies for like service which ~~shall~~ must be paid to the commissioner for use of the State. Officers may not hold any other state, county or municipal office for which they receive