

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE

ONE HUNDRED AND THIRTIETH LEGISLATURE

FIRST REGULAR SESSION
December 2, 2020 to March 30, 2021

FIRST SPECIAL SESSION
April 28, 2021 to July 19, 2021

THE GENERAL EFFECTIVE DATE FOR
FIRST REGULAR SESSION
NON-EMERGENCY LAWS IS
JUNE 29, 2021

THE GENERAL EFFECTIVE DATE FOR
FIRST SPECIAL SESSION
NON-EMERGENCY LAWS IS
OCTOBER 18, 2021

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

Augusta, Maine
2021

Sec. T-1. 12 MRSA §10202, sub-§9, as amended by PL 2019, c. 343, Pt. LLL, §1, is further amended to read:

9. Fiscal Stability Program. The Fiscal Stability Program is established to ensure that the general public and hunters and anglers share the cost of the fish and wildlife conservation programs of the department. To achieve this goal, beginning with the ~~2022-2023~~ 2024-2025 biennial budget and for each biennial budget thereafter, the biennial budget submitted by the executive branch must include an additional General Fund appropriation of 18% in excess of the department's requested biennial budget.

PART U

Sec. U-1. Judicial salary adjustment. Notwithstanding any provision of the Maine Revised Statutes, Title 4 to the contrary, effective July 1, 2021 and July 1, 2022, the State Court Administrator shall increase the salaries of the State's chief justices, Chief Judge, Deputy Chief Judge, associate justices and associate judges by 3% in total each of those fiscal years.

PART V

Sec. V-1. Carrying provision; Department of Secretary of State, Elections and Commissions. Notwithstanding any provision of law to the contrary, the State Controller shall carry forward any unexpended balance in the All Other line category at the end of fiscal year 2020-21 to fiscal year 2021-22 and fiscal year 2022-23 in the Department of Secretary of State, Elections and Commissions program to be used as a match for the federal Help America Vote Act of 2002 election security grant.

PART W

Sec. W-1. Carrying provision for fiscal year 2020-21; Office of Treasurer of State, Debt Service - Treasury. Notwithstanding any provision of law to the contrary, the State Controller shall carry forward any remaining fiscal year 2020-21 balance in the Office of Treasurer of State, Debt Service - Treasury program at the close of that fiscal year to fiscal year 2021-22 to be used for the same purpose.

Sec. W-2. Carrying provision for fiscal year 2021-22; Office of Treasurer of State, Debt Service - Treasury. Notwithstanding any provision of law to the contrary, the State Controller shall carry forward any remaining fiscal year 2021-22 balance in the Office of Treasurer of State, Debt Service - Treasury program at the close of that fiscal year to fiscal year 2022-23 to be used for the same purpose.

See title page for effective date.

CHAPTER 30

S.P. 44 - L.D. 36

An Act To Amend the Definition of "Timber Harvesting"

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

Whereas, the Department of Agriculture, Conservation and Forestry, Bureau of Forestry relies on timber harvest notifications to track green wood movement in the State and on accurate information provided by landowners and wood processors to track wood use, which, in turn, informs forest policy discussions; and

Whereas, with the increase in large power line, wind farm and solar projects throughout the State, this legislation must take effect as soon as possible to assist the regulated community to better understand when it is necessary to file a timber harvest notification with the Bureau of Forestry; 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 §8868, sub-§4, as amended by PL 1997, c. 720, §6, is further amended to read:

4. Timber harvesting. "Timber harvesting" means the cutting or removal of timber for the primary purpose of selling or processing forest products trees or forest products that when cut or removed are transported to a roundwood processing operation, as defined in section 8881, subsection 10. "Timber harvesting" does not include reclaiming trees, logs or bark from timber harvesting or other operations, including but not limited to retrieving submerged timbers from log drives or bark from bark piles.

Sec. 2. 12 MRSA §8881, sub-§3, as enacted by PL 1989, c. 555, §12 and affected by c. 600, Pt. B, §11, is amended to read:

3. Forest products. "Forest products" means logs, pulpwood, veneer, bolt wood, wood chips, stud wood, poles, pilings, biomass fuel wood, fuel wood, bark or other products commonly known as forest products, but does not include Christmas trees, maple syrup, nursery products used for ornamental purposes, wreaths, bough material, cones or other seed crops.

Sec. 3. 12 MRSA §8881, sub-§10, as enacted by PL 1989, c. 555, §12 and affected by c. 600, Pt. B, §11, is amended to read:

10. Roundwood processing operation. "Roundwood processing operation" means sawmills; bolter mills; shingle mills; veneer mills; fence pole and piling making operations; pulp and paper mills; wafer board, particle board and plywood mills; whole tree chippers; commercial fuel wood processors; ~~and bark processors;~~ custom processing mills of these products; and log yards established to accumulate logs awaiting shipment to these operations.

Sec. 4. 17 MRSA §2511, sub-§1, ¶E, as enacted by PL 2003, c. 550, §1, is amended to read:

E. "Timber harvesting" ~~means the cutting or removal of timber for the primary purpose of selling or processing forest products~~ has the same meaning as in Title 12, section 8868, subsection 4.

Sec. 5. 23 MRSA §3360-A, sub-§1, ¶A-2, as enacted by PL 1999, c. 718, §1, is amended to read:

A-2. "Commercial timber harvesting activity" ~~means the cutting or removal of timber for the primary purpose of selling or processing forest products and includes the attendant operation of mobile or portable chipping mills and of cutting and skidding machinery and the creation, use and maintenance of skid trails, skid roads, winter haul roads and other roads to facilitate timber harvesting~~ has the same meaning as "timber harvesting activities" as defined in Title 12, section 8868, subsection 5.

Sec. 6. 38 MRSA §436-A, sub-§13, as amended by PL 2013, c. 320, §6, is further amended to read:

13. Timber harvesting. "Timber harvesting" ~~means the cutting and removal of timber for the primary purpose of selling or processing forest products~~ has the same meaning as in Title 12, section 8868, subsection 4. "Timber harvesting" does not include the cutting or removal of vegetation within the shoreland zone when associated with any other land use activities.

Sec. 7. 38 MRSA §438-B, sub-§1, ¶C, as enacted by PL 2003, c. 335, §5, is amended to read:

C. "Timber harvesting" ~~means cutting or removal of timber for the primary purpose of selling or processing forest products~~ has the same meaning as in Title 12, section 8868, subsection 4.

Sec. 8. 38 MRSA §480-B, sub-§2-B, as amended by PL 2011, c. 599, §11, is further amended to read:

2-B. Forest management activities. "Forest management activities" means timber stand improvement, timber harvesting activities, forest products harvesting and regeneration of forest stands. For the purposes of this definition, "timber harvesting activities" means timber harvesting, the construction and maintenance of roads used primarily for timber harvesting, the mining of gravel used for the construction and maintenance of

roads used primarily for timber harvesting and other activities conducted to facilitate timber harvesting. For the purposes of this definition, "timber harvesting" ~~means the cutting or removal of timber for the primary purpose of selling or processing forest products~~ has the same meaning as in Title 12, section 8868, subsection 4.

Emergency clause. In view of the emergency cited in the preamble, this legislation takes effect when approved.

Effective April 7, 2021.

**CHAPTER 31
S.P. 93 - L.D. 204**

**An Act To Amend the Law
Regarding the Interest Rate for
State Loans under the Potato
Marketing Improvement Fund**

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

Whereas, this legislation changes the interest rate for loans under the Potato Marketing Improvement Fund; and

Whereas, this legislation needs to take effect before the expiration of the 90-day period in order to offer loans at the revised interest rate as soon as possible; 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. 7 MRSA §974-A, sub-§1, ¶C, as enacted by PL 1987, c. 319, §4, is amended to read:

C. State loans ~~shall~~ must be at the interest rate established pursuant to subsection ~~2~~ 2-A.

Sec. 2. 7 MRSA §974-A, sub-§2, as amended by PL 2013, c. 403, §7, is repealed.

Sec. 3. 7 MRSA §974-A, sub-§2-A is enacted to read:

2-A. State loan interest rate. The interest rate for state loans is the federal prime rate on the date of loan commitment but may not be greater than 5%. Loans current on the effective date of this subsection may be refinanced at the borrower's request to an interest rate of the federal prime rate but not greater than 5%.