



# 129th MAINE LEGISLATURE

## FIRST REGULAR SESSION-2019

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Legislative Document

No. 1540

H.P. 1123

House of Representatives, April 11, 2019

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**An Act Concerning Timber Harvesting on Public Lands and in  
State Parks, Historic Sites and the Restricted Zone of the Allagash  
Wilderness Waterway**

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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 DUNPHY of Old Town.  
Cosponsored by Senator DILL of Penobscot and  
Representatives: HICKMAN of Winthrop, MAXMIN of Nobleboro, O'NEIL of Saco,  
PLUECKER of Warren, Senators: BLACK of Franklin, DAVIS of Piscataquis.

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

2 **Sec. 1. 12 MRSA §1801, sub-§4-B** is enacted to read:

3 **4-B. Forest products.** "Forest products" has the same meaning as in section 8881,  
4 subsection 3.

5 **Sec. 2. 12 MRSA §1807**, as amended by PL 2017, c. 289, §1, is further amended  
6 to read:

7 **§1807. Sustainable harvest level**

8 Except as provided in this section, timber harvesting on public reserved lands and  
9 nonreserved public lands may not exceed in total an average of 160,000 cords per year  
10 over any 3-year period. If an independent timber inventory conducted after July 1, 2015  
11 establishes a different sustainable harvest, the department, upon recommendation from  
12 staff within the bureau based on opinions of silvicultural experts in public reserved lands  
13 management and data from the most recent physical forest inventory, may adopt by rule a  
14 different harvesting level consistent with the most recent physical forest inventory, as  
15 long as the harvesting level is also consistent with this chapter, multiple use objectives,  
16 existing management plans and the department's most recent integrated resource policy  
17 for public reserved and nonreserved public lands, state parks and state historic sites.  
18 Rules adopted pursuant to this section are major substantive rules as defined in Title 5,  
19 chapter 375, subchapter 2-A and must be reviewed by the joint standing committee of the  
20 Legislature having jurisdiction over public reserved and nonreserved public lands  
21 matters.

22 **Sec. 3. 12 MRSA §1817, sub-§§5 and 6**, as enacted by PL 1997, c. 678, §13, are  
23 amended to read:

24 **5. Acquisition of parks.** The location and probable cost of acquisition, development  
25 and operation of parks that if acquired, developed and operated under this chapter could  
26 satisfy such needs; ~~and~~

27 **6. Public purposes of parks to meet recreation needs.** The public purposes to  
28 which such parks or portions of parks might be put;

29 **Sec. 4. 12 MRSA §1817, sub-§6-A** is enacted to read:

30 **6-A. Forest products.** The State's actual and potential forest inventory status and  
31 needs, including the need of the people of the State for a sawmill or other forest products  
32 processing or manufacturing facility to be located in the State. The bureau shall work  
33 with the Bureau of Forestry in carrying out the provisions of this subsection; and

34 **Sec. 5. 12 MRSA §1826, sub-§§5 and 6** are enacted to read:

35 **5. Contract, contractor requirements.** If the State contracts with another entity to  
36 perform the harvesting or other related activities, including skidding, processing, loading  
37 or trucking, the contract must be based on stumpage sale and the contractor must be an

1 established business located in the State. The entity with which the State contracts under  
2 this subsection must possess current certification as a master logger by a logger  
3 certification program recognized by the Bureau of Forestry, and must have provided  
4 during the bidding process evidence of ownership of at least 50% of the equipment and  
5 motor vehicles to be used to fulfill the contract. A contractor under this subsection shall  
6 provide or verify workers' compensation coverage consistent with the requirements of  
7 Title 39-A for every individual involved in fulfilling the contract.

8 **6. Forest products harvested from state parks and historic sites.** Forest products  
9 harvested from a state park or historic site must be used at the state park or historic site or  
10 sold to a sawmill or other forest products processing or manufacturing facility located in  
11 the State to be processed or used in manufacturing at that facility.

12 **Sec. 6. 12 MRSA §1826**, as enacted by PL 1997, c. 678, §13 and amended by PL  
13 2011, c. 657, Pt. W, §7 and PL 2013, c. 405, Pt. A, §24, is further amended by adding at  
14 the end a new paragraph to read:

15 The bureau shall adopt rules to carry out the provisions of this section. Rules adopted  
16 pursuant to this section are routine technical rules as defined in Title 5, chapter 375,  
17 subchapter 2-A.

18 **Sec. 7. 12 MRSA §1833, sub-§1**, as enacted by PL 1997, c. 678, §13 and  
19 amended by PL 2011, c. 657, Pt. W, §7 and PL 2013, c. 405, Pt. A, §24, is further  
20 amended to read:

21 **1. Purpose.** ~~The bureau shall manage nonreserved public lands in a manner~~  
22 ~~consistent with~~ Legislature declares that it is in the public interest and for the general  
23 benefit of the people of the State that title, possession and the responsibility for the  
24 management of nonreserved public lands be vested and established in the bureau acting  
25 on behalf of the people of the State and that the nonreserved public lands be managed  
26 under the principles of multiple use and shall to produce a sustained yield of products and  
27 services in accordance with both prudent and fair business practices and the principles of  
28 sound planning and to demonstrate exemplary land management practices, including  
29 silvicultural, wildlife and recreational practices, that reflect state policies governing  
30 management of forested and related types of lands.

31 **Sec. 8. 12 MRSA §1834, sub-§5** is enacted to read:

32 **5. Severed timber and other forest products.** Severed timber or other forest  
33 products taken or harvested under this subchapter may be sold only to a sawmill or other  
34 forest products processing or manufacturing facility located in the State to be processed  
35 or used in manufacturing at that facility.

36 **Sec. 9. 12 MRSA §1848, sub-§5** is enacted to read:

37 **5. Severed timber and other forest products.** Severed timber or other forest  
38 products taken or harvested under this subchapter may be sold only to a sawmill or other  
39 forest products processing or manufacturing facility located in the State to be processed  
40 or used in manufacturing at that facility.

1 **Sec. 10. 12 MRSA §1853, sub-§1, ¶H**, as amended by PL 2017, c. 362, §4, is  
2 further amended to read:

3 H. A breakdown of growth based on the most recent physical forest inventory and of  
4 harvest in each region of any public reserved lands units established by the bureau,  
5 identifying any harvesting that occurred during the preceding fiscal year in individual  
6 management units where harvest exceeds annual growth, any person who conducted  
7 harvesting under this paragraph and the sawmill or other forest products processing  
8 or manufacturing facility located in the State to which the forest products derived  
9 from the harvesting were delivered;

10 **Sec. 11. 12 MRSA §1880, sub-§1**, as amended by PL 2003, c. 452, Pt. F, §3 and  
11 affected by Pt. X, §2 and amended by PL 2011, c. 657, Pt. W, §7 and PL 2013, c. 405, Pt.  
12 A, §24, is further amended to read:

13 **1. Restricted zone; timber harvesting.** Timber harvesting operations are not  
14 permitted within the restricted zone, except:

15 A. By direction of the bureau for the purpose of maintaining healthy forest  
16 conditions; or

17 B. By direction of the bureau for the purpose of correcting situations arising from  
18 natural disasters.

19 The provisions of section 1826, subsections 5 and 6 relating to timber harvesting in state  
20 parks and historic sites apply to timber harvesting in the restricted zone.

## 21 SUMMARY

22 This bill amends and enacts provisions regarding the Department of Agriculture,  
23 Conservation and Forestry, Bureau of Parks and Lands' management of timber harvesting  
24 on state property under its jurisdiction, including:

25 1. Requiring the bureau to report on the State's actual and potential forest inventory  
26 status and needs, including the need for a sawmill or other forest products processing  
27 facility to be located in the State;

28 2. Requiring contractors harvesting timber at state parks, historic sites and the  
29 restricted zone in the Allagash Wilderness Waterway to be established businesses in the  
30 State and to meet other requirements;

31 3. Requiring forest products harvested or collected from state parks, historic sites,  
32 public lands or the restricted zone in the Allagash Wilderness Waterway, unless used by  
33 the state parks, historic sites or Allagash Wilderness Waterway, to be sold to a sawmill or  
34 other forest products processing or manufacturing facility located in the State to be  
35 processed or manufactured at the facility;

36 4. Declaring that it is in the public interest and for the general benefit of the people of  
37 the State that title, possession and the responsibility for the management of nonreserved  
38 public lands be vested and established in the bureau acting on behalf of the people of the

1 State and that the lands be managed to demonstrate exemplary land management  
2 practices, including silvicultural, wildlife and recreational practices, that reflect state  
3 policies governing management of forested and related types of lands; and

4 5. Requiring that the annual report dealing with public reserved lands identify persons  
5 who conduct timber harvesting on the lands and the sawmill or other forest products  
6 processing or manufacturing facility located in the State to which the forest products  
7 derived from the harvesting were delivered.