1	L.D. 1741
2	Date: (Filing No. S-)
3	AGRICULTURE, CONSERVATION AND FORESTRY
4	Reproduced and distributed under the direction of the Secretary of the Senate.
5	STATE OF MAINE
6	SENATE
7	125TH LEGISLATURE
8	SECOND REGULAR SESSION
9 10	COMMITTEE AMENDMENT " to S.P. 598, L.D. 1741, Bill, "An Act To Streamline the Paperwork Requirements of the State's Forest Practices Laws"
11	Amend the bill by striking out all of section 1 (page 1, lines 2 to 6 in L.D.)
12 13	Amend the bill by striking out all of sections 4 and 5 (page 2, lines 7 to 17 in L.D.) and inserting the following:
14	'Sec. 4. 12 MRSA §8881, sub-§12 is enacted to read:
15 16	12. Timber harvesting. "Timber harvesting" has the same meaning as in section 8868, subsection 4.
17 18	Sec. 5. 12 MRSA §8883-B, sub-§1, as enacted by PL 2003, c. 452, Pt. F, §44 and affected by Pt. X, §2, is amended to read:
19 20 21	1. Notification required prior to harvest. Unless exempted under subsection 6 or by rule, prior to commencing harvesting operations the <u>a</u> landowner or designated agent shall notify the bureau of: prior to beginning timber harvesting.
22	A. A harvest operation of 50 cords or less; or
23	B. A commercial harvest operation of more than 50 cords.
24 25	When the harvest timber harvesting is occurring within a municipality, the bureau shall send a copy of the notification form to the municipal clerk.
26 27	Sec. 6. 12 MRSA §8883-B, sub-§2, ¶G, as enacted by PL 2003, c. 452, Pt. F, §44 and affected by Pt. X, §2, is amended to read:
28 29 30 31 32 33 34	G. An indication whether the land being harvested is taxed under the Maine Tree Growth Tax Law. If the land being harvested is taxed under the Maine Tree Growth Tax Law, the notification must include a statement, signed by the landowner, indicating that the harvest is consistent with the forest management and harvest plan required by Title 36, section 574 B, subsection 1. A licensed professional forester who has a fiduciary responsibility to the landowner may sign the statement required in this paragraph.;

22.

Failure to indicate that the harvest is consistent with the forest management and
harvest plan constitutes a withdrawal from taxation under the Maine Tree Growth
Tax Law of the land being harvested in a manner that is not consistent with the forest
management and harvest plan. When such failure is indicated, the director shall
notify the assessor for the jurisdiction in which the parcel is located that the land or a
portion of the land no longer meets the requirements of Title 36, chapter 105,
subchapter 2 A and must be withdrawn in accordance with Title 36, section 581;'
Amend the bill in section 7 in subsection 6 by striking out all of the last underlined

Amend the bill in section 7 in subsection 6 by striking out all of the last underlined paragraph (page 3, lines 7 to 9 in L.D.)

Amend the bill by inserting after section 7 the following:

'Sec. 8. 12 MRSA §8883-B, sub-§6-A is enacted to read:

- **6-A. Alternative notifications.** The bureau may develop alternative notification forms and methods for reporting:
 - A. A timber harvesting operation 10 acres or less in area; and
 - B. Timber harvesting for the purpose of converting the land to another use when a person certified in erosion control practices by the Department of Environmental Protection is responsible for management of erosion and sedimentation control at the harvest site.'

Amend the bill in section 8 in subsection 7 in paragraph C in the first line (page 3, line 19 in L.D.) by striking out the following: "commercial harvest" and inserting the following: 'commercial harvest timber harvesting'

Amend the bill in section 8 in subsection 7 in paragraph D in the first line (page 3, line 25 in L.D.) by striking out the following: "commercial" and inserting the following: 'commercial timber'

Amend the bill by inserting after section 8 the following:

'Sec. 9. 12 MRSA §8883-B, sub-§9 is enacted to read:

- 9. Rulemaking. No later than November 1, 2012, the bureau shall adopt rules to implement this section. Rules adopted pursuant to this subsection are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A.'
- Amend the bill by striking out all of section 10 (page 3, lines 38 and 39 in L.D.) and inserting the following:
- 'Sec. 10. Directive to amend certain rules pertaining to certification of clearcuts and notification of timber harvesting. No later than November 1, 2012, the Commissioner of Conservation shall amend the Department of Conservation Rule Chapter 20: Forest Regeneration and Clearcutting Standards to:
- 1. Remove the requirement that a licensed professional forester certify that regeneration standards have been met for Category 2 and Category 3 clearcuts;
- 2. Remove the requirement that a landowner file a report with the Department of Conservation, Bureau of Forestry along with certification that the regeneration standards have been met for Category 2 and Category 3 clearcuts; and

3. Remove that section of Rule Chapter 20 that establishes a process by which landowners file a notification with the bureau prior to beginning a timber harvesting operation. Notwithstanding the Maine Revised Statutes, Title 12, section 8867-A, revisions to Rule Chapter 20 in accordance with this section are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A.'

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

8 SUMMARY

This amendment:

- 1. Deletes section 1 of the bill, which revises rule-making authority in the Maine Revised Statutes, Title 12, chapter 805, subchapter 3-A, which governs forest practices;
- 2. Defines "timber harvesting" to specify when it is necessary for a landowner or designated agent to file a harvest notification with the Department of Conservation, Bureau of Forestry;
- 3. Retains the requirement in current law that a harvest notification form indicate if the land being harvested is taxed under the Maine Tree Growth Tax Law but removes the requirement that the notification include a statement that the harvest is consistent with the forest management and harvest plan required under Title 36;
- 4. Clarifies the bureau's authority to modify the notification process for harvests under 10 acres and harvesting for the purpose of land use conversion;
 - 5. Directs the bureau to adopt rules pertaining to timber harvesting notifications; and
- 6. Amends the section of the bill dealing with penalties to replace the term "commercial harvesting" with "timber harvesting."