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S.P. 597

In Senate, January 4, 2012

An Act To Remove the Repeal Date for Outcome-based Forestry

(EMERGENCY)

Submitted by the Department of Conservation pursuant to Joint Rule 204.
Reference to the Committee on Agriculture, Conservation and Forestry suggested and ordered printed.

Joseph G. Carleton Jr.

JOSEPH G. CARLETON, JR.
Secretary of the Senate

Presented by Senator SHERMAN of Aroostook.

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

3 **Whereas,** this legislation seeks to extend the time during which the laws governing
4 outcome-based forestry are in effect; and

5 **Whereas,** the laws governing outcome-based forestry are scheduled to be repealed
6 July 1, 2012; and

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

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

12 **Sec. 1. 12 MRSA §8003, sub-§3, ¶Q,** as amended by PL 2007, c. 271, §1, is
13 further amended to read:

14 Q. The director, in cooperation with public and private landowners, shall actively
15 pursue creating experimental areas on public and private land where the principles
16 and applicability of outcome-based forest policy, as defined in section 8868, can be
17 applied and tested. No more than 6 such areas may be designated. The director shall
18 seek to designate areas representing differing forest types and conditions and from
19 different geographic regions of the State. The term of initial agreements may not
20 exceed 5 years. ~~This paragraph is repealed July 1, 2012.~~

21 **Sec. 2. 12 MRSA §8868, sub-§2-B,** as amended by PL 2007, c. 271, §2, is
22 further amended to read:

23 **2-B. Outcome-based forest policy.** "Outcome-based forest policy" means a
24 science-based, voluntary process to achieve agreed-upon economic, environmental and
25 social outcomes in the State's forest, as an alternative to prescriptive regulation,
26 demonstrating measurable progress towards achieving statewide sustainability goals and
27 allowing landowners to use creativity and flexibility to achieve objectives, while
28 providing for the conservation of public trust resources and the public values of forests.
29 ~~This subsection is repealed July 1, 2012.~~

30 **Sec. 3. 12 MRSA §8869, sub-§3-A,** as amended by PL 2007, c. 271, §3, is
31 further amended to read:

32 **3-A. Plans for experimental areas.** Practices applied on an experimental area
33 created pursuant to section 8003, subsection 3, paragraph Q must provide at least the
34 equivalent forest and environmental protection as provided by existing rules and any
35 applicable local regulations. At a minimum, tests of outcome-based principles must
36 address:

- 37 A. Soil productivity;
- 38 B. Water quality, wetlands and riparian zones;

- 1 C. Timber supply and quality;
- 2 D. Aesthetic impacts of timber harvesting;
- 3 E. Biological diversity; and
- 4 F. Public accountability.

5 The Governor shall appoint a panel of technical experts to work with the director to
6 implement, monitor and assess tests of outcome-based forestry principles. In order to
7 participate in the outcome-based forestry experiment, the landowner, director and
8 technical panel must develop agreed-upon desired outcomes for the experimental area
9 and develop a method for determining if the outcomes have been attained and a system
10 for reporting results to the public. ~~This subsection is repealed July 1, 2012.~~

11 **Sec. 4. 12 MRSA §8869, sub-§7-A**, as amended by PL 2007, c. 271, §4, is
12 further amended to read:

13 **7-A. Exemption for outcome-based forest policy experimental areas.** Outcome-
14 based forest policy experimental areas designated under section 8003, subsection 3,
15 paragraph Q are exempt from the requirements of this subchapter and rules adopted
16 pursuant to this subchapter. ~~This subsection is repealed July 1, 2012.~~

17 **Sec. 5. 12 MRSA §8869, sub-§13**, as amended by PL 2009, c. 567, §9, is further
18 amended to read:

19 **13. Confidential information.** Information provided to the bureau voluntarily or to
20 fulfill reporting requirements for the purposes of establishing and monitoring outcome-
21 based forest policy experimental areas, as created pursuant to section 8003, subsection 3,
22 paragraph Q, is public unless the person to whom the information belongs or pertains
23 requests that it be designated as confidential and the bureau has determined it contains
24 proprietary information. For the purposes of this subsection, "proprietary information"
25 means information that is a trade secret or production, commercial or financial
26 information the disclosure of which would impair the competitive position of the person
27 submitting the information and would make available information not otherwise publicly
28 available. The bureau, working with the landowner and the panel of technical experts
29 appointed under subsection 3-A, may publish reports as long as those reports do not
30 reveal confidential information. ~~This subsection is repealed July 1, 2012.~~

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

33 **SUMMARY**

34 The laws governing outcome-based forestry are scheduled to be repealed July 1,
35 2012. This bill removes the repeal date.