



**Testimony of
DANA A. DORAN
Executive Director
Professional Logging Contractors of Maine**

**Before the Committee on Agriculture, Conservation and Forestry in Support of LD 180
– An Act to Allow a Person to File a Paper Copy of a Timber Harvest Notification Form**

Wednesday, February 8, 2023

Senator Ingwersen, Representative Pluecker and members of the Committee on Agriculture, Conservation and Forestry, my name is Dana Doran, and I am the Executive Director of the Professional Logging Contractors of Maine. The Professional Logging Contractors of Maine (PLC) is the voice of Maine's logging and trucking industry. The PLC was formed in 1995 to represent independent contractors in a rapidly changing forest industry.

As of 2017, logging and trucking contractors in Maine employed over 3,900 people directly and were indirectly responsible for the creation of an additional 5,400 jobs. This employment and the investments that contractors make contributed \$620 million to the state's economy. Our membership, which includes 200 contractor members and an additional 120 associate members, employs over half of the individuals who work in this industry and is also responsible for 80% of Maine's annual timber harvest.

Thank you for providing me the opportunity to testify on behalf of our membership in Support of LD 180 – An Act to Allow a Person to File a Paper Copy of a Timber Harvest Notification Form. We would also like to thank Representative Black and the other co-sponsors of this legislation for providing an opportunity to bring this issue before this committee.

The logging industry in Maine was in the midst of a reinvention process until the onset of COVID 19 and the digester explosion at the Jay mill in April 2020. However, as a result of other mill closures, curtailments and inflation created by the response to COVID 19, we are estimating that Maine has lost 30% of its harvesting capacity and the layoff of nearly 1,000 people in harvesting and hauling since 2020. Our updated economic impact study with the University of Maine, which will be released at our annual legislative breakfast on March 3rd, will substantiate these estimates. For an industry that is responsible for over \$620 million of direct economic impact each year, it has likely led to a direct loss of close to \$100 million of economic activity per year since 2020.

I provide all this context because 100% of our membership are small businesses who are fighting for their lives right now. They need state government to help them and not provide obstacles or roadblocks that can cost them time, money and inefficiency.

In January of 2021, the paper Forest Operations Notification application, also known as FONS, which is required in advance of any commercial timber harvest by Maine statute, Chapter 12, Subchapter 805, Section 8883, was eliminated by the Maine Forest Service (MFS) in favor of electronic submissions only. The logging community was consulted on the change and even asked for their feedback, but in the end, that feedback was set aside in favor of MFS's point of view that the FONS should only be submitted electronically. This change essentially eliminated the logging community's statutory role in the system. The legislation before you today makes one simple change that the

logging community and a majority of their clients are in favor of, which is to reinstate the paper option, in addition to the electronic system.

Paper forms are available for filing taxes, incorporating a business, filing a permit application and numerous other areas of state government, in addition to having an online option. MFS is the only agency that we know of that has eliminated a paper form and mandated the use of an electronic form as the only alternative. In a state that prides itself on the role of the forest products industry and over 120 years of paper manufacturing, the one agency that actually regulates forest activity is evidently anti-paper.

While we are discouraged by the Maine Forest Service's anti-paper stance, we would also like to raise concerns with the Committee on the process by which the MFS followed to take away the paper system. We question whether the method and the outcome might violate state statute in the end.

Chapter 12, Subchapter 805, Section 8883-B, states specifically that unless an alternate form or method of reporting is provided in rule, notification must be on forms supplied by the bureau. We don't believe any type of rulemaking took place which authorized the elimination of paper forms supplied by the bureau. If that is the case, there might be a statutory issue that needs to be corrected and reinstatement of the paper form will ensure that the law has been followed.

Secondly, the statute provides landowners with discretion to designate an agent to work on their behalf to help fill out the FONS and seek necessary signatures if necessary. This designated agent could be a family member, a friend or even a timber harvesting contractor. Unfortunately, with the online system, the ability for a landowner to work with a designated agent to assist with processing the FONS has essentially been taken away, unless you are a licensed forester. See Chapter 12, Subchapter 805, Section 883-B2J. It is not clear to us why this was done and whether this has created a situation where one group has more authority than another.

The PLC and many of our members have tried to work with MFS officials on numerous occasions to ask that they provide a paper option in addition to online. We are not, nor are our members advocating to take the online system away, but we simply want both options available. MFS states that the paper version is no longer available. However, we have heard that if you are a landowner, they will provide an exception.

Quite frankly, contractors feel as if they are being discriminated against. A contractor can be a designated agent, but they can't exercise that authority in the online only environment.

Lastly, not all landowners have access to the internet, they cannot all use a computer nor do they have money to transport themselves to a location with public internet that they may or may not be able to operate. We have heard horror stories from landowners that might be Amish, they might hold specific religious beliefs that preclude them from using electronics, or they may just not trust government. As a result, many landowners have chosen not to harvest their property because of their unwillingness to navigate an online system that they don't agree with, makes them uncomfortable or that they don't have familiarity with.

In our opinion, MFS should not be creating systems that discourage landowners from conducting harvests or creating situations that have a negative impact upon logging contractors at such a perilous time. If anything, government processes should be made easier and more flexible, rather than the opposite. If you can file other government forms in both paper and online, the FONS should be the same.

Thank you for the opportunity to provide the opinion of our membership before you today and I would be happy to answer any questions you may have.