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Date: (Filing No. S-)

TAXATION

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**STATE OF MAINE
SENATE
130TH LEGISLATURE
FIRST SPECIAL SESSION**

COMMITTEE AMENDMENT “ ” to S.P. 76, L.D. 188, “An Act Regarding the Transportation of Products in the Forest Products Industry”

Amend the bill by striking out everything after the enacting clause and inserting the following:

'Sec. 1. 10 MRSA §2364-B, sub-§1, ¶H, as enacted by PL 1997, c. 648, §2, is amended to read:

H. The destination of the wood, both town and customer; ~~and~~

Sec. 2. 10 MRSA §2364-B, sub-§1, ¶I, as enacted by PL 1997, c. 648, §2, is amended to read:

I. The signature of the truck driver; and

Sec. 3. 10 MRSA §2364-B, sub-§1, ¶J is enacted to read:

J. An affirmation by the owner of the land from which the wood was harvested that the load of wood is being transported in a legal manner consistent with federal law or regulation or any international trade agreement.

Sec. 4. 10 MRSA §2364-B, sub-§6, as enacted by PL 2003, c. 454, §1 and amended by PL 2011, c. 657, Pt. W, §§5 and 7 and PL 2013, c. 405, Pt. A, §23, is further amended to read:

6. Presentation of trip ticket to forest ranger. Upon request, a truck driver or an owner or manager of any log yard or mill site shall present a copy of the trip ticket to a forest ranger in any log yard or mill site. Upon request, a wood scaler shall present the record of measurement including a copy of the trip ticket or information contained on the trip ticket to a forest ranger. A forest ranger may request and use this information for the purpose of enforcing and investigating alleged violations of Title 12, section 8883; Title 14, section 7552; and Title 17, section 2510. For purposes of this subsection, "forest ranger" means a person employed by the Department of Agriculture, Conservation and Forestry, Bureau of Forestry under Title 12, section 8901. A truck driver, an owner or

1 manager of any log yard or mill site or a wood scaler who fails to comply with the
2 provisions of this subsection is subject to the penalties provided in section 2368.

3 **Sec. 5. 12 MRSA §8003, sub-§3, ¶R** is enacted to read:

4 R. The director shall enforce section 8006.

5 **Sec. 6. 12 MRSA §8006** is enacted to read:

6 **§8006. Transportation of forest products**

7 **1. Civil violation.** A landowner that owns 50,000 acres or more of forest land, as
8 defined in Title 36, section 573, subsection 3, in the State commits a civil violation if the
9 landowner hires, or contracts with a person who hires, a person to transport forest products,
10 as defined in section 8881, subsection 3, that are harvested from the landowner's land from
11 a location in the State to another location in the State in violation of federal law or
12 regulation or an international trade agreement.

13 **2. Fine.** The fine for violation of subsection 1 is \$500 for the first violation, \$1,000
14 for the 2nd violation and \$1,500 for the 3rd and any subsequent violation.

15 **3. Additional penalty; 3rd and subsequent violations.** A landowner that violates
16 subsection 1 after having violated that subsection 3 or more times after October 1, 2021
17 must be assessed the following additional penalties for the 2 years after the date of the 3rd
18 or subsequent violation:

19 A. The parcel of land from which the forest products were harvested is suspended from
20 classification under the Maine Tree Growth Tax Law for 2 years, and the land must be
21 assessed for property tax purposes at its just value, as defined in Title 36, section
22 701-A, during the period of suspension; and

23 B. The landowner is not eligible for:

24 (1) The property tax exemption under Title 36, chapter 105, subchapter 4-C;

25 (2) Reimbursement under Title 36, chapter 915; or

26 (3) Any income tax credit under Title 36, chapter 822 that is applicable to taxable
27 income resulting from the landowner's business activities.

28 **4. Enforcement; notification.** Violations of this section are enforced in the same
29 manner as provided in section 8307. The director shall notify the State Tax Assessor and
30 municipal property tax assessors of any violation by a landowner under this section.

31 **Sec. 7. Appropriations and allocations.** The following appropriations and
32 allocations are made.

33 **AGRICULTURE, CONSERVATION AND FORESTRY, DEPARTMENT OF**

34 **Division of Forest Protection Z232**

35 Initiative: Provides appropriations for 3 Forest Ranger III positions and associated costs.

36 GENERAL FUND	2021-22	2022-23
37 POSITIONS - LEGISLATIVE COUNT	3.000	3.000
38 Personal Services	\$231,750	\$324,000
39 All Other	\$56,250	\$75,000

1 GENERAL FUND TOTAL \$288,000 \$399,000

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

5

SUMMARY

6 This amendment replaces the bill. It creates a civil violation for landowners of 50,000
7 acres or more of forest land that hire, or contract with a person who hires, a person to
8 transport forest products that are harvested from the landowner’s land from a location in
9 the State to another location in the State in violation of federal law or regulation or an
10 international trade agreement. The Director of the Bureau of Forestry within the
11 Department of Agriculture, Conservation and Forestry is required to enforce this provision
12 and to notify the State Tax Assessor and municipal property tax assessors of violations.
13 The amendment clarifies the treatment of violations under the Maine Tree Growth Tax Law
14 and removes the provision in the bill that provides that violators may not receive certain
15 state grants or other state funding. The amendment retains the provision of the bill that
16 requires owners and managers of log yards and mill sites to present a copy of a trip ticket
17 to a forest ranger in the log yard or mill site upon request. The amendment adds an
18 appropriations and allocations section.

19

FISCAL NOTE REQUIRED

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(See attached)