



Testimony of

DANA A. DORAN
Executive Director
Professional Logging Contractors of Maine

**Before the Committee on Agriculture, Conservation and Forestry in Support of LD 1048 –
An Act Regarding the Authority of Municipalities to Regulate Timber Harvesting**

Monday, March 20, 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 2021, logging and trucking contractors in Maine employed over 3,000 people directly and were indirectly responsible for the creation of an additional 2,500 jobs. This employment and the investments that contractors make contributed \$582 million to the state's economy. Our membership, which includes 200 contractor members and an additional 120 associate members, employs more than 75% of the individuals who work in this industry and is also responsible for 80% of Maine's annual timber harvest.

The logging industry in Maine was in the midst of a resurgence until the onset of COVID 19 and the digester explosion at the Jay mill in April 2020. As a result, 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. In just four years, the industry has shrunk from an annual economic impact of \$620 million to \$582 million and total jobs have been reduced from 9,000 to 5,500.

Thank you for providing me the opportunity to testify on behalf of our membership in support of LD 1048 – An Act Regarding the Authority of Municipalities to Regulate Timber Harvesting. I would like to thank Senator Black for introducing this legislation as it not only provides important protections and assurances for landowners, but those same protections also extend themselves to logging and trucking contractors as well.

Over the last few years, we have seen firsthand the impact that local ordinances can have on logging operations. Generally, local ordinances are put in place not because of a preponderance of illegal activity, but because one landowner conducts a harvest and the abutting landowners or neighbors down the road do not approve of the activity. To prevent future activity, they petition their local code enforcement officer or planning board to restrict forestry activity as a result and

a new local ordinance is enacted. Again, I would like to emphasize that these actions are not taken because of widespread malfeasance or illegal activity, but because of the opinions of a few.

Local ordinances have sprung up across the state related to noise, weight limits, time of day work restrictions or other forestry practices. This limits the ability of landowners to conduct forest operations on their property, and it also limits the ability of contractors to facilitate their livelihoods in rural areas of the state.

During the 1st session of the 130th Legislature, in response to LD 1407, this Committee requested a stakeholder group to meet and come up with recommendations regarding these issues. As a member of the stakeholder group, the bill before you is not perfect, but it will codify a process that must be followed in the future, ensuring that ordinance creep does not continue, further harming our industry.

That said, the legislation before you should not be seen as the only solution to the problem; more must be done in the future, because no good deed goes unpunished. For example, the bill before you does nothing with respect to limiting municipal noise ordinances nor does it assist with municipal road posting and bonding that is becoming more of an issue on a daily basis. These were issues that went far beyond the scope of our stakeholder group last year. Our fear is that some municipalities might choose the path of least resistance to limit harvesting by enacting other restrictions that won't trigger the mechanisms included in this bill.

The Legislature has invested a lot of effort in the last three decades to create one of the most progressive forest regulation schemes in the country. The Forest Practices Act and consolidation of statewide standards for harvesting in shoreland zones with the Maine Forest Service are just two examples of this work. The Maine Forest Service also administers permit requirements for stream and wetland crossings in the Land Use Planning Commission jurisdiction. The logging community is heavily regulated by the state and feels that the state does a decent job with respect to oversight and implementation of these rules and regulations.

As a result, we do not feel that an additional level of bureaucracy at the local level with respect to issues that really should have state oversight will be beneficial in the long run. Maine has sufficient statewide regulation in place and therefore the state should be able to ensure that landowners and loggers can practice forestry without fear of retribution, retaliation, or further cost.

Again, we would like to thank the sponsor for bringing this legislation forward and we would like to encourage the committee to vote ought to pass.

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.