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## An Act To Amend the Outcome-based Forestry Experiment Laws

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

**Sec. 1. 12 MRSA §8003, sub-§3, ¶Q**, as amended by PL 2011, c. 488, §1, is further amended to read:

Q. The director, in cooperation with public and private landowners, shall actively pursue creating experimental areas on public and private land where the principles and applicability of outcome-based forest policy, as defined in section 8868, can be applied and tested. No more than 6 such areas may be designated and no more than 3 of those 6 areas may individually be more than 50,000 acres. The director shall seek to designate areas representing differing forest types and conditions and of differing sizes and from different geographic regions of the State. The term of initial agreements may not exceed 5 years.

This paragraph is repealed July 1, 2021.

**Sec. 2. 12 MRSA §8869, sub-§3-A**, as amended by PL 2011, c. 488, §3, is further amended to read:

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

- A. Soil productivity;
- B. Water quality, wetlands and riparian zones;
- C. Timber supply and quality;
- D. Aesthetic impacts of timber harvesting;
- E. Biological diversity; and
- F. Public accountability.

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

**Sec. 3. 12 MRSA §8869, sub-§7-A**, as amended by PL 2011, c. 488, §4, is further amended to read:

**7-A. Exemption for outcome-based forest policy experimental areas.** ~~Outcome-based~~ Except for the requirement in subsection 3-A, outcome-based forest policy experimental areas designated under section 8003, subsection 3, paragraph Q are exempt from the requirements of this ~~subchapter~~ section and rules adopted pursuant to this ~~subchapter~~ section if the exemptions are identified in the agreement establishing the experimental area.

This subsection is repealed July 1, 2021.

**Sec. 4. 12 MRSA §8869-B** is enacted to read:

**§ 8869-B. Outcome-based forest policy experimental area**

This section governs experimental areas created pursuant to section 8003, subsection 3, paragraph Q.

**1. Tests.** At a minimum, tests of outcome-based principles must address:

- A. Soil productivity;
- B. Water quality, wetlands and riparian zones;
- C. Timber supply and quality;
- D. Aesthetic impacts of timber harvesting;
- E. Biological diversity; and
- F. Public accountability.

**2. Technical panel.** The Governor shall appoint a panel of technical experts, referred to in this subsection as "the technical panel," to work with the director to implement, monitor and assess tests of outcome-based forestry practices. The technical panel must consist of at least 5 but not more than 7 members and must include members with expertise in plant ecology, wildlife ecology and forestry, members who represent the interests of small and large landowners and members who represent the interests of the public. At least one member with expertise in plant ecology, wildlife ecology or forestry must be a current or former member of the faculty of the University of Maine forest resources or wildlife ecology department. Members are appointed for terms of 4 years.

**3. Participation.** In order to participate in the outcome-based forest policy experiment, the landowner, director and technical panel must develop agreed-upon desired outcomes for the experimental area and develop a method for determining if the outcomes have been attained. The method for determining if the outcomes have been attained must include an assessment by the technical panel in accordance with subsection 4.

**4. Assessment.** The technical panel shall independently assess whether the practices applied in the experimental area provide at least the equivalent forest and environmental protection as required by existing rules and any applicable local regulations as required by section 8869, subsection 3-A. The

technical panel may not delegate the assessment to any other person or organization. In determining whether the forest and environmental protection is equivalent, the technical panel shall evaluate the outcomes of the outcome-based forest policy experiment:

A. On multiple size scales, including a harvesting-area scale, a landscape scale and a regional scale; and

B. By habitat type, habitat patch size and long-term impacts to habitat structure across the experimental area.

**5. Annual report.** Beginning January 1, 2015, and by every January 1st thereafter, the director shall submit a report to the joint standing committee of the Legislature having jurisdiction over conservation matters. The annual report must include an assessment of the progress on the entirety of the outcome-based forest policy experiment and must include recommendations on whether the outcome-based forest policy experiment should be continued, changed or ended. The director shall present the annual report to the joint standing committee at a public meeting no sooner than 30 days after the report is submitted to the committee.

**6. Five-year report.** Beginning 5 years from the date an agreement for an experimental area is entered into pursuant to section 8003, subsection 3, paragraph Q and every 5 years thereafter, the director shall submit a report on that experimental area to the joint standing committee of the Legislature having jurisdiction over conservation matters. The 5-year report must include an assessment by the technical panel in accordance with subsection 4. Prior to the submission of the 5-year report to the joint standing committee, the director shall provide a 30-day opportunity for public comment on the draft report. The 5-year report to the joint standing committee must include a response to each public comment from the director.

**7. Proposed agreements.** Prior to entering into any agreement establishing an outcome-based forest policy experimental area pursuant to section 8003, subsection 3, paragraph Q, the director shall present the proposed agreement to the joint standing committee of the Legislature having jurisdiction over conservation matters. The presentation must address how the proposed agreement will provide at least the equivalent forest and environmental protection as required by existing rules and any applicable local regulations as required by section 8869, subsection 3-A.

**8. Rules.** 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.

**9. Repeal.** This section is repealed July 1, 2021.

**Sec. 5. 12 MRSA §8879, sub-§1,** as amended by PL 2011, c. 532, §2 and c. 657, Pt. W, §7 and PL 2013, c. 405, Pt. A, §23, is further amended to read:

**1. Content.** The report must describe the condition of the State's forests based on historical information and information collected and analyzed by the bureau for the 5-year period. The report must provide an assessment at the state level of progress in achieving the standards developed pursuant to section 8876-A, including progress of the outcome-based forestry experiment authorized under section

~~8003, subsection 3, paragraph Q.~~ The director shall also provide observations on differences in achieving standards by landowner class. The report must summarize importing and exporting of forest products for foreign and interstate activities. The director shall obtain public input during the preparation of the report through appropriate methods.

**Sec. 6. Staggered terms.** Notwithstanding the Maine Revised Statutes, Title 12, section 8869-B, subsection 2, by October 15, 2014, the Governor shall appoint the members of the technical panel to serve initial staggered terms. Of the appointees, up to 2 members serve initial terms of one year, up to 2 members serve initial terms of 2 years, one member serves an initial term of 3 years and 2 members serve initial terms of 4 years. The Governor may appoint a member serving on the technical panel on the effective date of this Act to serve on the panel in accordance with Title 12, section 8869-B, subsection 2.

## SUMMARY

This bill amends the laws governing outcome-based forest policy experimental areas. It amends the membership of the technical panel assessing those experimental areas. It requires the technical panel to prepare an independent assessment and amends reporting requirements. It also repeals these laws July 1, 2021.