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An Act To Clarify Outcome-based Forestry

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. The director shall seek to designate areas representing differing forest types and conditions and from different geographic regions of the State. The term of initial agreements may not exceed 5 years.

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

3-A. Plans for 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 local, state and federal rules and ~~any applicable local~~ regulations. At a minimum, tests of outcome-based ~~principles~~practices 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 at least 6 technical experts to work with the director to implement, monitor and assess tests of outcome-based forestry ~~principles~~practices. The panel of technical experts must include at least one member representing the public and must have expertise in the principles listed in paragraphs A to F. 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. The technical panel must assess independently whether the practices applied on the experimental area provide at least the equivalent forest and environmental protection as provided by local, state and federal rules and regulations otherwise applicable to that experimental area. The technical panel may not delegate this assessment to any other person.

Sec. 3. 12 MRSA §8869, sub-§§3-B and 3-C are enacted to read:

3-B. Reporting on experimental areas. The director and the technical panel under subsection 3-A each shall submit a report to the joint standing committee of the Legislature having jurisdiction over forestry matters in accordance with this subsection.

A. Beginning January 1, 2015 and annually thereafter, the director and the technical panel shall each submit a report detailing the progress on the entirety of the outcome-based forestry experiment. The annual reports must be presented to the joint standing committee of the Legislature having jurisdiction over forestry matters at a public meeting no sooner than 30 days after submission of the reports to the committee.

B. 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 and the technical panel shall each submit a report to the joint standing committee of the Legislature having jurisdiction over forestry matters on each experimental area created by an agreement. Each 5-year report must include an analysis as to whether the practices applied on the experimental area provide at least the equivalent forest and environmental protection as provided by local, state and federal rules and regulations in existence on the date of the agreement. Prior to the submission of the director's report to the Legislature, the director shall establish a 30-day opportunity for public comment on the draft report. The director's final report to the committee must include a response to each public comment.

3-C. Briefing to the Legislature. Prior to entering into an outcome-based forestry agreement under section 8003, subsection 3, paragraph Q, the director shall brief the joint standing committee of the Legislature having jurisdiction over forestry matters. In the briefing, the director shall address how the proposed agreement will provide at least the equivalent forest and environmental protection as provided by local, state and federal rules and regulations that otherwise would apply to that experimental area.

Sec. 4. 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~~An outcome-based forest policy experimental area designated under section 8003, subsection 3, paragraph Q ~~are~~is exempt from the requirements of this subchapter ~~and rules adopted pursuant to this subchapter~~section if specifically exempted in the agreement establishing the experimental area.

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, including a recommendation to continue, change or discontinue the outcome-based forestry experiment. 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.

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 to consist of at least 6 members, at least one of whom is a member of the public, and specifies that they must have expertise in the areas of outcome-based principles. The technical panel is required to determine whether the practices applied in an experimental area provide at least equivalent forest and environmental protection as provided by the local, state and federal rules and regulations that would otherwise apply to that experimental area.

This bill requires the Director of the Bureau of Forestry within the Department of Agriculture, Conservation and Forestry to brief the joint standing committee of the Legislature having jurisdiction over forestry matters prior to entering into an outcome-based forestry experiment agreement. The bill also requires the director and the technical panel each to submit 2 different reports to the joint standing committee. The first is an annual report regarding the progress on the outcome-based forestry experiment and the 2nd is a report that must be completed every 5 years after entering into an agreement, which must include an analysis as to whether the practices applied on the experimental area provide at least the equivalent forest and environmental protection as provided by rules and regulations in existence on the date of the agreement.

The bill also amends current reporting requirements to require the director to make a recommendation to continue, change or discontinue the outcome-based forestry experiment.