128th MAINE LEGISLATURE

FIRST REGULAR SESSION-2017

Legislative Document
No. 586

S.P. 201

In Senate, February 16, 2017

An Act To Implement the Recommendations of the Commission To Study the Public Reserved Lands Management Fund

Reference to the Committee on Agriculture, Conservation and Forestry suggested and ordered printed.

HEATHER J.R. PRIEST
Secretary of the Senate

Presented by Senator SAVIELLO of Franklin.
Be it enacted by the People of the State of Maine as follows:

Sec. 1. 12 MRSA §1807, as enacted by PL 2015, c. 267, Pt. FF, §1, is amended to read:

§1807. Sustainable harvest level

Except as provided in this section, timber harvesting on public reserved lands and nonreserved public lands may not exceed in total an average of 160,000 cords per year over any 3-year period. If an independent timber inventory conducted after July 1, 2015 establishes a different sustainable harvest, the department, upon recommendation from staff within the bureau based on opinions of silvicultural experts in public reserved lands management and data from the most recent physical forest inventory, may adopt by rule a different harvesting level consistent with the most recent physical forest inventory, as long as the harvesting level is also consistent with multiple use objectives, existing management plans and the department's most recent integrated resource policy for public reserved and nonreserved public lands, state parks and state historic sites. Rules adopted pursuant to this section are major substantive rules as defined in Title 5, chapter 375, subchapter 2-A and must be reviewed by the joint standing committee of the Legislature having jurisdiction over public reserved and nonreserved public lands matters.

Sec. 2. 12 MRSA §1808 is enacted to read:

§1808. Forest inventory timeline established

The department shall conduct a detailed forest inventory of the State's public reserved lands and nonreserved public lands by March 15, 2018 and every 5 years thereafter.

Sec. 3. 12 MRSA §1849, sub-§2, as enacted by PL 1997, c. 678, §13, is amended to read:

2. Fund established. All income received by the director from the public reserved lands, except income provided for in section 1855, must be deposited with the Treasurer of State to be credited to the Public Reserved Lands Management Fund, which is established as a nonlapsing fund. Any interest earned on this money must also be credited to the fund. No expenditure may be made from the fund other than for the bureau's general operating purposes with respect to management of the public reserved lands unless the fund has a cash operating balance of at least $2,500,000 at the start of the fiscal year during which the expenditure is made.

Sec. 4. 12 MRSA §1853, sub-§1, ¶F, as amended by PL 2007, c. 564, §2; PL 2011, c. 657, Pt. W, §7; and PL 2013, c. 405, Pt. A, §24, is further amended to read:

F. The status of ecological reserves including the acreage of reserved public land designated as ecological reserves, results of monitoring, scientific research and other activities related to the bureau's ecological reserves; and

Sec. 5. 12 MRSA §1853, sub-§1, ¶G, as enacted by PL 2007, c. 564, §2, is amended to read:
G. A description of any changes in allowed uses of the public reserved lands, including the acreage affected and the reason for the change; and

Sec. 6. 12 MRSA §1853, sub-§1, ¶H is enacted to read:

H. A breakdown of growth based on the most recent physical forest inventory and of harvest in each region of any public reserved lands units established by the bureau, identifying any harvesting that occurred during the preceding fiscal year in individual management units where harvest exceeds annual growth.

Sec. 7. 12 MRSA §1859 is enacted to read:

§1859. Funding for educational programs related to logging

1. Legislative findings. Whereas expenditures from the Public Reserved Lands Management Fund established under section 1849, subsection 2 must be consistent with the public trust limitations embodied in the Constitution of Maine, Article X; and the Constitution of Maine, Article X designates the public lots for the benefit of the schools in this State; and educating new loggers in the State will help to ensure that the public reserved lands continue to be managed to demonstrate exemplary land management practices, the Legislature declares that authorizing grants under this section is consistent with the Legislature's responsibility as trustee.

2. Educational grant program established; eligibility. The bureau shall establish, maintain and administer an educational grant program, referred to in this section as “the grant program,” and an application system for the grant program to allow an eligible public secondary and public postsecondary educational program to apply for an educational grant under the grant program. Only an educational program at a public secondary or public postsecondary educational institution that is related to logging, referred to in this section as “an eligible educational program,” is eligible to receive funding under the grant program.

3. Grants; source of funds; limits. An approved eligible educational program may receive a one-time grant of up to $50,000 from the grant program. The source of the funds for the grants is the Public Reserved Lands Management Fund established under section 1849, subsection 2. Total distributions from the Public Reserved Lands Management Fund under the grant program may not exceed $300,000.

4. Permitted use of funding. An eligible educational program that receives a grant under the grant program may use the grant in more than one year if such an extended use is approved by the bureau during the application process. Grants received through the grant program may be used only for educational purposes, including but not limited to upgrading existing logging equipment. Any grants issued to an eligible educational program must supplement, not supplant, existing school funding.

5. Participation of regional managers. The bureau shall include managers of any regional public reserved lands units established by the bureau in the process established for approving the distribution of funds to eligible educational programs under the grant program and shall ensure that the managers are involved with, or have the option to be
involved with, any eligible educational program that receives funding through the grant program.

6. Rulemaking. The bureau shall adopt rules to carry out the purposes of this section. Rules adopted pursuant to this subsection are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A.

Sec. 8. Identification of areas of insufficient access to public reserved lands. The Bureau of Parks and Lands within the Department of Agriculture, Conservation and Forestry shall identify areas where the State does not currently have deeded access to the State's public reserved lands. The bureau shall direct regional foresters in the bureau who are familiar with the physical landscape of the identified areas and with the landowners involved to develop goals and priorities regarding increased access to the State's public reserved lands, and the bureau shall submit their findings to the joint standing committee of the Legislature having jurisdiction over public reserved lands matters by March 1, 2019 in the annual report dealing with public reserved lands submitted pursuant to the Maine Revised Statutes, Title 12, section 1853.

Sec. 9. Statewide priority lists of recreational infrastructure projects and Americans with Disabilities Act projects. The Bureau of Parks and Lands within the Department of Agriculture, Conservation and Forestry shall develop a statewide priority list of recreational infrastructure projects for the State's public reserved lands and a statewide priority list of projects under the federal Americans with Disabilities Act of 1990 for the State's public reserved lands. The bureau shall present the priority lists to the joint standing committee of the Legislature having jurisdiction over public reserved lands matters by March 1, 2019 in the annual report dealing with public reserved lands submitted pursuant to the Maine Revised Statutes, Title 12, section 1853. After receipt of the lists, the joint standing committee of the Legislature having jurisdiction over public reserved lands matters shall hold a meeting for the purpose of obtaining public input on the statewide priority lists.

Sec. 10. Review of bid process. The Bureau of Parks and Lands within the Department of Agriculture, Conservation and Forestry shall review its bid process for timber harvesting and road construction projects, including any liability concerns related to the bid process. The bureau shall report to the joint standing committee of the Legislature having jurisdiction over public reserved lands matters with any recommended changes to the bid process by March 15, 2018.

Sec. 11. Appropriations and allocations. The following appropriations and allocations are made.

AGRICULTURE, CONSERVATION AND FORESTRY, DEPARTMENT OF Land Management and Planning Z239

Initiative: Provides an allocation for educational grants to programs related to logging at public secondary or public postsecondary educational institutions.
OTHER SPECIAL REVENUE FUNDS

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Land Management and Planning Z239

Initiative: Provides an allocation for STA-CAP costs.

OTHER SPECIAL REVENUE FUNDS

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Land Management and Planning Z239

Initiative: Provides an allocation to develop infrastructure projects to comply with the federal Americans with Disabilities Act of 1990 for the State's public reserved lands.

OTHER SPECIAL REVENUE FUNDS

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Land Management and Planning Z239

Initiative: Provides an allocation to conduct a detailed forest inventory of the State's public reserved lands and nonreserved public lands.

OTHER SPECIAL REVENUE FUNDS

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AGRICULTURE, CONSERVATION AND FORESTRY, DEPARTMENT OF

DEPARTMENT TOTALS

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SUMMARY

This bill implements the recommendations of the Commission To Study the Public Reserved Lands Management Fund.

The bill establishes additional guidelines that must be followed by the Department of Agriculture, Conservation and Forestry before it may adopt any rule that would make changes to the annual allowable harvesting level for public reserved lands and nonreserved public lands. The bill directs the department to conduct a detailed forest inventory of the State's public reserved lands and nonreserved public lands by March 15, 2018 and every 5 years thereafter.

The bill prohibits any expenditures from the Public Reserved Lands Management Fund other than for the general operations of the Bureau of Parks and Lands within the department with respect to management of public reserved lands, unless the fund has at least $2,500,000 at the start of the fiscal year. The bill requires the bureau's annual report dealing with public reserved lands to include a breakdown of growth based on the most recent physical forest inventory and of harvest in each region of any public reserved lands units established by the bureau, identifying any harvesting that occurred during the preceding fiscal year in individual management units where harvest exceeds annual growth.

The bill directs the bureau to establish an educational grant program to provide one-time grants to eligible public secondary and postsecondary institutions for educational programs related to logging. Funding for the grants comes from the Public Reserved Lands Management Fund.

The bill directs the bureau to identify areas where the State does not currently have deeded access to the State's public reserved lands. The bill also requires the bureau to direct regional foresters in the bureau who are familiar with the physical landscape and landowners to develop goals and priorities regarding increased access to the State's public reserved lands and requires the bureau to submit their findings to the joint standing committee of the Legislature having jurisdiction over public reserved lands matters by March 1, 2019.

The bill directs the bureau to develop a statewide priority list of recreational infrastructure projects for the State's public reserved lands and a statewide priority list of projects under the federal Americans with Disabilities Act of 1990 for the State's public reserved lands. The priority lists must be presented to the joint standing committee of the Legislature having jurisdiction over public reserved lands matters by March 1, 2019. After receipt of the lists, the joint standing committee is required to hold a meeting for the purpose of obtaining public input related to the lists.

Finally, the bill directs the bureau to review its bid process for timber harvesting and road construction projects, including any liability concerns related to the bid process. The bureau is directed to report to the joint standing committee of the Legislature having jurisdiction over public reserved lands matters with any recommended changes to the bid process by March 15, 2018. The bill also provides allocations for educational grants, infrastructure projects and a detailed forest inventory.