1	L.D. 188
2	Date: (Filing No. S-
3	Reproduced and distributed under the direction of the Secretary of the Senate.
4	STATE OF MAINE
5	SENATE
6	130TH LEGISLATURE
7	FIRST SPECIAL SESSION
8 9 10	SENATE AMENDMENT " " to COMMITTEE AMENDMENT "A" to S.P. 76, L.D. 188, "An Act Regarding the Transportation of Products in the Forest Products Industry"
11 12 13	Amend the amendment in section 3 in paragraph J in the last 2 lines (page 1, lines 21 and 22 in amendment) by striking out the following: "federal law or regulation or any international trade agreement" and inserting the following: 'state law'
14 15 16	Amend the amendment in section 4 in subsection 6 in the 6th line (page 1, line 31 in amendment) by inserting after the following: "section" the following: '8006 and Title 12 section'
17 18 19 20	Amend the amendment in section 5 in paragraph R in the first line (page 2, line 4 in amendment) by inserting after the following: "8006" the following: 'for those violations discovered as part of the inspection process pursuant to Title 10, section 2364-B, subsection 6 and within the existing resources of the bureau'
21 22	Amend the amendment by striking out all of sections 6 and 7 and inserting the following:
23	'Sec. 6. 12 MRSA §8006 is enacted to read:
24	§8006. Intrastate transportation of forest products by nonresidents
25 26	1. <b>Definitions.</b> As used in this section, unless the context otherwise indicates, the following terms have the following meanings.
27	A. "Forest land" has the same meaning as in Title 36, section 573, subsection 3.
28	B. "Forest products" has the same meaning as in section 8881, subsection 3.
29 30	C. "Landowner" means a person that owns 50,000 acres or more of forest land in this State.
31 32	D. "Motor carrier" means a contract carrier, a common carrier or a private carrier of property by motor vehicle.
33 34	E. "Resident of the United States" does not include a person eligible to be in the United States under the United States H-2A visa program.

- **2. Prohibition; landowner.** A landowner may not hire, or contract with a person to hire, a motor carrier to transport forest products that are harvested from the landowner's land from a location in the State to another location in the State unless the motor carrier is operated by a resident of the United States.
- A landowner who violates this subsection commits a civil violation and is subject to a penalty of \$1,000 for the first violation, \$10,000 for the 2nd violation and \$25,000 for the 3rd and any subsequent violation.
- 3. Prohibition; motor carrier. A motor carrier may not transport forest products that are harvested from a landowner's land from a location in the State to another location in the State unless the motor carrier is operated by a resident of the United States.
- A motor carrier who violates this subsection commits a civil violation and is subject to a penalty of \$1,000 for the first violation, \$2,500 for the 2nd violation and \$10,000 for the 3rd and any subsequent violation.
- 4. Disposition of fines. Notwithstanding any law to the contrary, fines collected pursuant to this section may be retained by the bureau and used to assist with the enforcement of this section.
- <u>5. Enforcement; notification.</u> Violations of this section are enforced in the same manner as provided in section 8307. The director shall notify the State Tax Assessor and municipal property tax assessors of any violation by a landowner under this section.
- **Sec. 7. Legislative intent.** It is the intent of the Legislature that the inspection of trip tickets pursuant to the Maine Revised Statutes, Title 10, section 2364-B, subsection 6 and subsequent enforcement of Title 12, section 8006 by the Director of the Bureau of Forestry within the Department of Agriculture, Conservation and Forestry, as required pursuant to Title 12, section 8003, subsection 3, paragraph R, be done within the existing resources of the bureau.'

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

28 SUMMARY

 This amendment establishes the civil violation of intrastate transport of forest products by nonresidents to prohibit the transportation of certain forest products from a location in Maine to another location in Maine unless the person doing the transporting is a resident of the United States, except that the person may not be in the United States under the federal H-2A visa program. The civil violation applies to a landowner of 50,000 acres or more of forest land in Maine that contracts with an unauthorized motor carrier and to an unauthorized motor carrier that engages in the prohibited activity.

As in the committee amendment, this amendment specifies that enforcement is the responsibility of the Director of the Bureau of Forestry within the Department of Agriculture, Conservation and Forestry but limits the enforcement to violations of the new civil violation as part of the ticket inspection process, removes references to federal law or regulation and international trade agreements and requires enforcement to be done within the existing resources of the bureau. This amendment increases the amounts of the fines levied against landowners who hire or contract with an unauthorized motor carrier and imposes fines on unauthorized motor carriers that violate the law. This amendment allows

the bureau to retain any fines collected for the civil violation and to use them to assist with 1 2 the enforcement of the civil violation of intrastate transport of forest products by 3 nonresidents. 4 This amendment also removes the appropriations and allocations section from the 5 committee amendment. SPONSORED BY: 6 7 (President JACKSON, T.) 8 **COUNTY: Aroostook** 

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