



# Maine Forest Products Council

*The voice of Maine's forest economy*

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## Testimony in Opposition to proposed amendment to LD 88

### **An Act Regarding Penalties for Violating the Laws Governing Agriculture and Animals and the Maine Weights and Measures Law**

February 3, 2025

Patrick Strauch, Executive Director

Senator Talbot Ross, Representative Pluecker and members of the Committee on Agriculture, Conservation and Forestry, at the 1/28 public hearing of LD 88, an amendment was proposed by Dana Doran of the Professional Logging Contractors that mixes legal apples and oranges. Please consider these comments in your future deliberations of this suggested amendment.

While the original intent of LD 88 was to clarify administrative penalties for specific weights and measure laws of the State, the proposed amendment would impose an administrative civil penalty for breach of a law that is based on a private contract. This is unusual and seems ill advised considering that the Maine Forest Service has received zero complaints under the 2023 Payment for Wood statute.

Title 10, section 1500-Q requires payment within 30 days for wood that is delivered in “fulfillment” of a private contract. Violations of a privately negotiated contract require determination by a court of law and civil penalties assessed based on the factors of the case. The proposed revision puts the Maine Forest Service in the position of reviewing a private contract that it does not possess to determine whether it was “fulfilled”. This is outside their expertise and should be done by a court.

We recommend reviewing this provision with the Attorney General to test the validity of the proposed legislation.

If the Committee is considering revisions to the wood payment law, we suggest adding the clarification that states: “Unless wood payment terms are specified in the service contract.”

Thank you for your consideration.