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MAINE FOREST SERVICE
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TESTIMONY BEFORE THE JOINT STANDING COMMITTEE ON AGRICULTURE,
CONSERVATION AND FORESTRY

IN SUPPORT OF LD 1048

An Act Regarding the Authority of Municipalities to Regulate Timber Harvesting

March 20, 2023

Senator Ingwersen, Representative Pluecker, and members of the Joint Standing Committee on Agriculture, Conservation and Forestry, my name is Patty Cormier. I am the Director of the Maine Forest Service (MFS), and I am speaking on behalf of the Department of Agriculture, Conservation and Forestry (DACF) in support of LD 1048.

This bill implements the recommendations of a December 2021 report to the ACF committee. The stakeholder group that provided information for the report met four times in 2021 with 15 members. The group's work was invaluable in helping prioritize the issues, resulting in greater flexibility for towns in meeting requirements and improving avenues for consultation with Maine Forest Service. This bill balances municipalities' rights to make local decisions regarding land use activities with a landowner's right to manage their woodlands long-term according to accepted forestry practices. We are proud of the stakeholder group's work accomplished through consensus, thus resulting in the bill before us today.

Existing state law regarding municipal adoption of forestry ordinances has undergone several modifications in the past three decades. The current law regarding the process for adoption or amendment of municipal forestry ordinances was enacted in 1999 as part of the reform of the Forest Practices Act (FPA), (12 M.R.S §8869). The process includes the participation of a licensed forester in the development or amendment of the ordinance, the MFS must be consulted during the development or amendment of the ordinance, the municipality must hold a public hearing with MFS having the opportunity to speak, and landowners must be notified of the proposed ordinance or amendment. The 1999 FPA also required municipalities with forestry ordinances to ensure that definitions used in those ordinances were consistent with the state law or rule by January 1, 2001. To date, very few municipalities have contacted the Maine Forest Service regarding the adoption or amendment of forestry ordinances.

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LD 1048 has several provisions to ensure consistency in such laws across jurisdictions, to offer greater fairness to landowners, to ensure municipalities of the enforceability of their ordinances, and to assure that land managers, foresters, and loggers can readily find information about local rules that are clear and do not unreasonably impede management activities.

The bill requires municipalities that wish to enact local forestry ordinances to use standard terms that conform to definitions in State law. Towns must follow a better-defined process to ensure that such ordinances do not create unnecessary confusion or arbitrary limitations on accepted forestry practices. At the same time, the bill increases the deadline for towns to bring their ordinances into compliance and creates a more defined process by which Maine Forest Service would certify such ordinances and include them in a centralized registry. Finally, the bill clarifies that these requirements pertain solely to “timber harvesting activities,” not clearing forests for conversion to other land uses such as development.

The 15-member stakeholder group also identified the need for greater consistency in municipal ordinances. Over several years Maine Forest Service was contacted by individuals, including multiple consulting foresters, who discovered local ordinances which needed to be more concise, used forestry terms incorrectly, or created unnecessary difficulties for landowners in managing their forests. In other instances, municipalities in the middle of drafting or adopting such ordinances were contacted by private foresters or MFS staff and found that state laws and rules already covered the concerns they intended to address locally. Some ordinances were adopted in response to a single harvest with real or perceived impacts.

Further research showed that dozens of towns had ordinances that affected forest management but still needed to follow established requirements for consultation with a licensed forester or coordination with local comprehensive plans. As I mentioned before, such plans are required to be reviewed by Maine Forest Service, but this only sometimes happens.

We urge the committee to recognize the work of the stakeholder group that provided important assistance in developing this improved legislation and supporting this bill.

Thank you for your time. I would be happy to answer any questions now or at the work session.