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**TESTIMONY BEFORE THE JOINT STANDING COMMITTEE ON AGRICULTURE,
CONSERVATION, AND FORESTRY**

IN SUPPORT OF LD 750

Resolve, Regarding Legislative Review of Portions of Chapter 27: Standards for Timber Harvesting and Timber Harvesting Related Activities Within Unorganized and Deorganized Areas of the State, a Major Substantive Rule of the Department of Agriculture, Conservation and Forestry, Bureau of Forestry

March 13, 2025

Senator Talbot Ross, Representative Pluecker, and members of the Joint Standing Committee on Agriculture, Conservation, and Forestry, my name is Morten Moesswilde. I am the Director of the Forest Policy and Management Division in the Maine Forest Service (MFS), within the Department of Agriculture, Conservation, and Forestry (DACF). I am speaking in favor of LD 750, *Resolve, Regarding Legislative Review of Portions of Chapter 27: Standards for Timber Harvesting and Timber Harvesting Related Activities Within Unorganized and Deorganized Areas of the State, a Major Substantive Rule of the Department of Agriculture, Conservation and Forestry, Bureau of Forestry, .*

This bill is part of a Major Substantive Rulemaking that requires legislative approval for rules governing timber harvesting in unorganized areas of Maine. The Chapter 27 rule (Standards for Timber Harvesting and Timber Harvesting Related Activities within Unorganized and Deorganized Areas of the State) is being amended to remove those standards that would overlap with MFS's Chapter 21 rules (Statewide Standards for Timber Harvesting and Related Activities in Shoreland Areas), which takes effect in those same unorganized towns in January 2026. Significant sections of Chapter 27 address shoreland areas that overlap or conflict with MFS Chapter 21 and have been removed.

This is a relatively simple change – deleting duplicative standards – but has a somewhat involved history, which I'll try to summarize.

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Chapter 27 rules are the MFS rules governing timber harvesting in the unorganized territories. Chapter 21 rules only apply to shoreland areas, and currently apply only in those organized towns that have chosen to defer local authority for timber harvesting to MFS.

Under the enabling statute, Chapter 21 rules only take effect in unorganized territories on January 1 of the second year after the Commissioner of Agriculture, Conservation and Forestry determines that a "critical mass" of organized towns has adopted Chapter 21. This determination was made earlier this year, meaning Chapter 21 will apply statewide starting January 2026.

This bifurcation between Chapter 27 and Chapter 21 is rooted in prior legislation. In 1999, MFS was tasked with developing a unified timber harvesting regulation (Chapter 21) to protect water quality and streamline overlapping regulations. This regulation, known as the Statewide Standards, was adopted in 2005 with two key implementation mechanisms:

- Organized towns can choose to adopt Chapter 21 rules and transfer authority for timber harvesting around water bodies to the Maine Forest Service.
- The Chapter 21 rules will also apply to unorganized territories only after enough organized towns (a so-called "critical mass" of towns) have adopted them. In brief, the definition of critical mass in statute is that at least 252 of the 336 municipalities with the highest acreage of timber harvesting activity on an annual basis have either accepted the statewide standards or have adopted an ordinance identical to the statewide standards.

That threshold was reached in 2024, and therefore Chapter 21 will apply in unorganized towns as of January 2026. The amendments to Chapter 27 rules proposed in this Resolve remove provisions about shoreland areas in unorganized territories, as Chapter 21 will now regulate these instead.

These Chapter 27 changes are necessary. Without them, Chapter 21's implementation in January 2026 would create overlapping and conflicting timber harvesting standards in shoreland areas in unorganized towns. It's important to note that other aspects of Chapter 27 remain unchanged, including regulations for protected mountain areas, recreation zones, fish and wildlife habitats, and gravel pits under 5 acres. Also, these changes to Chapter 27 rules won't affect organized towns, regardless of whether they've adopted Chapter 21.

These changes represent a natural progression in our ongoing efforts to standardize harvesting standards to protect water quality. During the rulemaking process, we heard from representatives of the regulated community, state agencies, and conservation groups, who have consistently supported creating a clearer set of water quality protection standards. Once the Chapter 27 amendments are approved, MFS will dedicate the remainder of 2025 to training and providing resources on Chapter 21 rules.

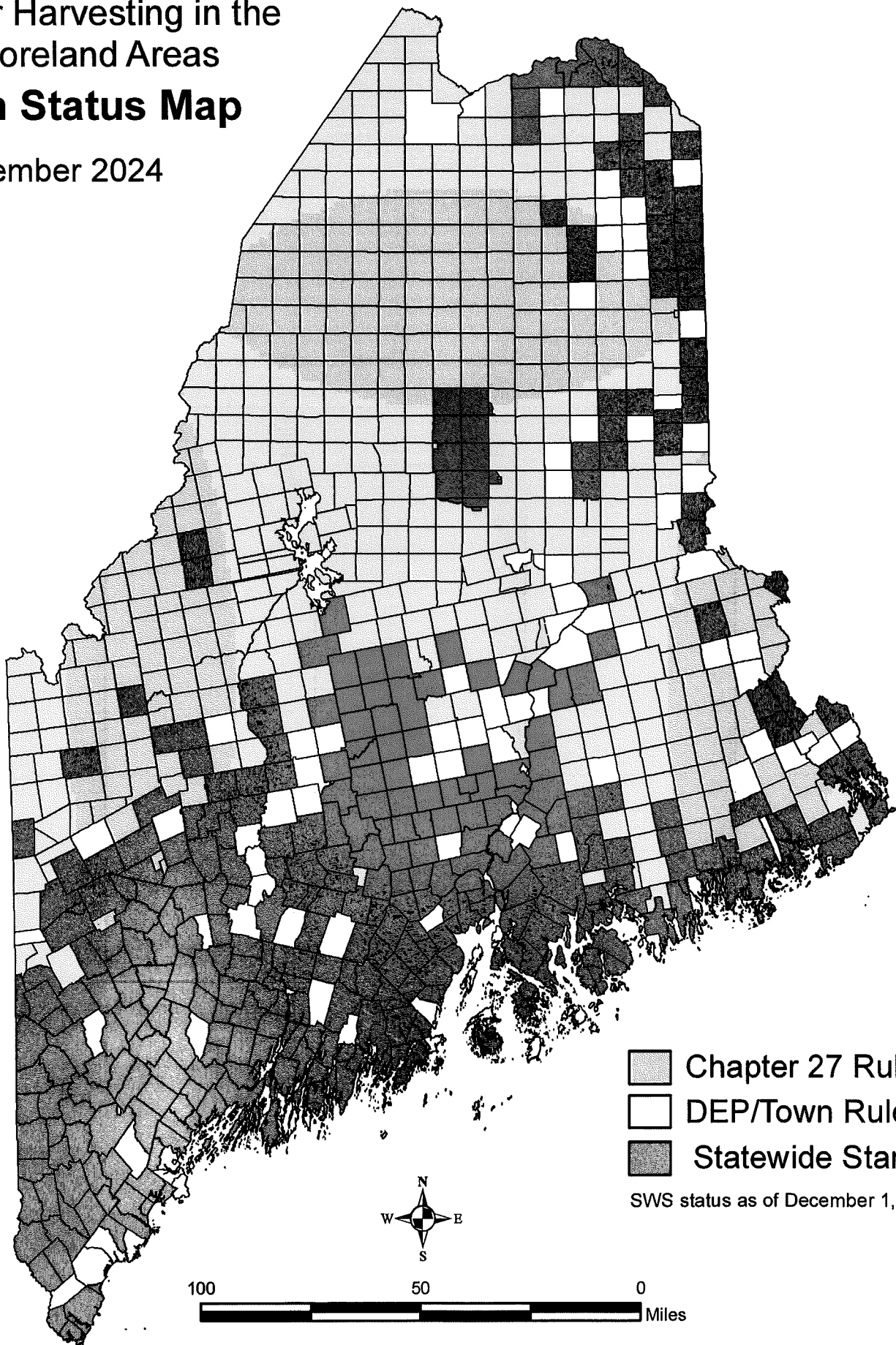
This long-anticipated change will finally establish a comprehensive statewide standard for timber harvesting that better protects water quality.

Thank you for considering this bill, and I am happy to answer any questions.

Statewide Standards for Timber Harvesting in the Shoreland Areas

Town Status Map

December 2024



Department of Agriculture, Conservation and Forestry
Maine Forest Service
Forest Policy & Management

