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Maine Woodland Owners

In Support of

LD 261

“An Act Regarding the Authority of Municipalities To  
Regulate Timber Harvesting”

Senator Talbot Ross, Representative Pluecker and distinguished members of the Joint Standing Committee on Agriculture, Conservation and Forestry, my name is Tom Doak, Executive Director of Maine Woodland Owners speaking today in support of LD 261, “An Act Regarding the Authority of Municipalities To Regulate Timber Harvesting.”

As Representative Bunker has outlined, this bill has an interesting history. The language in this bill comes from the unanimous recommendations of a stakeholder group, created by the Maine Forest Service in 2021, as required by this Committee. I served as a member of that group. This is the 3<sup>rd</sup> time this language has been considered by this Committee, which has twice supported it. There has been no opposition to the bill provided either time the bill was before this Committee. Unfortunately, despite the support, it has never been allowed a vote before the entire Legislature.

The primary purpose of this bill is to provide a way for municipalities, with existing timber harvesting ordinances that have not followed the required statutory process, to bring them into compliance in a straight forward way.

Let me be clear right up front. Nothing in this bill, or the existing statute, prohibits a municipality from adopting a timber harvesting ordinance. Nothing in this bill, or the existing statute, prevents a municipality from regulating timber harvesting in any way they choose.

What the existing law does require is that municipalities adopting, or amending, a timber harvesting ordinance, follow a specific and clear process. That process includes the following requirements:

- The municipality must involve a forester, licensed in the State of Maine, to participate in the development or amendment of the ordinance.
- The Maine Forest Service must be consulted during the development or amendment of the ordinance.
- The municipality must hold a public hearing on the proposed ordinance and the Maine Forest Service must be afforded the opportunity to speak.
- Woodland owners in the municipality must be notified of the proposed ordinance or amendment.
- Municipalities must use definitions of forestry terms consistent with those in state law or rules.

Since enactment of this law, very few municipalities have followed the process outlined in 12 M.R.S. § 8869(8). A December 2021 Maine Forest Service “Report Regarding Authority of Municipalities to Regulate Timber Harvesting,” indicates that only approximately 14 municipalities have consulted with the Maine Forest Service regarding the adoption or amendment of forestry ordinances. The number of municipalities with existing timber harvesting ordinances is uncertain.

This bill seeks to provide greater consistency and compliance with existing law by giving municipalities the opportunity to come into compliance. It permits a municipality that adopted a timber harvesting ordinance on or after September 1, 1990 (the original effective date of the statute), but before January 1, 2026, that is not in compliance with the law, to meet the existing statutory process requirements by June 30, 2029. Municipalities with ordinances adopted before September 1, 1990, must meet the standard of forestry terms consistent with those in state law and rules no later than January 1, 2028.

The bill requires municipalities to provide the Maine Forest Service with a copy of any timber harvesting ordinance and states that an ordinance does not take effect unless properly adopted in accordance with 12 M.R.S. § 8869(8) and filed with the Maine Forest Service.

The Maine Forest Service does not have authority to approve or deny a municipal timber harvesting but must certify that the municipality followed the required process for it to be valid.

The changes proposed in the bill, coupled with additional education and outreach efforts to municipalities by the Maine Forest Service, the Maine Municipal Association and other partner organizations, should have a significant impact on municipal compliance with this law. In turn, that will create greater uniformity in local forestry ordinances. For these reasons, we urge this Committee to support this legislation, again.