



Testimony of

DANA A. DORAN
Executive Director
Professional Logging Contractors of Maine

Before the Committee on Agriculture, Conservation and Forestry regarding LD 1407 – An Act to Provide That a Forestry Operation That Conforms to Accepted Practices May Not Be Declared a Nuisance

Thursday, April 22, 2021

Senator Dill, Representative O’Neil and members of the Committee on Agriculture, Conservation and Forestry, my name is Dana Doran, and I am the Executive Director of the Professional Logging Contractors of Maine. The Professional Logging Contractors of Maine (PLC) is the voice of logging and associated trucking contractors throughout the state of Maine. The PLC was formed in 1995 to provide independent contractors representation in a rapidly changing forest industry.

As of 2017, logging and trucking contractors in Maine employed over 3,900 people directly and were indirectly responsible for the creation of an additional 5,400 jobs. This employment and the investments that contractors make contributed \$620 million to the state’s economy. Our membership, which includes 200 contractor members and an additional 100 associate members, employs 2,500 individuals who work in this industry and is also responsible for 80% of Maine’s annual timber harvest.

Thank you for providing me the opportunity to testify on behalf of our membership in support of LD 1407 – An Act to Provide That a Forestry Operation That Conforms to Accepted Practices May Not Be Declared a Nuisance. I would like to thank Senator Black for introducing this legislation as it not only provides important protections and assurances for landowners, but those same protections also extend themselves to logging and trucking contractors as well.

In 2007, the Legislature and then Governor Baldacci signed into law the Maine Agriculture Protection Act, also known as the, “right to farm,” law, Title 7, Chapter 6, Section 153. This legislation was vital in protecting farming and ensuring that it was not treated as a nuisance as long as it followed state and federal laws, rules and regulations. This committee knows how important farming is to this state and I would ask you to provide the same level of respect and parity to forestry, which is also defined as agriculture by the US Department of Agriculture.

Over the last few years, we have seen firsthand the impact that local ordinances can have on logging operations. Generally, local ordinances are put in place not because of a preponderance of illegal activity, but because one landowner conducts a harvest and the abutting landowners or neighbors down the road do not approve of the activity. To prevent future activity, they petition

their local code enforcement officer or planning board to restrict forestry activity as a result and a new local ordinance is enacted. Again, I would like to emphasize that these actions are not taken because of widespread malfeasance or illegal activity on behalf of landowners or logging contractors, but because of the opinions of a few.

Local ordinances have sprung up across the state related to noise, weight limits, time of day work restrictions or other forestry practices. This limits the ability of landowners to conduct forest operations on their property, but it also limits the ability of contractors to facilitate their livelihoods in rural areas of the state.

You are all aware of the impact that the pandemic and the explosion at the Jay mill have had on Maine's forest economy. Logging and trucking contractors have been impacted the most with a majority losing 30% of their business in the past 12 months. Differing local ordinances adds cost and burden to an already ravaged logging industry at a time that they can least afford it. Local ordinances can vary from community to community which adds to the complexity and burden that contractors must deal with. This model is unsustainable and standardization at the state level is a necessity from our perspective to ensure the forest economy can get back on its feet.

The Legislature has invested a lot of effort in the last three decades to create one of the most progressive forest regulation schemes in the country. The Forest Practices Act and consolidation of statewide standards for harvesting in shoreland zones with the Maine Forest Service are just two examples of this work. The Maine Forest Service also administers permit requirements for stream and wetland crossings in the Land Use Planning Commission jurisdiction. The logging community is heavily regulated by the state and feel that the state does a good job with respect to oversight and implementation of these rules and regulations. As a result, we do not feel that an additional level of bureaucracy at the local level with respect to issues that really should have state oversight will be beneficial in the long run. Maine has sufficient statewide regulation in place and therefore the state should be able to ensure that landowners and loggers can practice forestry without fear of retribution, retaliation, or further cost, which is the same treatment that our colleagues in farming have been afforded for the past 14 years.

Again, we would like to thank the sponsor for bringing this legislation forward and we would like to encourage the committee to vote ought to pass and ensure that forestry has the same protections that agriculture does in this state.

Thank you for the opportunity to provide the opinion of our membership before you today and I would be happy to answer any questions you may have.