



**Testimony of Eliza Townsend, Maine Conservation Policy Director  
Appalachian Mountain Club**

**In opposition to LD 1407 An Act to Provide that a Forestry Operation that Conforms to Accepted Practices May  
Not Be Declared a Nuisance**

**April 22, 2021**

Senator Dill, Representative O’Neil, and distinguished members of the Joint Standing Committee on Agriculture, Conservation and Forestry, I am Eliza Townsend, Maine Conservation Policy Director for the Appalachian Mountain Club.

Founded in 1876, AMC is the nation’s oldest conservation, recreation, and education organization, with the mission to foster the protection, enjoyment and understanding of the outdoors. We have 6,500 members in Maine, and own 75,000 acres of forestland in the 100-Mile Wilderness region of Piscataquis County, managed for multiple use including sustainable forestry, carbon sequestration, backcountry recreation, and environmental education.

We harvest 6-7,000 cords of wood per year that are delivered to local mills. In carrying over LD 125, the committee discussed making site visits to better understand issues of forestry, and we would like to invite you to tour our forestry operations. We are proud of our forest management and enjoy sharing it with others.

LD 1407 raises a number of questions and concerns. The first is what issue it seeks to solve. I am not aware of instances of forestry being declared a nuisance and am stumped as to why the law is needed.

Second, LD 1407 directs the Department of Agriculture, Conservation and Forestry to develop rules defining “generally accepted forest management practices” and specifies that those rules are routine technical rules. This strikes me both as a significant duplication of effort and as a weakening of our current standards. Maine has a Forest Practices Act, first passed in 1989, and the commissioner may adopt rules to implement it. Current law specifies that those rules are major substantive rules, requiring review by this committee. That is an appropriate level of scrutiny for issues that prompt the vigorous debate that your committee has experienced.

Maine has a second set of standards for forestry in the Outcome-based Forestry statute, passed for the purpose of exempting participating landowners from aspects of the Forest Practices Act. LD 1407 would create yet a third set of standards.

Third, LD 1407 preempts local units of government from regulating forestry operations in a manner that differs from the rules to be promulgated by the department. That is a change from current law, which states that a municipality may not adopt an ordinance that is less stringent than the state’s minimum standards. Again, I am not aware of an instance of local regulation of forestry that calls for such a substantial change in state law, a change that departs from Maine’s history of home rule.

Finally, I note that LD 1407 does not include the application of herbicides in the list of occurrences that may not be considered a public or private nuisance. Given the amount of time this committee has devoted to the issue of herbicides in the past several years, this is a notable omission.

To conclude, although AMC conducts forestry and cares deeply about the future of Maine’s forest products sector, we do not believe that LD 1407 is needed. We ask you to vote Ought Not to Pass.