



Testimony of

DANA A. DORAN
Executive Director

Professional Logging Contractors of the Northeast

Before the Joint Standing Committee on State and Local Government on LD 236, An Act to Provide Legislative Oversight of the Rule-making Petition Process

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Senator Baldacci, Representative Salisbury, and members of the Joint Standing Committee on State and Local Government, my name is Dana Doran, and I am the Executive Director of the Professional Logging Contractors of the Northeast (PLC). The PLC is a non-profit educational association that represents logging and associated trucking contractors throughout the Northeast, predominately in the state of Maine.

As background, the PLC was created in 1995 to give logging and associated trucking contractors a voice in a rapidly changing forest products industry. As of 2021, logging and trucking contractors in Maine employed over 3,000 people directly and were indirectly responsible for the creation of an additional 2,500 jobs. This employment and the investments that contractors make contributed \$582 million to the state's economy. Our membership, which includes 210 contractor members and an additional 120 associate members, employs more than 75% of the individuals who work in Maine's logging industry and is also responsible for 80% of Maine's annual timber harvest.

Thank you for providing me with the opportunity to testify on behalf of our membership in support of LD 236, An Act to Provide Legislative Oversight of the Rule-making Petition Process. We would like to thank Representative Campbell for bringing this bill forward.

I am sure everyone on this committee is aware of the Chapter 128, California Advanced Clean Trucks Regulation rules that were being deliberated by the Board of Environmental Protection in the summer and fall of 2023. If these rules had been adopted, they would have had a significant impact on the logging industry.

The PLC testified in opposition to the adoption of the Chapter 128, California Advanced Clean Trucks Regulation rules by the Maine Board of Environmental Protection in July 2023. Our membership hauls and delivers raw forest products throughout the state from the forest to the mill. The Chapter 128 rules would have

added extreme costs to our member companies that are already being stretched thin.

For those unfamiliar with some of the many additional costs our industry has already taken on to reduce emissions. Since 2014, the federal government has mandated that all new trucking equipment manufactured in the United States must meet Tier IV (zero emissions) specifications. This has lowered diesel emissions by 99%, but it has increased the cost of all new equipment and trucks by 100%. I can tell you that the price of wood has not increased to accommodate the increased cost of investment.

With that being said, this bill is not only about the rules themselves, but the process in which they get implemented. Rural economies, which may not have the infrastructure to support such a change are unfairly targeted by the implementation of these rules. Rural economies deserve to have their elected state senator or representative stand up for their best interests.

I bring these points to your attention for the fact that the rulemaking process for the adoption of the aforementioned rules in 2023 was initiated by only 150 citizens. When rulemaking is established in this manner, the rules are deemed to be “routine technical”. Routine technical rules are defined as “procedural rules that establish standards of practice or procedure for the conduct of business with or before an agency”. From our perspective, when the Chapter 128 rulemaking was brought forward, the rules would have made major policy changes and should not have been deemed routine technical, highlighting a significant flaw in the administrative rulemaking process.

We believe strongly that by changing the designated rulemaking process for potential Major Substantive through this legislation, the rules will receive input from the entire Maine Legislature and be fully vetted through a public process. Policy decisions that have such a far reaching impact, should not be implemented by a process that only requires 150 signatures. It is crucial to have representation from all areas of Maine weigh-in, as what is good for Portland, may not be good for Presque-Isle.

We are thankful for your time and service to the people of Maine and encourage you to vote ought to pass on LD 236.