

STATE OF MAINE

—
IN THE YEAR OF OUR LORD
TWO THOUSAND TWENTY-ONE

—
S.P. 44 - L.D. 36

An Act To Amend the Definition of "Timber Harvesting"

Emergency preamble. Whereas, acts and resolves of the Legislature do not become effective until 90 days after adjournment unless enacted as emergencies; and

Whereas, the Department of Agriculture, Conservation and Forestry, Bureau of Forestry relies on timber harvest notifications to track green wood movement in the State and on accurate information provided by landowners and wood processors to track wood use, which, in turn, informs forest policy discussions; and

Whereas, with the increase in large power line, wind farm and solar projects throughout the State, this legislation must take effect as soon as possible to assist the regulated community to better understand when it is necessary to file a timber harvest notification with the Bureau of Forestry; and

Whereas, in the judgment of the Legislature, these facts create an emergency within the meaning of the Constitution of Maine and require the following legislation as immediately necessary for the preservation of the public peace, health and safety; now, therefore,

Be it enacted by the People of the State of Maine as follows:

Sec. 1. 12 MRSA §8868, sub-§4, as amended by PL 1997, c. 720, §6, is further amended to read:

4. Timber harvesting. "Timber harvesting" means the cutting or removal of ~~timber~~ trees or forest products that when cut or removed are transported to a roundwood processing operation, as defined in section 8881, subsection 10. "Timber harvesting" does not include reclaiming trees, logs or bark from timber harvesting or other operations, including but not limited to retrieving submerged timbers from log drives or bark from bark piles.

Sec. 2. 12 MRSA §8881, sub-§3, as enacted by PL 1989, c. 555, §12 and affected by c. 600, Pt. B, §11, is amended to read:

3. Forest products. "Forest products" means logs, pulpwood, veneer, bolt wood, wood chips, stud wood, poles, pilings, biomass fuel wood, fuel wood, bark or other

products commonly known as forest products, but does not include Christmas trees, maple syrup, nursery products used for ornamental purposes, wreaths, bough material, cones or other seed crops.

Sec. 3. 12 MRSA §8881, sub-§10, as enacted by PL 1989, c. 555, §12 and affected by c. 600, Pt. B, §11, is amended to read:

10. Roundwood processing operation. "Roundwood processing operation" means sawmills; bolter mills; shingle mills; veneer mills; fence pole and piling making operations; pulp and paper mills; wafer board, particle board and plywood mills; whole tree chippers; commercial fuel wood processors; ~~and bark processors;~~ custom processing mills of these products; and log yards established to accumulate logs awaiting shipment to these operations.

Sec. 4. 17 MRSA §2511, sub-§1, ¶E, as enacted by PL 2003, c. 550, §1, is amended to read:

E. ~~"Timber harvesting" means the cutting or removal of timber for the primary purpose of selling or processing forest products~~ has the same meaning as in Title 12, section 8868, subsection 4.

Sec. 5. 23 MRSA §3360-A, sub-§1, ¶A-2, as enacted by PL 1999, c. 718, §1, is amended to read:

A-2. ~~"Commercial timber harvesting activity" means the cutting or removal of timber for the primary purpose of selling or processing forest products and includes the attendant operation of mobile or portable chipping mills and of cutting and skidding machinery and the creation, use and maintenance of skid trails, skid roads, winter haul roads and other roads to facilitate timber harvesting~~ has the same meaning as "timber harvesting activities" as defined in Title 12, section 8868, subsection 5.

Sec. 6. 38 MRSA §436-A, sub-§13, as amended by PL 2013, c. 320, §6, is further amended to read:

13. Timber harvesting. ~~"Timber harvesting" means the cutting and removal of timber for the primary purpose of selling or processing forest products~~ has the same meaning as in Title 12, section 8868, subsection 4. "Timber harvesting" does not include the cutting or removal of vegetation within the shoreland zone when associated with any other land use activities.

Sec. 7. 38 MRSA §438-B, sub-§1, ¶C, as enacted by PL 2003, c. 335, §5, is amended to read:

C. ~~"Timber harvesting" means cutting or removal of timber for the primary purpose of selling or processing forest products~~ has the same meaning as in Title 12, section 8868, subsection 4.

Sec. 8. 38 MRSA §480-B, sub-§2-B, as amended by PL 2011, c. 599, §11, is further amended to read:

2-B. Forest management activities. "Forest management activities" means timber stand improvement, timber harvesting activities, forest products harvesting and regeneration of forest stands. For the purposes of this definition, "timber harvesting activities" means timber harvesting, the construction and maintenance of roads used

primarily for timber harvesting, the mining of gravel used for the construction and maintenance of roads used primarily for timber harvesting and other activities conducted to facilitate timber harvesting. For the purposes of this definition, "timber harvesting" means the cutting or removal of timber for the primary purpose of selling or processing forest products has the same meaning as in Title 12, section 8868, subsection 4.

Emergency clause. In view of the emergency cited in the preamble, this legislation takes effect when approved.