

OFFICE OF POLICY AND LEGAL ANALYSIS

To: Members, Joint Standing Committee on Agriculture, Conservation and Forestry
From: Karen S. Nadeau, Legislative Analyst
Date: February 23, 2021
Subj: **LD 34 An Act To Create the Maine Forestry Operations Cleanup and Response Fund**

SUMMARY:

- Establishes the Maine Forestry Operations Cleanup and Response Fund, a non-lapsing, dedicated revenue fund for the Department of Agriculture, Conservation and Forestry, Bureau of Forestry to use to mitigate and remediate water quality violations that result from timber harvesting activities and that require immediate action to prevent or minimize further damage to waters of this State.
- Fund is replenished by financial penalties, permit fees and other charges associated with timber harvesting, up to a limit of \$20,000.
- Allows the bureau to recover costs incurred through the use of this fund and to place a lien on a property when the responsible party is unwilling or unable to repay such costs.

TESTIMONY

Proponents: *Maine Forest Service (MFS), Professional Logging Contractors of Maine (PLC), Maine Forest Products Council (MFPC)*

Written only: Maine Water Utilities Association (MWUA)

- LD is a pared-down version of Maine DEP's Ground and Surface Waters Clean-up and Response Fund (Title 38 section 551).
- Most violations do not require immediate response or remediation; however, water quality violations pose a direct and immediate threat to public trust resources (water and fisheries) and problematic when they affect critical habitats of endangered species (Atlantic salmon).
- LD would help MFS stop any further damage while enforcement process continues.
- PLC supports creation of fund but with amendment to ensure that the funds collected by the MFS are used specifically for physical remediation and mitigation activities.
- MFPC supports bill, but suggests adding the following language:
Before disbursing money from this fund, the director shall use all reasonable efforts to notify the responsible party of the remedial measures needed, and provide a reasonable opportunity for the responsible party to take these measures. The director shall also notify the responsible party that a lien may be imposed on real estate owned by the responsible party in accordance with this section.
- MFPC also supports amending bill to ensure that funds are used for physical mitigation/remediation of imminent or immediate threats to waters and fisheries.
- MWUA strongly supports – LD provides MFS with an additional tool to address situation that could adversely impact surface water quality.

Opponents: *None*

NFNA: *None*

PRELIMINARY FISCAL IMPACT STATEMENT: *Not yet received.*