

## 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 36 An Act To Amend the Definition of "Timber Harvesting"**

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- Sec. 1 amends the definition of "timber harvesting" to clarify that timber harvesting means any cutting or removal of trees or forest products that when cut or removed are transported to a roundwood processing operation.
- Sec. 2 adds bark to the definition of "forest products" in the laws governing forest landowner and wood processor reporting requirements.
- Sec. 3 adds log yards and bark processors to the definition of "roundwood processing operation" in the laws governing forest landowner and wood processor reporting requirements.
- Sec. 4, 6, 7 and 8 amend various definitions of timber harvesting so that they all cross-reference to the definition in the Forest Practices Act (T. 12 section 8868, subsection 4).
- Sec. 4 relates to violations of the harvesting timber near the property line law.
- Sec. 6 and 7 –shoreland zoning law (Title 38).
- Sec. 8 –Natural Resources Protection Act (Title 38).
- Sec. 5 – amends the definition of “commercial timber harvesting activity” in the “dig safe” law (T. 23 section 3360-A) to cross-reference the definition of “timber harvesting activities” in the Forest Practices Act (T. 12 section 8868, subsection 5).

### TESTIMONY

**Proponents:** *Maine Forest Service, Maine Forest Products Council, Professional Logging Contractors of Maine*

- The advent of large powerline, wind farm, and solar projects has posed some challenges with regard to harvest notifications.
- MFS has made accommodations to streamline the notification process for these projects.
- Several contractors have insisted that they are not required to file harvest notifications b/c the primary purpose is not selling or processing forest products even though they are harvesting large volumes of trees and sending them to local mills.
- LD will make it explicit that if you are harvesting trees (other than small quantities or areas which are already exempt) and sending trees to wood processing facilities, you must file a notification.
- MFPC supports MFS efforts to track green wood movement in Maine. The Silviculture Activities and Landowner Reports rely on accurate information provided by landowners and wood processors to track wood use and inform policy discussions.
- MFPC suggests an amendment to avoid including wood from salvage operations such as submerged timbers from old log drives and bark piles created several decades ago.
- Suggested language: “This does not include removal and transport of trees, logs or bark from wood reclaiming operations.”
- These wood sources are not intended to be included in the reporting and will distort the data.
- PLC supports the bill; these changes will help them track wood for Forest Practices Act purposes. There will be no hardship added to logging contractors in Maine as a result of these changes.

**Opponents:** *None*

**NFNA:** *None*

**PRELIMINARY FISCAL IMPACT STATEMENT:** *Not yet received.*