

§8883-B. Notification

1. Notification required prior to harvest. Unless exempted under subsection 6 or by rule, a landowner or designated agent shall notify the bureau prior to beginning timber harvesting.

- A. [PL 2011, c. 532, §4 (RP).]
- B. [PL 2011, c. 532, §4 (RP).]

When the timber harvesting is occurring within a municipality, the bureau shall send a copy of the notification form to the municipal clerk.

[PL 2011, c. 532, §4 (AMD); PL 2011, c. 657, Pt. W, §7 (REV); PL 2013, c. 405, Pt. A, §23 (REV).]

2. Notification form. Unless an alternate form or method of reporting is provided in rule, notification must be on forms supplied by the bureau and must include the following information:

- A. The name, address and phone number of the landowner, any designated agent and, if known, any harvester or harvesters; [PL 2003, c. 452, Pt. F, §44 (NEW); PL 2003, c. 452, Pt. X, §2 (AFF).]
- B. The name and address of any licensed professional forester consulting the landowner on forest management or harvesting practices; [PL 2003, c. 452, Pt. F, §44 (NEW); PL 2003, c. 452, Pt. X, §2 (AFF).]
- C. The municipality or township and county of harvest; [PL 2003, c. 452, Pt. F, §44 (NEW); PL 2003, c. 452, Pt. X, §2 (AFF).]
- D. The name of the nearest public or private all-weather road; [PL 2003, c. 452, Pt. F, §44 (NEW); PL 2003, c. 452, Pt. X, §2 (AFF).]
- E. The approximate dates the harvest will begin and finish; [PL 2003, c. 452, Pt. F, §44 (NEW); PL 2003, c. 452, Pt. X, §2 (AFF).]
- F. The anticipated acreage to be harvested; [PL 2003, c. 452, Pt. F, §44 (NEW); PL 2003, c. 452, Pt. X, §2 (AFF).]
- G. An indication whether the land being harvested is taxed under the Maine Tree Growth Tax Law; [PL 2011, c. 532, §5 (AMD).]
- H. Whether the land is being harvested to convert to another use within 2 years and, if so, what that use is to be; [PL 2011, c. 532, §6 (AMD).]
- I. The signatures of the harvester when listed on the form in accordance with paragraph A and the licensed professional forester when listed on the form in accordance with paragraph B; [PL 2003, c. 452, Pt. F, §44 (NEW); PL 2003, c. 452, Pt. X, §2 (AFF).]
- J. The signature of the landowner and the signature of the designated agent when a designated agent is listed in accordance with paragraph A. If the designated agent is a licensed professional forester who has a fiduciary responsibility to the landowner, the signature of the landowner is not required; [PL 2003, c. 452, Pt. F, §44 (NEW); PL 2003, c. 452, Pt. X, §2 (AFF).]
- K. A map locating the harvest site in relation to known or easily identifiable terrain features such as a road junction or a stream and road junction. The map must be a copy of a 7.5 or 15 minute series topographical map produced by the United States Geological Survey or a map of equivalent or superior detail in the location of roads; and [PL 2003, c. 452, Pt. F, §44 (NEW); PL 2003, c. 452, Pt. X, §2 (AFF).]
- L. The date of notification. [PL 2003, c. 452, Pt. F, §44 (NEW); PL 2003, c. 452, Pt. X, §2 (AFF).]

[PL 2011, c. 532, §§5, 6 (AMD); PL 2011, c. 657, Pt. W, §7 (REV); PL 2013, c. 405, Pt. A, §23 (REV).]

3. Harvest reporting forms. Upon receipt by the bureau of the form required under subsection 2, the bureau shall mail forms to the landowner or designated agent for reporting harvest information pursuant to this subchapter.

[PL 2003, c. 452, Pt. F, §44 (NEW); PL 2003, c. 452, Pt. X, §2 (AFF); PL 2011, c. 657, Pt. W, §7 (REV); PL 2013, c. 405, Pt. A, §23 (REV).]

4. Notification form on file; posted. The landowner or designated agent shall retain a copy of the notification form and produce it upon request of agents as specified in section 8888. The landowner or designated agent shall post the notification number at the harvest site in a clearly visible location.

[PL 2003, c. 452, Pt. F, §44 (NEW); PL 2003, c. 452, Pt. X, §2 (AFF).]

5. Duration. A notification shall remain valid for 2 years from the date of issue or upon completion of the harvest, whichever occurs first. If the harvest extends beyond 2 years, a new notice under this section must be filed.

[PL 2003, c. 452, Pt. F, §44 (NEW); PL 2003, c. 452, Pt. X, §2 (AFF).]

6. Notification exemption. The following activities are exempt from the notification requirement under this section:

A. Activities when forest products are harvested for an owner's own use and are not sold or offered for sale or used in the owner's primary wood-using plants; [PL 2011, c. 532, §7 (AMD).]

B. Precommercial silvicultural forestry activities; and [PL 2003, c. 452, Pt. F, §44 (NEW); PL 2003, c. 452, Pt. X, §2 (AFF).]

C. Harvesting performed by the landowner within a 12-month period when the total area harvested on land owned by that landowner does not exceed 2 acres. [PL 2011, c. 532, §7 (AMD).]

[PL 2011, c. 532, §7 (AMD).]

6-A. Alternative notifications. The bureau may develop alternative notification forms and methods for reporting:

A. A timber harvesting operation 10 acres or less in area; and [PL 2011, c. 532, §8 (NEW).]

B. Timber harvesting for the purpose of converting the land to another use when a person certified in erosion control practices by the Department of Environmental Protection is responsible for management of erosion and sedimentation control at the harvest site. [PL 2011, c. 532, §8 (NEW).]

[PL 2011, c. 532, §8 (NEW).]

7. Penalties. The following penalties apply to the failure to notify the bureau pursuant to this section. Each day of failure to notify is a separate offense.

A. [PL 2011, c. 532, §9 (RP).]

B. [PL 2011, c. 532, §9 (RP).]

C. Failure to notify the bureau of a timber harvesting operation constitutes a civil violation for which a fine not to exceed \$1,000 for each occurrence may be adjudged and for which immediate cessation of the operation may be ordered by the court. Continued operation after receiving an order to cease operation constitutes a civil violation for which a fine not to exceed \$1,000 for each day the operation continues may be adjudged. [PL 2011, c. 532, §9 (AMD); PL 2011, c. 657, Pt. W, §7 (REV); PL 2013, c. 405, Pt. A, §23 (REV).]

D. Providing inaccurate information on a notification form for a timber harvesting operation is a civil violation for which a fine of not more than \$1,000 for each occurrence may be adjudged. [PL 2011, c. 532, §9 (AMD).]

[PL 2011, c. 532, §9 (AMD); PL 2011, c. 657, Pt. W, §7 (REV); PL 2013, c. 405, Pt. A, §23 (REV).]

8. Confidentiality. The addresses, telephone numbers and electronic mail addresses of forest landowners owning less than 1,000 acres statewide contained in notifications filed under this section are confidential and may be disclosed only in accordance with section 8005.

[PL 2005, c. 358, §3 (NEW).]

9. Rulemaking. No later than November 1, 2012, the bureau shall adopt rules to implement this section. Rules adopted pursuant to this subsection are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A.

[PL 2011, c. 532, §10 (NEW).]

SECTION HISTORY

PL 2003, c. 452, §F44 (NEW). PL 2003, c. 452, §X2 (AFF). PL 2005, c. 358, §3 (AMD). PL 2011, c. 532, §§4-10 (AMD). PL 2011, c. 657, Pt. W, §7 (REV). PL 2013, c. 405, Pt. A, §23 (REV).

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