

Amendment to LD 1985
An Act to Authorize Removal of Requirements of Forest Certification Systems from the
State's Forest Management Plans
Proposed by Senate President Jackson
March 21, 2024

Amend the bill by striking everything after the enacting clause and inserting in its place the following:

Sec. 1. 10 MRSA §1500-Q is amended to read:

§1500-Q. Payment for harvesting wood

An entity that contracts with a person to harvest wood and place the wood roadside so that the entity is able to have the wood hauled away for use or processing must pay the person within 30 days of the person's fulfilling the contract and placing the wood roadside. The Department of Agriculture, Conservation and Forestry, referred to in this chapter as "the department," or a person licensed to scale wood pursuant to section 2365-A under contract with the department shall conduct random inspections to ensure that entities are complying with the requirements of this section.

1. Penalty. An entity that violates this section commits a civil violation for which a fine of not more than \$1,000 may be adjudged.

2. Complaints of nonpayment. The Attorney General's office shall investigate complaints or allegations of nonpayment. The Attorney General may require the state sealer under chapter 501, or the state sealer's designee, to assist the Attorney General's office with an investigation under this chapter. If sufficient evidence of nonpayment is uncovered, the evidence must be compiled by the Department of the Attorney General and, if applicable, presented the local district attorney's office for prosecution.

Sec. 2. 12 MRSA §8005 is amended to read:

§8005. Certain information confidential

1. Contact information. Social security numbers, addresses, telephone numbers and electronic mail addresses of landowners owning less than 1,000 acres of forest land statewide and collected by the bureau for the purposes of contacting landowners under section 8611, or received by the bureau in notifications filed under section 8883-B, or in reports received under Title 36, section 581-G are confidential and may be disclosed only in accordance with this section.

2. Forest management plan and information. Social security numbers, forest management plans and supporting documentation of forest management activities on private forest land and held by the bureau for the purposes of administering landowner assistance programs authorized under this chapter and chapter 805 are confidential and may be disclosed only in accordance with this section.

3. Disclosure. Except as provided in subsection 4, the director may disclose confidential information in accordance with this subsection. Confidential information disclosed pursuant to this subsection remains the property of the bureau. Recipients of the confidential information may not disclose this information or use this information except as authorized by the director.

A. The director may disclose information designated as confidential under this section to a governmental entity that, in the opinion of the director, requires this information, including but not limited to, when necessary to facilitate an investigation into a complaint or suspected violation of this part and to avoid imminent and serious harm.

~~B. The director shall provide names, addresses and electronic mail addresses upon request to a nonprofit corporation that provides educational services to forest landowners regarding sound forest management as long as the information disclosed is used to provide information about forest management.~~

4. Information designated as confidential by state or federal agency. The director may not disclose information furnished to the director that has been designated as confidential by a state or federal agency furnishing the information unless disclosure is authorized by the furnishing agency.

4-A. Records obtained during an investigation or through provision of services to the public. Records of the bureau obtained during an investigation into a complaint or suspected violation of this part or through the provision of services to the public are confidential. Records obtained during an investigation of a complaint or suspected violation of this part become public upon conclusion of an investigation unless the records are otherwise classified as confidential by any other provision of law. For purposes of this subsection, “conclusion of an investigation” means:

A. A notice of an adjudicatory hearing under Title 5, chapter 375, subchapter 4 has been given to the public;

B. A consent agreement has been executed;

C. An enforcement proceeding has been filed in a court of competent jurisdiction; or

D. The investigation has been closed by the bureau.

5. Penalty. A person who receives confidential information pursuant to subsection 3, paragraph B and uses that information for a purpose other than that authorized by the director commits a civil violation punishable by a fine of not more than \$1,000.

Sec. 3. 12 MRSA §8867-G is amended to read:

§8867-G. Forest certification programs

1. Requirements for state land. ~~The~~ Except as provided under subsection 3, the Department of Agriculture, Conservation and Forestry, referred to in this section as “the department,” may obtain or maintain certification from a forest certification program for state land only if the program, in order to obtain certification under the program:

A. Contains performance-based indicators described in subsection 2 that protect forest workers, including logging and trucking contractors, that can be assessed and verified by a recognized certifying entity; and

B. Does not require payment to a trade association that is registered with the Commission on Governmental Ethics and Election Practices.

2. Performance-based indicators. Performance-based indicators required by subsection 1 include the following labor practices:

A. No use of child labor;

B. No use of forced labor;

C. No discrimination;

D. Freedom of association and collective bargaining;

E. Promotion of gender equality;

F. Implementation of legal occupational health and safety practices;

G. Payment of fair wages that meet or exceed the minimum wage;

H. Adequate and effective training; and

I. Grievance resolution and compensation for damages.

3. Prohibition. The department may not obtain or maintain certification from a voluntary, nonprofit and nonstock corporation organized under the District of Columbia Nonprofit Corporation Act.

Sec. 4. Forest certification; prohibition. In implementing the provisions of the Maine Revised Statutes, Title 12, section 8867-G, the Department of Agriculture, Conservation and Forestry is prohibited from obtaining or maintaining certification from a voluntary, nonprofit and nonstock corporation organized under the District of Columbia Nonprofit Corporation Act, including, but not limited to, the Sustainable Forestry Initiative, Inc.

SUMMARY

This amendment strikes and replaces the bill. Current law requires an entity that contracts with a person to harvest wood and place the wood roadside so the entity is able to have the wood hauled away for use or processing to pay the person within 30 days of the person's fulfilling the contract and placing the wood roadside. The amendment provides that an entity that violates this

requirement commits a civil violation for which a fine of not more than \$1,000 may be adjudged. The amendment also requires the Attorney General's office to investigate complaints or allegations of nonpayment. The amendment provides that the Attorney General may require the Department of Agriculture, Conservation and Forestry's State Sealer of Weights and Measures, or the state sealer's designee, to assist the Attorney General's office with an investigation.

The amendment also provides that records of the Department of Agriculture, Conservation and Forestry, Bureau of Forestry obtained during an investigation into a complaint or suspected violation of the Maine Revised Statutes, Title 12, Part 11 or through provision of services to the public are confidential and that these records become public upon conclusion of an investigation. The amendment provides that records of the bureau obtained during an investigation or through provision of services to the public may be disclosed under certain circumstances.

The amendment strikes the provision in current law that authorized the director of the bureau to provide names, addresses and electronic mail addresses upon request to a nonprofit corporation that provides educational services to forest landowners regarding sound forest management as long as the information disclosed is used to provide information about forest management.

The amendment also prohibits the department is from obtaining or maintaining certification from a voluntary, nonprofit and nonstock corporation organized under the District of Columbia Nonprofit Corporation Act, including, but not limited to, the Sustainable Forestry Initiative, Inc.