

STATE OF MAINE

IN THE YEAR OF OUR LORD
TWO THOUSAND TWENTY-ONE

S.P. 76 - L.D. 188

An Act Regarding the Transportation of Products in the Forest Products Industry

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

Sec. 1. 10 MRSA §2364-B, sub-§1, ¶H, as enacted by PL 1997, c. 648, §2, is amended to read:

H. The destination of the wood, both town and customer; ~~and~~

Sec. 2. 10 MRSA §2364-B, sub-§1, ¶I, as enacted by PL 1997, c. 648, §2, is amended to read:

I. The signature of the truck driver; ~~and~~

Sec. 3. 10 MRSA §2364-B, sub-§1, ¶J is enacted to read:

J. An affirmation by the owner of the land from which the wood was harvested that the load of wood is being transported in a legal manner consistent with state law.

Sec. 4. 10 MRSA §2364-B, sub-§6, as enacted by PL 2003, c. 454, §1 and amended by PL 2011, c. 657, Pt. W, §§5 and 7 and PL 2013, c. 405, Pt. A, §23, is further amended to read:

6. Presentation of trip ticket to forest ranger. Upon request, a truck driver or an owner or manager of any log yard or mill site shall present a copy of the trip ticket to a forest ranger in any log yard or mill site. Upon request, a wood scaler shall present the record of measurement including a copy of the trip ticket or information contained on the trip ticket to a forest ranger. A forest ranger may request and use this information for the purpose of enforcing and investigating alleged violations of Title 12, section 8006 and Title 12, section 8883; Title 14, section 7552; and Title 17, section 2510. For purposes of this subsection, "forest ranger" means a person employed by the Department of Agriculture, Conservation and Forestry, Bureau of Forestry under Title 12, section 8901. A truck driver, an owner or manager of any log yard or mill site or a wood scaler who fails to comply with the provisions of this subsection is subject to the penalties provided in section 2368.

Sec. 5. 12 MRSA §8003, sub-§3, ¶R is enacted to read:

R. The director shall enforce section 8006 for those violations discovered as part of the inspection process pursuant to Title 10, section 2364-B, subsection 6 and within the existing resources of the bureau.

Sec. 6. 12 MRSA §8006 is enacted to read:

§8006. Intrastate transportation of forest products by nonresidents

1. Definitions. As used in this section, unless the context otherwise indicates, the following terms have the following meanings.

A. "Forest land" has the same meaning as in Title 36, section 573, subsection 3.

B. "Forest products" has the same meaning as in section 8881, subsection 3.

C. "Landowner" means a person that owns 50,000 acres or more of forest land in this State.

D. "Motor carrier" means a contract carrier, a common carrier or a private carrier of property by motor vehicle.

E. "Resident of the United States" does not include a person eligible to be in the United States under the United States H-2A visa program.

2. Prohibition; landowner. A landowner may not hire, or contract with a person to hire, a motor carrier to transport forest products that are harvested from the landowner's land from a location in the State to another location in the State unless the motor carrier is operated by a resident of the United States.

A landowner who violates this subsection commits a civil violation and is subject to a penalty of \$1,000 for the first violation, \$10,000 for the 2nd violation and \$25,000 for the 3rd and any subsequent violation.

3. Prohibition; motor carrier. A motor carrier may not transport forest products that are harvested from a landowner's land from a location in the State to another location in the State unless the motor carrier is operated by a resident of the United States.

A motor carrier who violates this subsection commits a civil violation and is subject to a penalty of \$1,000 for the first violation, \$2,500 for the 2nd violation and \$10,000 for the 3rd and any subsequent violation.

4. Disposition of fines. Notwithstanding any law to the contrary, fines collected pursuant to this section may be retained by the bureau and used to assist with the enforcement of this section.

5. Enforcement; notification. Violations of this section are enforced in the same manner as provided in section 8307. The director shall notify the State Tax Assessor and municipal property tax assessors of any violation by a landowner under this section.

Sec. 7. Legislative intent. It is the intent of the Legislature that the inspection of trip tickets pursuant to the Maine Revised Statutes, Title 10, section 2364-B, subsection 6 and subsequent enforcement of Title 12, section 8006 by the Director of the Bureau of Forestry within the Department of Agriculture, Conservation and Forestry, as required pursuant to Title 12, section 8003, subsection 3, paragraph R, be done within the existing resources of the bureau.