



MOFGA Testimony Neither For Nor Against
LD 1048 - *An Act Regarding the Authority of Municipalities to Regulate Timber Harvesting*
March 20, 2023

Good morning Senator Ingwersen, Representative Pluecker and members of the Joint Standing Committee on Agriculture, Conservation and Forestry. My name is Heather Spalding and I am deputy director of the Maine Organic Farmers and Gardeners Association (MOFGA).

A broad-based community, MOFGA is creating a food system that is healthy and fair for all of us. Through education, training and advocacy, we are helping farmers thrive, making more local, organic food available and building sustainable communities. MOFGA certifies 535 organic farms and processing operations representing roughly \$90 million in sales and we are working hard to create opportunities for Maine's next generation of farmers. Each of these farmers is a Maine businessperson for whom economic health and environmental health are interdependent.

Though I participated in the stakeholder group that endorsed LD 1048 - *An Act Regarding the Authority of Municipalities to Regulate Timber Harvesting*, I am speaking neither for nor against the legislation. This bill is identical to LD 2012 from last year, which never came forward for consideration in the House of Representatives. LD 2012 was a do-over from LD 1407 of 2021, which started out as bill to preempt local control entirely – and evolved into a resolve calling for a stakeholder group to review the law and process around establishing timber harvesting ordinances, and report back to the Legislature in 2022.

The vote out of the ACF work session in 2021 was all about helping communities understand and comply with the extensive and longstanding process already on Maine's books, however ensuing conversations emphasized potential problems foreseen by timber harvesters who argued for adoption of a "Right To Forestry" policy. Some stakeholders in our working group raised potential problems that they could foresee, though they hadn't experienced them yet. For example, they talked about the possibility of frivolous lawsuits – though none was reported.

MOFGA urges respect for existing municipal forestry ordinances and we are concerned about the concept of a "Right to Forestry" unless forestry practices prioritize human and ecological health over profits. We feel that it will be most beneficial simply to reach out to municipalities and let them know of the laws that already are on the books regarding implementing forestry ordinances.

Maine already has laws in place to ensure that communities work respectfully and collaboratively with forest land owners when creating municipal ordinances (12 M.R.S. §8869 (8-9)). Existing requirements include:

- working with a licensed forester;
- meeting with the Department and municipal officials to discuss the municipality's forest practices goals;
- holding a public hearing;
- providing the Department with 30-day advance notice of the hearing and the opportunity to present at the hearing; providing all landowners in the municipality with 14-day advance notice of the hearing;
- scheduling a vote on the ordinance at least 45 days after the hearing; and
- ensuring that the ordinance is not unreasonable, arbitrary or capricious.

It is very likely that the Bureau of Forestry outreach will discover examples of ordinances that may be out of compliance with state statute but remedying that could be a positive experience rather than a divisive one. The state should be sensitive to home rule and the reality that one-size doesn't necessarily fit all. Municipalities that have followed the process already shouldn't have to go through another assessment. And if towns don't have comprehensive plans they shouldn't be barred from adopting forestry ordinances, as long as they follow steps in the existing statute.

MOFGA hopes that any future state policy relating to forestry will elevate the importance of low-impact forestry management.

Thank you and I will be happy to answer questions if you have any.

The Maine Organic Farmers and Gardeners Association (MOFGA) started in 1971 and is the oldest and largest state organic organization in the country. We're a broad-based community that educates about and advocates for organic agriculture, illuminating its interdependence with a healthy environment, local food production, and thriving communities. We have 15,000 members, we certify more than 500 organic farms and processing facilities representing \$90 million in sales, and we are working hard to provide training and create opportunities for Maine's next generation of farmers. Each of these farmers is a Maine businessperson for whom economic health and environmental health are interdependent. While MOFGA envisions a future of healthy ecosystems, communities, people and economies sustained by the practices of organic agriculture, we attribute our success to collaboration and outreach to growers across the management spectrum.