

PLEASE NOTE: Legislative Information **cannot** perform research, provide legal advice, or interpret Maine law. For legal assistance, please contact a qualified attorney.

An Act To Improve Employment Opportunities for Maine Workers in the Forest Industry

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

Sec. 1. 12 MRSA §8883-B, sub-§2, ¶A, as enacted by PL 2003, c. 452, Pt. F, §44 and affected by Pt. X, §2, is amended to read:

A. The name, address and phone number of the landowner, any designated agent and, ~~if known,~~ any harvester ~~or harvesters~~. The notification must indicate if the harvester uses bonded labor under the federal H2 bonded labor program under 20 Code of Federal Regulations, Section 655.200 et seq. If a landowner or a harvester employed by or under contract to the landowner uses bonded labor under the federal H2 bonded labor program or the landowner fails to provide the information required under this paragraph and the land being harvested is taxed under the Maine Tree Growth Tax Law, the director of the bureau shall notify the State Tax Assessor and the assessor of the jurisdiction in which the parcel is located that the land or a portion of the land no longer meets the requirements of Title 36, chapter 105, subchapter 2-A and must be withdrawn in accordance with Title 36, section 581;

Sec. 2. 36 MRSA §574-B, sub-§2, as enacted by PL 1989, c. 555, §16, is amended to read:

2. Evidence of compliance with plan. The landowner must comply with the plan developed under subsection 1, and must submit, every 10 years to the municipal assessor in a municipality or the State Tax Assessor for parcels in the unorganized territory, a statement from a licensed professional forester that the landowner is managing the parcel according to schedules in the plan required under subsection 1; and

Sec. 3. 36 MRSA §574-B, sub-§3, as repealed and replaced by PL 2001, c. 603, §4, is amended to read:

3. Transfer of ownership. When land taxed under this subchapter is transferred to a new owner, within one year of the date of transfer, the new landowner must file with the municipal assessor or the State Tax Assessor for land in the unorganized territory one of the following:

A. A sworn statement indicating that a new forest management and harvest plan has been prepared;
or

B. A statement from a licensed professional forester that the land is being managed in accordance with the plan prepared for the previous landowner.

The new landowner may not harvest or authorize the harvest of forest products for commercial use until a statement described in paragraph A or B is filed with the assessor. A person owning timber rights on land taxed under this subchapter may not harvest or authorize the harvest of forest products for commercial use until a statement described in paragraph A or B is filed with the assessor.

Parcels of land subject to section 573, subsection 3, paragraph B or C are exempt from the requirements under this section.

For the purposes of this subsection, "transferred to a new owner" means the transfer of the controlling interest in the fee ownership of the land or the controlling interest in the timber rights on the land; and

Sec. 4. 36 MRSA §574-B, sub-§4 is enacted to read:

4. Use of bonded labor. A parcel of land is not eligible for classification under this subchapter if the land is harvested using bonded labor under the federal H2 bonded labor program under 20 Code of Federal Regulations, Section 655.200 et seq. or the landowner has failed to file the report required under Title 12, section 8883-B, subsection 1. An assessor that receives notification from the Department of Conservation, Bureau of Forestry that a landowner reports the use of bonded labor or has failed to file the report required under Title 12, section 8883-B, subsection 1 shall withdraw the parcel from classification. Land withdrawn under this subsection is subject to the penalty provided in section 581.

Sec. 5. 36 MRSA §2729 is enacted to read:

§ 2729. Use of bonded labor

A parcel of land subject to tax under this chapter may not benefit from the General Fund contribution to the support of forest fire protection activities if the land is harvested during the tax year using bonded labor under the federal H2 bonded labor program under 20 Code of Federal Regulations, Section 655.200 et seq. or the landowner has failed to file the report required under Title 12, section 8883-B, subsection 1. Upon the receipt of notification from the Department of Conservation, Bureau of Forestry that a landowner reports the use of bonded labor or has failed to file the report required under Title 12, section 8883-B, subsection 1, the assessor shall assess an additional tax equal to 150% of the amount per acre computed under section 2723-A.

SUMMARY

This bill requires a landowner to notify the Department of Conservation, Bureau of Forestry if forest land is harvested by a harvester who uses bonded labor under the federal H2 bonded labor program under 20 Code of Federal Regulations, Section 655.200 et seq. If a landowner or a harvester employed by or under contract to the landowner uses bonded labor under the federal H2 bonded labor program or the landowner fails to provide the required notification, the land must be withdrawn from the Maine Tree Growth Tax Law and a penalty assessed under the commercial forestry excise tax to compensate the State for the General Fund contribution to the cost of forest fire protection activities.