
By: Delegate Schisler

Introduced and read first time: January 18, 1996

Assigned to: Environmental Matters

A BILL ENTITLED

1 AN ACT concerning

2 **Natural Resources - Foresters - Disclosures When Preparing Certain Plans for Private**
3 **Landowners**

4 FOR the purpose of limiting the assistance the Department of Natural Resources may
5 render to a private landowner by prohibiting an employee of the Department,
6 including a forester employed by a district forestry board, from preparing certain
7 forestry-related plans for a private landowner unless the employee makes certain
8 disclosures to the private landowner and unless the Department collects a certain
9 fee; and generally relating to employees of the Department or a district forestry
10 board preparing certain plans for a private landowner.

11 BY repealing and reenacting, with amendments,
12 Article - Natural Resources
13 Section 5-608
14 Annotated Code of Maryland
15 (1989 Replacement Volume and 1995 Supplement)

16 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
17 MARYLAND, That the Laws of Maryland read as follows:

18 **Article - Natural Resources**

19 5-608.

20 (a) Any person engaged in a forest products business shall have a license issued
21 by the Department. The license is secured from the Department for everytype of forest
22 products manufacturing plant. Before any sawmill or other plant is erected for the
23 manufacture of lumber or other forest products or when the location of any
24 manufacturing plant is to be changed, the location shall be reported to the Department
25 prior to erection of the plant or the change of location.

26 (b) Each person to whom this subtitle applies shall:

27 (1) Leave conditions favorable for regrowth. Any forest land on which
28 cuttings are made shall be left by the operator in a favorable condition for regrowth, in
29 order to maintain sufficient growing stock to supply raw materials for industry and furnish
30 employment for forest communities continuously, if possible, or without long
31 interruption;

1 (2) Leave young growth. As far as feasible, every desirable seedling and
2 sapling shall be protected during logging operations. Except where unavoidable in
3 logging, immature trees may not be cut for any purpose except to improve the spacing,
4 quality, and composition or conditions for restocking, or to obtain timber or wood for
5 home use;

6 (3) Arrange for restocking land after cutting by leaving trees of desirable
7 species of suitable size singly, or in groups, well distributed and in a number to secure
8 restocking. If the board approves, however, clear-cutting may be performed;

9 (4) Maintain adequate growing stock after partial cutting or selective
10 logging. Rules and regulations of the Department, defining standards of forest practice to
11 obtain and maintain adequate growing stock in the different forest types, may vary with
12 different forest types of the State;

13 (5) Provide for leases and timber cutting rights. The provisions of this
14 subtitle and any rule or regulation promulgated under it apply to the owner of the land or
15 stumpage, and to any person whose operation is in timber, trees, or wood held under a
16 lease or cutting rights on June 1, 1943. However, due consideration shall be given to
17 ownership equities existing on June 1, 1943, in order to avoid causing unreasonable
18 hardship. Any lease or cutting right entered into after June 1, 1943, is unreservedly
19 subject thereto. Any owner or operator on his own forest property or property leased to
20 him, may develop and inaugurate his own alternate plan of management and employ
21 standards and methods to accomplish the purpose of this subtitle, as specified in
22 paragraphs (2), (3), and (4) of this subsection, provided the plan is submitted on forms
23 the Department furnishes to the board having jurisdiction and the board accepts the plan
24 as one which gives reasonable assurance of accomplishing the purposes of this subtitle. In
25 arriving at its decision, the board shall consider, among other factors, economic
26 conditions of the area in which the land is situated, the valuation and rates for tax
27 purposes, and social and economic effects of the proposed alternate plan. A landowner
28 may present working plans for cutting and management of his forest to the board for
29 approval. These plans shall be for the period prescribed by the Department. The
30 Department shall furnish the necessary forms. [Free advice and] SUBJECT TO THE
31 PROVISIONS OF SUBSECTION (F) OF THIS SECTION, assistance of the Department is
32 available to forest owners as far as possible; and

33 (6) Make application for inspection.

34 (c) Within three years, but not less than 30 days preceding a cutting, the owner of
35 woodlands or his agent may apply to the board for inspection of the woodlands proposed
36 to be cut. The application shall be made to the board of the district in which the lands are
37 located, and shall state the location of the woodland, its approximate acreage, and the
38 proposed cutting plan.

39 (d) Within 30 days after receipt of the application required under subsection (c),
40 the board shall make or cause to be made by a qualified person, an examination of the
41 woodlands covered in the application. The board, within a reasonable time, shall advise
42 the owner or his agent, in writing, of the most practical and satisfactory method of cutting
43 the woodland and assent to the method found best adapted.

3

1 (e) The provisions of this section do not apply to cutting firewood and timber for
2 domestic use for the owner or his tenant, but apply to all cutting not specifically excepted.

3 (F) (1) EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION,
4 NOTWITHSTANDING ANOTHER PROVISION OF LAW OR A REGULATION ADOPTED BY
5 THE DEPARTMENT, AN EMPLOYEE OF THE DEPARTMENT, INCLUDING A FORESTER
6 EMPLOYED BY A DISTRICT FORESTRY BOARD, MAY NOT PREPARE FOR A PRIVATE
7 LANDOWNER:

8 (I) A FORESTRY STEWARDSHIP PLAN;

9 (II) A FOREST CONSERVATION PLAN;

10 (III) A FOREST STAND DELINEATION; OR

11 (IV) ANY SIMILAR PLAN REQUIRED BY LAW OR BY REGULATION
12 ADOPTED BY THE DEPARTMENT OR THE CHESAPEAKE BAY CRITICAL AREA
13 COMMISSION.

14 (2) AN EMPLOYEE OF THE DEPARTMENT OR A FORESTER EMPLOYED
15 BY A DISTRICT FORESTRY BOARD MAY PREPARE A PLAN DESCRIBED IN
16 PARAGRAPH (1)(I) THROUGH (IV) OF THIS SUBSECTION IF:

17 (I) THE EMPLOYEE DISCLOSES IN WRITING TO THE LANDOWNER
18 THAT:

19 1. THE EMPLOYEE IS AN EMPLOYEE OF THE DEPARTMENT
20 OR A DISTRICT FORESTRY BOARD;

21 2. A PLAN THAT IS PREPARED BY THE EMPLOYEE MUST BE
22 APPROVED BY THE DEPARTMENT OR THE DISTRICT FORESTRY BOARD THAT
23 EMPLOYS THE EMPLOYEE;

24 3. THERE IS A POTENTIAL CONFLICT OF INTEREST BECAUSE
25 THE EMPLOYEE IS PREPARING A PLAN THAT MUST BE APPROVED BY THE
26 EMPLOYER OF THE EMPLOYEE; AND

27 4. THE STATE LICENSES PRIVATE FORESTERS NOT
28 EMPLOYED BY THE DEPARTMENT WHO WOULD HAVE NO CONFLICT OF INTEREST;
29 AND

30 (II) THE DEPARTMENT COLLECTS A FEE FOR PREPARING THE
31 PLAN THAT IS EQUAL TO THE WAGES THE FORESTER IS PAID FOR THE TIME
32 REQUIRED TO PREPARE THE PLAN.

33 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
34 October 1, 1996.