

---

**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 Preparing Certain Plans for Private Landowners -**  
3 **Prohibition**

4 FOR the purpose of limiting the assistance the Department of Natural Resources may  
5 render 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; and generally relating to employees  
8 of the Department of Natural Resources or district forestry boards preparing  
9 certain plans for private landowners.

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

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

17 **Article - Natural Resources**

18 5-608.

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

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

26 (1) Leave conditions favorable for regrowth. Any forest land onwhich  
27 cuttings are made shall be left by the operator in a favorable condition for regrowth, in  
28 order to maintain sufficient growing stock to supply raw materials for industry and furnish  
29 employment for forest communities continuously, if possible, or withoutlong  
30 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) NOTWITHSTANDING ANOTHER PROVISION OF LAW OR A REGULATION  
4 ADOPTED BY THE DEPARTMENT, AN EMPLOYEE OF THE DEPARTMENT, INCLUDING  
5 A FORESTER EMPLOYED BY A DISTRICT FORESTRY BOARD, MAY NOT PREPARE FOR  
6 A PRIVATE LANDOWNER:

7 (1) A FORESTRY STEWARDSHIP PLAN;

8 (2) A FOREST CONSERVATION PLAN;

9 (3) A FOREST STAND DELINEATION; OR

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

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