



FOREST CONSULTANT'S NEWSLETTER

A Quarterly Newsletter of the Department of Conservation, Maine Forest Service Stewardship Program

COURT ORDERS LOGGER TO CEASE ILLEGAL CONDUCT

On February 4, 2002, the Kennebec County Superior Court ordered that loggers Robert W. Tibbetts, Sr. of Jay, Robert W. Tibbetts, Jr. of Lewiston, and Darrell L. Tibbetts of Livermore be permanently enjoined from any violations of the Unfair Trade Practices Act and the Consumer Solicitation Sales Act, the Maine Wood Measurement Law, and the Maine Forester Licensing Law. The Tibbetts were ordered to pay \$10,000 in restitution to the landowners, and \$3,000 in costs and attorney fees to the State of Maine. The Court's Order is based on an agreement, reached shortly before trial, between the Attorney General and the Tibbetts, which negated the need for the trial to be held.

The Attorney General filed suit against the Tibbetts in March of 2000 alleging that they cut wood on various properties and transported that wood to mills, and in doing so violated Maine's consumer laws, wood measurement laws, and forester licensing laws. In its suit, the State alleged that the Tibbetts made false and misleading statements or representations to woodlot owners about harvests they proposed to conduct on their woodlots, the value and utilization of wood from such harvests, that they did not abide by Maine's wood measurement and payment laws, that they made representations that they provided forestry services without being licensed to do so, and that they used contracts that failed to apprise landowners of their rights to cancel the contracts under the consumer protection laws.

The Court Order permanently prohibits the Tibbetts from engaging in these practices, and requires them to disclose in all future contracts the right to cancel, that they are not licensed foresters, and that the Maine Forest Service recommends that landowners hire a licensed forester to assess the woodlot before the harvest. In addition, they must provide copies of the signed contract and notification

of intent to harvest to both the landowner and the Maine Forest Service at least 7 days before they start cutting any trees, keep and maintain all business records for a period of 6 years after each harvest, and make them available for inspection to State law enforcement officials.

"Your trees may have more value than you realize," cautioned Attorney General Steven Rowe, "so as in all consumer transactions, make sure you know enough about the person or company you are dealing with". He praised the nine property owners involved in this litigation for their tenacity and cooperation, and commended the rangers and foresters from the Forest Service for their excellent work leading to this settlement.

TRIP TICKETS AND SCALE SLIPS

If you are supervising a timber harvest and/or acting as agent for the landowner, make sure that you keep track of the trip tickets and scale slips.

There are well-defined requirements under the law that a logging contractor must fulfill. Within 15 days of hauling a load of wood, the logging contractor is required to provide a copy of each wood measurement tally sheet (scale slip) to the landowner. The tally sheet must include the name of the landowner, the name of the contractor, the name of the hauler, a description and measurement of the product, the date, and the destination of the wood.

Trip tickets must include:

1. The date the wood is hauled;
2. Name of the landowner;
3. Town of origin;
4. The notification number;
5. Name of the contractor;
6. Name or names of the cutting crew;
7. Name of the hauler;
8. The destination of the wood, both town and customer; and
9. The signature of the truck driver.

THE LAMMERT REPORT

Sawmills are saying that business is better than expected but in different ways. A relatively small mill in Cumberland County is shipping \$10,000 a month of log cabin stock to Tennessee! Seems folks there are headed back into the hills, but in a second or vacation home. The order came to Maine via the 'net as people from away knew "logs cabins" were still "Made in Maine".

Niche markets are what is keeping many smaller mills going. If you pass by any piles of logs or sawdust outside a building and you don't know what they are making at that mill, I would certainly take the time to find out. You might not be dealing with the species they are using but sooner or later you just may have a few logs they could use.

We are in the process of compiling a printed list of log brokers and concentration yards. The hardest part of making a list is that this group is a real moving target. In trying to update an old list I had made, I found many buyers were no longer in business. Also the species bought by the various yards changes as their markets change. The reverse is what you keep up on by stopping by the yard or calling the office for updated specs and prices. If you end up with some logs that you just can't seem to find a buyer for, don't hesitate to call.

Remember warm weather is coming. Any species of logs with sugar in the sap will spoil or stain in less than two weeks' time so get that pine and maple right into the mills or yards. If you or your logger can't move the logs right away, store them in the woods around the landing with the thickest shade.

If you are stuck for moving just a few logs and you can't get a log truck to pick them up, contact a wrecker service with a "slider body". They can use the winch on the truck to winch the logs onto the uptilted bed and once all the logs are on, they will tip the bed horizontal and off to the mill or yard they go.

Have a safe spring.

-- Pete L.

NEW CONSULTANTS DIRECTORY

Thanks to all of you who sent your information in on time. I expect to have the new directories (one for each county) available by May.

The new directories will be updated for printing annually, but if you have a change of address, let us know, so we can keep the mailing list for newsletters and training up-to-date.



CHECK OUT THESE WEBSITES

A good website for forestry information for landowners and professionals is:

forestry.about.com

Of particular interest on this site is a source for both free and commercial forestry computer software, including a free simple timber cruising template. This template is designed for use in the southern United States, but can be adapted to use anywhere:

forestry.about.com/cs/forestrysoftware

Another source for forestry software is at:

www.snr.missouri.edu/silviculture/tools/

The USDA Forest Service Agriculture Handbook #654, Silvics of North America; Volume 1: Conifers and Volume 2: Hardwoods is now available online at:

www.na.fs.fed.us/spfo/pubs/silvics_manual/table_of_contents.htm

NEW TELEPHONE NUMBERS

Some Maine Forest Service field staff have new telephone numbers. Add these to your directory:

Jim McMullen (207) 624-3706
Regional Enforcement Coordinator, Augusta

Jim Ecker (207) 827-1811
District Forester, Old Town

Tim Post (207) 827-1809
Regional Enforcement Coordinator, Old Town

Roger Ryder (207) 827-1810
Field Supervisor, Old Town

and a new address:

Dan Jacobs
Maine Forest Service
2 Forestry Road
Island Falls, ME 04747
He hasn't moved. He's been E-911'd

FORESTERS BOARD SANCTIONS CONSULTANT

The Maine Board of Licensure of Foresters has sanctioned a consultant for violations of law and the forester's Code of Ethics.

The Maine Forest Service filed an agency complaint against consulting forester Ervin Tower in December, 2000. The agency's complaint alleged that Mr. Tower committed fraud by receiving cost share money for work not performed on his own property, and that he did poor quality work on stewardship projects cost shared through the ice storm recovery program. In mid-March, the Board of Licensure of Foresters, the Attorney General, and Mr. Tower reached a consent agreement that contains several sanctions against Mr. Tower.

In the consent agreement, Mr. Tower admits his responsibility to the charges made by MFS. He acknowledges that he violated 32 MRSA sec. 5108 ("deceit, misconduct, misrepresentation, fraud, and incompetence or gross negligence in his practice") and Canon 7 of the forester's code of ethics. As a result, the Board levied the following sanctions:

- Reprimand from the board;
- Fine of \$6,000;
- One year suspension of license, from 01 April 2002 to 31 March 2003; and,
- Two year's probation starting 01 April 2003.

This is the second time that the board has sanctioned a consultant due to irregularities in the consultant's involvement in the ice storm recovery program.

TRAINING OPPORTUNITY

The Maine Forest Service is offering a one day course titled *Introduction to ArcView 3.2* on May 22, 2002 in Augusta. There is a \$25 charge for this course. Space is limited to 12 participants.

This course provides a conceptual overview and hands-on experience using ArcView GIS software. It teaches basic ArcView GIS functionality and enables participants to quickly take advantage of the software's powerful display and analysis capabilities. Participants are introduced to the ArcView GIS graphical user interface (GUI) and use it to create, edit, display, query, and analyze geographic and tabular data and create presentation-quality maps.

For more information or a registration form, contact Kathy Nitschke at (207) 287-1073.

THE NORTH EAST STATE FORESTERS ASSOCIATION (NEFA) RELEASES REPORT ON FOREST MODELING FOR THE REGION

NEFA has released a report on its modeling project for the region. Ecological measures, derived from FIA plots, are used to add insight to the traditional projections of timber inventory, growth, and harvest. The modeling team used several sources of data to estimate future changes in available forest land. The elimination of clearcutting as a harvesting method was examined. The impacts of a widespread pest epidemic were also examined.

The NEFA project region included in the study covers more than 45 million acres of forest land in New York, Vermont, New Hampshire, and Maine. Maine's summary follows:

- ◆ Since this report was done, FIA data from 1999 and 2000 have become available and Maine has issued inventory estimates that are approximately 10% higher than those based on 1995 data.
- ◆ Removals of timber increase substantially between the 1970s and 1990s as growing stock matured.
- ◆ Data used in this study indicate that inventory of growing stock declined during the 3 most recent inventories (roughly a 30-35 year period) due to the spruce budworm outbreak and subsequent salvage harvesting of the 1980s. Effects of the spruce budworm are reflected in increased mortality rates.
- ◆ Industrial management is most intensive in Maine. Even so, the proportion of truly even-aged stands is small.
- ◆ There is a drop in timberland of 62,000 acres in southern Maine, but an increase of 61,000 acres in northern Maine, where agricultural land is reverting to forest.
- ◆ Maine's hardwood volume is projected to decrease slightly.
- ◆ The softwood proportion of regional net growth increases slightly to 40% in the constant demand run of the model, benefiting from the rebound of the spruce-fir habitat in Maine. An increased harvest demand rate of 1% per year over a 50 year period results in a 29% decrease in inventory.
- ◆ Maine goes from a 1,000 acre loss in forest land acres to a 410,000 acre loss in 50 years in the pessimistic land use run.
- ◆ If the hemlock woolly adelgid infestation caused a widespread and persistent decline, 526.1 million cubic feet of merchantable volume would be lost over the 50 year period.

Hemlock Looper Update

The heavy moth activity noted in the fall of 2000 produced significant larval populations and defoliation in many portions of southern, central and eastern Maine in 2001. During late summer aerial survey flights, 26,807 acres of heavy to severe hemlock looper defoliation were mapped. Looper caused light and moderate feeding on an additional 150,000 acres that was detected during ground surveys.

High looper moth catches in pheromone traps in southern and eastern Maine in 2000 combined with observations of high moth activity by FH&M staff and cooperators keyed an increased larval survey effort in 2001. Significant larval counts (10 or more per branch) were recorded from York, Penobscot, Hancock, Lincoln, Washington, and Aroostook counties. The highest levels were found in northern Hancock, southern York, east central Penobscot, southeastern Aroostook, and several portions of Washington counties. Many high areas were the same areas attacked during the last outbreak.

Defoliation intensity in most of the mapped area was 50 to 70% of all hemlock foliage (old and new needles). Some of the most severely damaged stands experienced 70 to 100% defoliation but this was a small portion (10%) of the defoliated area. During the last outbreak nearly all trees that were less than 70% defoliated survived. Trees that were 90% defoliated often died or lost tops. Very little hemlock mortality is expected as a result of 2001 defoliation unless the severe drought experienced last season causes looper defoliation to have a more significant impact than that seen during the last outbreak. Shallow, rocky, and dry sites did contribute to tree mortality during the last outbreak and the 2001 drought may have an impact on future tree survival.

The most heavily defoliated areas in 2001 included stands in York near Agamenticus Mountain, the Machias Lakes area and Baskahegan Lake in Washington county, and Eastbrook and Spectacle Pond in Hancock county. Nearly the entire mapped defoliation area was directly adjacent to a lake or pond. This association is certainly due, in part, to the occurrence of hemlock stands near water but is also probably related to the behavior of looper moth. Climatic conditions near lakes may also have a role.

Early in the season the FH&M staff felt that the 2001 population was the start of a new outbreak of similar proportions to the 1989 to 1993 outbreak but

now that conclusion is in doubt. In addition to the occurrence of "sick" larvae late in larval development there was a sharp reduction in moth activity compared to the fall of 2000. Hemlock looper moths were not reported in nearly the numbers seen in 2000 and the catch in budworm and Gypsy moth pheromone traps was less than 10% of the 2000 catch. Also, light trap operators who operated traps during the looper flight period reported a low catch.

Pine Shoot Beetle Quarantine

A state quarantine is now in effect in Maine for preventing the spread of the pine shoot beetle (PSB), *Tomicus piniperda*, an introduced bark beetle that has been found north of the Appalachian Trail in Oxford and Franklin counties. This new bark beetle primarily attacks and injures hard pines (Scots, red and jack pines) but it can also breed in eastern white pine. A trapping survey is being conducted at this time for this beetle to determine if it has spread. Single catches of this beetle were made in Adamstown during 2000 and 2001 and in Rangeley in 2001. The catches resulted in designating the northern portion of Oxford county north of the Appalachian Trail (AT) as a PSB regulated area. The Maine Department of Agriculture is in the process of amending the quarantine to include the northern portion of Franklin county. The Maine quarantine may also have to be amended again later in 2002 to parallel a federal PSB quarantine which is not yet finalized.

The PSB quarantine requires concerns in uninfested areas of Maine **to have a compliance agreement with the Maine Forest Service** if they receive pine logs or unprocessed pine bark (sawmill residue) from the regulated area north of the AT in Maine or from regulated areas in other states that include Coos county in NH and Essex, Orleans or Caledonia counties in VT. It is also imperative to note that we are currently in the high risk period- April 1 through June 30- when adult PSB bark beetles emerge and disperse from logs. **During this time - pine logs and unprocessed bark can not be moved from the regulated zone (quarantine or infested areas) to areas outside the quarantine.** To request a compliance agreement or to find out more about the PSB quarantine please contact Don Ouellette, Insect & Disease Laboratory, 50 Hospital Street, Augusta, ME 04330, Tel. 207 287-2431 or e-mail don.ouellette@state.me.us.