

1 S.94

2 Introduced by Senators Choate, Ashe, Bartlett, Brock, Giard, Kittell, Lyons,

3 Miller, Nitka, Starr and White

4 Referred to Committee on

5 Date:

6 Subject: Conservation and development; department of forests, parks and

7 recreation; licensing state forestland; maple sugar production

8 Statement of purpose: This bill proposes to require the department of forests,
9 parks and recreation to license state forestland for maple sap collection. It also
10 would establish a state maple licensing board that would award the annual
11 licenses for maple sap collection on state forestland.

12 An act relating to licensing state forestland for maple sugar production

13 It is hereby enacted by the General Assembly of the State of Vermont:

14 Sec. 1. 10 V.S.A. § 2606b is added to read:

15 § 2606b. LICENSE OF FORESTLANDS FOR MAPLE SUGAR

16 PRODUCTION

17 (a) The general assembly finds and declares that:

18 (1) maple sugaring is an important cultural tradition of Vermont life that
19 should be maintained and encouraged;

1 (2) maple sugaring is an important component of the agricultural
2 economy in Vermont and is increasingly necessary for farmers that must
3 diversify in order to continue to farm in Vermont;

4 (3) maple sugaring is a sustainable use of forestland;

5 (4) state forestland should be managed and used for multiple uses,
6 including maple sugar production.

7 (b) It is hereby adopted as state policy to permit under the jurisdiction of
8 the department limited use of designated state-owned land for maple sugar
9 production.

10 (c) Beginning on January 15, 2010, the department annually shall issue to
11 those individuals identified by the state maple licensing board licenses for the
12 use of state forestland for the tapping of maple trees, the collection of maple
13 sap, and the right to transport such sap to a processing site located off state
14 forestland. All tapping of maple trees authorized under a license shall be
15 conducted according to the guidelines for tapping maple trees established by
16 the maple licensing board. Prior to establishment of tapping guidelines by the
17 maple licensing board, all tapping of maple trees authorized under a license
18 shall be conducted according to the guidelines for tapping maple trees agreed
19 to by the department and the Vermont maple sugar makers' association. Each
20 person awarded a license under this section shall maintain and repair any road,
21 water crossing, or work area according to requirements set by the department

1 in the license. Each license shall include such additional terms and conditions
2 set by the department as may be necessary to preserve forest health and to
3 assure compliance with the requirements of this chapter and applicable rules.
4 A license shall be issued for a fixed term not to exceed five years and shall be
5 renewable for two five-year terms subsequent to the initial license. The
6 department shall have the power to terminate or modify a license for cause,
7 including damage to forest health. The fee for a license issued under this
8 section shall be one-quarter of the difference between the average per pound
9 price of Vermont fancy grade syrup and the average per pound price of
10 Vermont grade C syrup as those prices are set on May 1 of each year.

11 (d)(1) There is hereby established a state maple licensing board. The board
12 shall consist of seven members appointed by the governor with the advice and
13 consent of the senate. The members of the board shall be appointed for a term
14 of three years, or an unexpired portion of a term. The governor shall biennially
15 designate a chair of the board. The board shall include:

16 (A) The secretary of natural resources or his or her designee;

17 (B) The secretary of agriculture, food and markets or his or her
18 designee;

19 (C) A representative of the maple sugar marker's association,
20 designated by the association;

1 (D) Two persons appointed by the governor with experience in the
2 collection of maple sap or the production of maple syrup;

3 (E) Two members appointed by the governor.

4 (2) The board shall:

5 (A) By December 31 of each year, after opportunity for public
6 comment, set the number of licenses for maple sap collection to be issued on
7 state forestland in the following calendar year.

8 (B) Annually solicit, review, and approve applications for licenses to
9 tap maple trees and collect maple sap on state forestland; and

10 (C) Develop guidelines for tapping maple trees on state forestland.

11 (e) There is hereby established in the state treasury a fund to be known as
12 the state maple license fund, to be administered by the commissioner of
13 forests, parks and recreation, from which payments may be made for the
14 operation of the state maple licensing board and the administration of state
15 licenses for the use of state forestlands for the collection of maple sap. There
16 shall be deposited in the fund all license fees received under subsection (c) of
17 this section and all gifts, donations, and appropriations made to the fund. All
18 balances in the fund at the end of any fiscal year shall be carried forward and
19 remain a part of the fund.

20 (f) The commissioner may adopt rules to implement the requirements of
21 this section.

- 1 (g) The department shall provide administrative, technical, and legal
- 2 services to the state maple licensing board.