

MAINE STATE LEGISLATURE

The following document is provided by the
LAW AND LEGISLATIVE DIGITAL LIBRARY
at the Maine State Law and Legislative Reference Library
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied
(searchable text may contain some errors and/or omissions)



117th MAINE LEGISLATURE

SECOND REGULAR SESSION-1996

Legislative Document

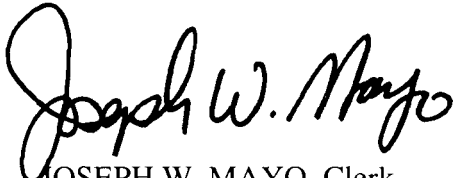
No. 1819

Initiated Bill 4

House of Representatives, March 5, 1996

An Act to Promote Forest Rehabilitation and Eliminate Clearcutting.

Transmitted to the Clerk of the House of the 117th Maine Legislature by the Secretary of State on February 22, 1996 and ordered printed.


JOSEPH W. MAYO, Clerk

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

2
4 **Sec. 1. 12 MRSA §682, sub-§§5-A, 5-B and 5-C** are enacted to read:

6 **5-A. Basal Area.** "Basal area" means the cross-sectional area of the stem of a tree measured at 4.5 feet above the ground outside the bark.

10 **5-B. Clearcutting.** "Clearcutting" means any timber harvesting on a forested site which results in an average residual basal area of all trees greater than 4.5 inches in diameter at 4.5 feet above the ground totaling less than 30 square feet per acre, except when the conditions of section 685-A, subsection 12, paragraph C are met.

16 **5-C. Commercial Species.** "Commercial species" means commercial hardwood species or commercial softwood species native to the state of Maine and which now, or prospectively as they grow, will contain at least one 12-foot or two noncontiguous 8-foot or longer sawlogs.

22 **Sec. 2. 12 MRSA §682, sub-§7-A** is enacted to read:

24 **7-A. Hardwood stand.** "Hardwood stand" means a forest stand in which the basal area of all trees greater than 4.5 inches in diameter at 4.5 feet above the ground before harvest is composed of 75% or more of commercial hardwood species, singly or in combination.

30 **Sec. 3. 12 MRSA §682, sub-§8-B** is enacted to read:

32 **8-B. Mixed wood stand.** "Mixed wood stand" means a forest stand in which the basal area of all trees greater than 4.5 inches in diameter at 4.5 feet above the ground before harvest is composed of between 25% and 75% of commercial hardwood species, singly or in combination.

38 **Sec. 4. 12 MRSA §682, sub-§§12-A and 12-B** are enacted to read:

40 **12-A. Softwood stand.** "Softwood stand" means a forest stand in which the basal area of all trees greater than 4.5 inches in diameter at 4.5 feet above the ground before harvest is composed of 75% or more of commercial softwood species, singly or in combination.

46 **12-B. Slash.** "Slash" means bark, branches, tops, chunks, cull logs, uprooted stumps and broken or uprooted trees and shrubs left on the ground as a result of a timber harvesting operation.

2 **Sec. 5. 12 MRSA §682, sub-§13-A** is enacted to read:

4 **13-A. Stand.** "Stand" means a forest land area forming a
6 silvicultural or management entity containing trees that are
8 sufficiently uniform in species composition, structure, size or
10 age class, spatial arrangement or condition to be distinguishable
12 from an adjacent land area of different character, with
14 inclusions of minor areas with different characteristics that are
16 less than 5 acres in size.

12 **Sec. 6. 12 MRSA §685-A, sub-§12** is enacted to read:

14 **12. Forest management standards.** Notwithstanding
16 subsection 5 or any other provision of state law to the contrary,
18 all timber harvesting activities within the commission's
20 jurisdiction must comply with the following minimum standards.

20 **A. Clearcutting is prohibited.**

22 **B. In a 15-year period, timber harvesting operations may**
24 not result in the removal of more than 1/3 of the volume on
26 any acre, on a basal area basis, of trees of commercial
28 species greater than 4.5 inches in diameter at 4.5 feet
30 above the ground.

30 **C. Following a timber harvesting operation, the postharvest**
32 stand of trees of commercial species must meet residual
34 basal area requirements using one of the following
36 alternative methods.

32 **(1) Considering trees greater than 4.5 inches in**
34 diameter at 4.5 feet above the ground, the residual
36 basal area of the postharvest stand must meet the
38 following minimum requirements.

38 **(a) Sixty-five or more square feet residual basal**
40 area per acre where the preharvest stand was a
42 hardwood stand;

42 **(b) Seventy-five or more square feet residual**
44 basal area per acre where the preharvest stand was
46 a mixed wood stand; or

44 **(c) Ninety or more square feet residual basal**
46 area per acre where the preharvest stand was a
48 softwood stand.

48 **(2) Considering trees greater than 1 inch in diameter**
50 at 4.5 feet above the ground, the residual basal area

of the postharvest stand must be calculated using the following formula.

$$S+T=R$$

In this formula, S is the average number of trees of commercial species per acre in the postharvest stand 1 inch to 4.5 inches in diameter at 4.5 feet above the ground as a percentage of 1000 trees per acre; T is the average residual basal area for trees of commercial species greater than 4.5 inches in diameter at 4.5 feet above the ground as a percentage of the minimum residual basal area requirements for the postharvest stand listed in subparagraph (1) for hardwood, mixed wood, or softwood stands; and R must equal 100% or more.

D. After a timber harvesting operation is completed, a healthy, well-distributed stand of trees must remain, with minimal damage to individual trees. The diversity of tree species, tree sizes, and tree age classes of the standing trees in the remaining stand must be maintained to the maximum extent possible.

E. Timber harvesting operations may not create single openings in the forest canopy greater than 1/2 acre in size, except for land management roads and other roads.

F. All trees harvested must be delimbed at or near the cutting site. Slash must be left in the woods. Slash that is larger than 3 inches in diameter must be disposed of so that no part of the slash extends more than 4 feet above the ground.

The commission may impose, by rule or by permit condition, more stringent requirements for timber harvesting in protection and development districts. The minimum requirements set forth in this subsection may be exceeded upon issuance of a variance by the commission upon a showing of undue hardship and otherwise pursuant to criteria set forth in subsection 10.

Sec. 7. Effective Date. This act takes effect on April 1, in the year following passage.

STATEMENT OF FACT

This initiated bill sets standards for timber harvesting activities within the jurisdiction of the Maine Land Use Regulation Commission. These standards include the elimination of clearcutting, limits on the amount of timber that may be harvested in a specified period of time, and minimum tree stand volume following harvesting operations.