

MAINE STATE LEGISLATURE

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118th MAINE LEGISLATURE

FIRST REGULAR SESSION-1997

Legislative Document

No. 968

H.P. 704

House of Representatives, February 11, 1997

**An Act to Require Recommended Silvicultural Stocking Standards on
Land Ownerships Enrolled under the Tree Growth Tax Laws.**

Reference to the Committee on Agriculture, Conservation and Forestry suggested and ordered printed.

A handwritten signature in cursive script that reads "Joseph W. Mayo".

JOSEPH W. MAYO, Clerk

Presented by Representative VOLENIK of Brooklin.
Cosponsored by Representatives: BAGLEY of Machias, BAKER of Bangor, CHARTRAND of Rockland, McKEE of Wayne, SIROIS of Caribou, SKOGLUND of St. George, Senators: DAGGETT of Kennebec, TREAT of Kennebec.

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

4 Sec. 1. 36 MRSA §573, sub-§2-B is enacted to read:

6 2-B. Basal area. "Basal area" means the cross-sectional
area of the stem of a tree more than 4.5 inches in diameter
measured at 4.5 feet above the ground outside the bark.

8 Sec. 2. 36 MRSA §573, sub-§6-A is enacted to read:

10 6-A. Recommended silvicultural stocking standards.
12 "Recommended silvicultural stocking standards" defines the basal
area requirements for the growing stock of trees left on a
14 forested site after a timber harvest is completed.

16 Sec. 3. 36 MRSA §§574-C to 574-F are enacted to read:

18 §574-C. Recommended silvicultural stocking standards established
20 by the Commissioner of Conservation

22 By September 1, 1998, the Commissioner of Conservation shall
adopt rules specifying post-harvest recommended silvicultural
24 stocking standards of growing stock for hardwood, mixed wood and
softwood stands. In no case may the post-harvest standards of
26 any stand allow less than 60 square feet of basal area per acre.
In determining the recommended silvicultural stocking standards,
28 the commissioner shall consult post-harvest basal area guidelines
for each forest type prescribed in silviculturally based forest
30 stocking guides for the northeast such as those prepared by the
United States Department of Agriculture Forest Service. The
32 recommended silvicultural stocking standards adopted by the
commissioner must protect water quality, minimize soil erosion,
34 ensure adequate regeneration, address impacts on wildlife habitat
and ensure spatial and compositional diversity as well as a
36 balance of age classes of trees necessary for a healthy and
sustainable forest. Rules adopted pursuant to this section are
38 major substantive rules as defined in Title 5, chapter 375,
subchapter II-A.

40 §574-D. Prohibition against cutting below recommended
42 silvicultural stocking standards

44 Following a timber harvest on forest land enrolled under the
Maine Tree Growth Tax Law, the remaining stand of trees must
46 comply with the recommended silvicultural stocking standards
adopted by the commissioner pursuant to section 574-C.

48 §574-E. Variance

50 The Commissioner of Conservation may grant a variance from

2 the recommended silvicultural stocking standards upon finding
3 that strict compliance with these standards would cause unusual
4 hardship.

6 **§574-F. Penalty**

8 A landowner who fails to comply with recommended
9 silvicultural stocking standards is subject to fines and
10 penalties pursuant to this subchapter and the landowner's land
11 becomes ineligible for classification under this subchapter.

12

13 **SUMMARY**

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15 This bill promotes continuous forest productivity on land
16 enrolled in the Maine Tree Growth Tax Law program by directing
17 the Commissioner of Conservation to establish mandatory
18 silvicultural stocking standards.