

MAINE STATE LEGISLATURE

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119th MAINE LEGISLATURE

FIRST REGULAR SESSION-1999

Legislative Document

No. 407

H.P. 299

House of Representatives, January 14, 1999

An Act to Reconcile Minor Technical Differences between Forest Practices Laws and Rules.

Submitted by the Department of Conservation pursuant to Joint Rule 204.
Reference to the Committee on Agriculture, Conservation and Forestry suggested and ordered printed.

A handwritten signature in black ink that reads "Joseph W. Mayo".

JOSEPH W. MAYO, Clerk

Presented by Representative GOOLEY of Farmington.
Cosponsored by Senator NUTTING of Androscoggin.

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

2
3 **Sec. 1. 12 MRSA §8869, sub-§2-A**, as enacted by PL 1997, c.
4 720, §7, is amended to read:

6 **2-A. Separation zones.** For a parcel of land 100 acres or
7 less, a clear-cut must be separated from any other clear-cut by
8 at least 250 feet.

10 For a parcel of land over 100 acres, a clear-cut must be
11 separated from any other clear-cut by a defined area equal to at
12 least the area contained within the perimeter of the clear-cut.
13 For a parcel of land over 100 acres, each defined separation zone
14 must be identified with a specific clear-cut and be a minimum of
15 250 feet in width ~~and may not be designated to meet the~~
16 ~~separation zone requirements for any other~~ except where a
17 property line is closer than 250 feet from the edge of the
18 clear-cut.

20 The Commissioner of Conservation may establish, by rule, more
21 stringent separation zone standards for clear-cuts greater than
22 35 acres.

24 **Sec. 2. 12 MRSA §8883, first ¶**, as amended by PL 1997, c. 648,
25 §4, is further amended to read:

26 ~~Prior~~ Unless exempted or modified by rule, prior to
27 commencing harvesting operations, the landowner or designated
28 agent shall notify the bureau of the harvest operation. When the
29 harvest is occurring within a municipality, the bureau shall send
30 a copy of the notification form to the municipal clerk.

32 **Sec. 3. 12 MRSA §883, sub-§1**, as amended by PL 1997, c. 648,
33 §5, is further amended to read:

36 **1. Notification prior to harvest.** Notification must be
37 on forms supplied by the bureau and must include the following
38 information:

40 A. The name, address and phone number of the landowner, any
41 designated agent, and, if known, any harvester or harvesters;

42 B. The name and address of any licensed professional
43 forester consulting the landowner on forest management or
44 harvesting practices;

46 C. The municipality or township and county of harvest;

48 D. The name of the nearest public or private all-weather
49 road;

- 2 E. The approximate dates the harvest will begin and finish;
- 4 F. The anticipated acreage to be harvested;
- 6 G. Whether the land is being harvested to convert to
8 another use within 2 years and, if so, what that use is to
be;
- 10 H. The Unless exempted or modified by rule, the signatures
12 of the landowner or designated agent and the signature of
14 the harvester when listed on the form in accordance with
paragraph A and the licensed professional forester when
listed on the form in accordance with paragraph B;
- 16 I. A map locating the harvest site in relation to known or
18 easily identifiable terrain features, such as a road
20 junction or a stream and road junction. The map must be a
22 copy of a 7.5 or 15 minute series topographical map produced
by the United States Geological Survey or a map of
equivalent or superior detail in the location of roads; and
- 24 J. The date of notification.

26 When a landowner has a designated agent, the designated agent
28 ~~must submit with the notification form a notarized statement of~~
30 ~~agreement signed by the landowner and the designated agent or a~~
32 ~~durable power of attorney shall sign a statement on the~~
34 ~~notification that the designated agent has the authority to act~~
36 ~~on behalf of the landowner to harvest forest products on the~~
38 ~~property.~~

34 SUMMARY

36 The purpose of this bill is to clarify that a defined
38 separation zone does not have to be a minimum of 250 feet in
40 width if the property line is closer than 250 feet from the edge
42 of the clear-cut. The bill also clarifies that a landowner shall
notify the Bureau of Forestry within the Department of
Conservation of any harvesting operation unless that owner has
been exempted.

44 This bill also incorporates minor procedural changes and
46 inconsistencies identified during the rule-making proceedings of
the forest practices laws this year. These changes are needed to
48 make the laws fully functional and practical.