

MAINE STATE LEGISLATURE

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119th MAINE LEGISLATURE

SECOND REGULAR SESSION-2000

Legislative Document

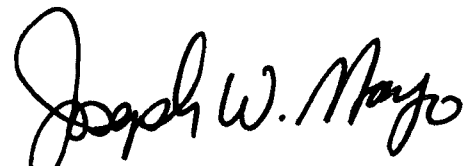
No. 2594

I.B. 5

House of Representatives, February 29, 2000

An Act Regarding Forest Practices.

Transmitted to the Clerk of the 119th Maine Legislature by the Secretary of State on February 28, 2000 and ordered printed.


JOSEPH W. MAYO, Clerk

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

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4 **Sec. 1. 12 MRSA §8869, sub-§§13 to 15** are enacted to read:

6 13. Reasonable cutting levels. In accordance with the
8 Governor's Maine Council on Sustainable Forest Management report
10 of July 1996, total cutting activities and cutting activities for
12 each species group may not exceed sustainable cutting levels for
14 any rolling 10-year average. This means that the yearly
16 allowable cut levels may not be greater than the average annual
18 growth during the past 10 years. This subsection applies only to
20 landowners who are enrolled under the Maine Tree Growth Tax Law.

22 14. Clear-cutting permit required. A landowner shall
24 obtain a permit from the Maine Forest Service prior to
26 undertaking cutting activities that will result in a clear-cut.
28 Prior to issuing a permit for a clear-cut, the Maine Forest
30 Service shall determine that the clear-cut is silviculturally
32 justified, that there are no reasonable alternatives to the
34 proposed clear-cut and that no undue adverse ecological damage
36 will result from the clear-cut or the clear-cutting activities.
38 There must be public notice of any permit application and an
40 opportunity to appeal any decision by the Maine Forest Service on
42 permitting.

44 15. Rules. A Maine Council on Sustainable Forest
46 Management appointed by the Governor shall establish rules, which
48 are major substantive rules pursuant to Title 5, chapter 375,
50 subchapter II-A, implementing subsections 13 and 14 through the
52 public hearing process. In addition to the Director of the Maine
54 Forest Service and the director of Baxter Park's scientific
56 forestry management unit, the council consists of one
58 representative from each of the following categories:

60 A. Independent logger;

62 B. Professional forester;

64 C. Forest ecologist;

66 D. Conservation biologist;

68 E. Soil scientist;

70 F. Professor of silviculture; and

72 G. Freshwater ecologist.

74 All rules must be consistent with and guided by current
76 scientific research. Rules must be established no later than 6
78 months after the effective date of this subsection.

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SUMMARY

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6 This initiated bill sets limits on timber harvesting on land
subject to the Maine Tree Growth Tax Law and requires that a
landowner obtain a permit from the Maine Forest Service prior to
8 undertaking harvesting activities that will result in a
clear-cut. Total cutting activities and cutting activities for
10 each species group may not exceed sustainable cutting levels for
any rolling 10-year average. The yearly allowable cut levels may
12 not be greater than the average annual growth during the past 10
years. Prior to issuing a permit for a clear-cut, the Maine
14 Forest Service must determine that the clear-cut is
silviculturally justified, that there are no reasonable
16 alternatives to the proposed clear-cut and that no undue adverse
ecological damage will result from the clear-cut or the
18 clear-cutting activities.