

MAINE STATE LEGISLATURE

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122nd MAINE LEGISLATURE

FIRST REGULAR SESSION-2005

Legislative Document

No. 188

H.P. 139

House of Representatives, January 13, 2005

**An Act To Promote the Uniform Implementation of the Statewide
Standards for Timber Harvesting and Related Activities in
Shoreland Areas**

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

Millicent M. MacFarland
MILLICENT M. MacFARLAND
Clerk

Presented by Representative SAVIELLO of Wilton.
Cosponsored by Senator PERRY of Penobscot and
Representatives: CLARK of Millinocket, DUGAY of Cherryfield, JACKSON of Fort Kent,
LUNDEEN of Mars Hill, MOODY of Manchester, TRAHAN of Waldoboro, TWOMEY of
Biddeford.

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

2
3 **Sec. 1. 12 MRSA §685-A, sub-§12**, as enacted by PL 2003, c.
4 335, §1, is repealed and the following enacted in its place:

6 **12. Timber harvesting activities in areas adjacent to**
7 **rivers, streams, ponds, wetlands and tidal waters.** Rules adopted
8 pursuant to section 8867-B for the purpose of regulating timber
9 harvesting and timber harvesting activities in areas adjacent to
10 rivers, streams, ponds, wetlands and tidal waters do not become
11 effective for the unorganized and deorganized areas until:

12 A. More than 1/2 of all municipalities in the State have
13 either accepted the statewide standards in accordance with
14 Title 38, section 438-B, subsection 2 or have adopted an
15 ordinance identical to the statewide standards in accordance
16 with Title 38, section 438-B, subsection 3; and

17 B. The Commissioner of Conservation has filed notification
18 with the Secretary of State that the condition imposed under
19 paragraph A has been met.

20
21 The Director of the Bureau of Forestry within the Department of
22 Conservation shall administer and enforce the regulation of
23 timber harvesting and timber harvesting activities in these
24 areas. For the purposes of this subsection, "timber harvesting"
25 and "timber harvesting activities" have the same meanings as in
26 section 8868, subsections 4 and 5.

27
28 **Sec. 2. 38 MRSA §438-B, first ¶**, as enacted by PL 2003, c. 335,
29 §5, is amended to read:

30 Except as provided in subsection 4, beginning January 1,
31 2006, rules adopted by the Commissioner of Conservation under
32 Title 12, section 8867-B apply statewide in all municipalities of
33 the State for the purpose of regulating timber harvesting and
34 timber harvesting activities in shoreland areas.

35 **Sec. 3. PL 2003, c. 335, §7** is amended to read:

36
37 **Sec. 7. Review of rules pertaining to timber harvesting in shoreland**
38 **areas within unorganized and deorganized areas.** No later than
39 October 1, 2005, the Maine Land Use Regulation Commission, in
40 consultation with the Director of the Bureau of Forestry within
41 the Department of Conservation, shall review the commission's
42 rules pertaining to timber harvesting and timber harvesting
43 activities in shoreland areas and provide for the repeal or
44 amendment of rules that duplicate or conflict with the rules
45 adopted by the Commissioner of Conservation pursuant to the Maine
46 Revised Statutes, Title 12, section 8867-B. The commission shall
47 ensure that any necessary

changes in rule become effective January-1,-2006 on the date
2 established pursuant to Title 12, section 685-A, subsection 12.

4

SUMMARY

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8 This bill makes the effective date for rules regulating
timber harvesting activities in shoreland areas within the
jurisdiction of the Maine Land Use Regulation Commission
10 contingent on acceptance by more than half of the State's
municipalities of the statewide standards in accordance with the
12 Maine Revised Statutes, Title 38, section 438-B. It amends a
provision in chaptered law that required changes in these rules
14 adopted by the Maine Land Use Regulation Commission to become
effective January 1, 2006.