

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)

ONE HUNDRED AND FIFTH LEGISLATURE

Legislative Document

No. 919

H. P. 682

House of Representatives, February 17, 1971

Referred to Committee on Natural Resources. Sent up for concurrence and ordered printed.

BERTHA W. JOHNSON, Clerk

Presented by Mr. Dyar of Strong.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
SEVENTY-ONE

AN ACT Relating to Forestry Cutting Practices for the Protection of Rivers,
Streams and Lakes.

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

R. S., T. 12, § 519, additional. Title 12 of the Revised Statutes, is amended by adding a new section 519, to read as follows:

§ 519. Forest cutting practices

The commissioner shall be empowered to carry out investigations of complaints to ascertain the extent to which the forests of the State are being destroyed or wasted by destructive cutting practices that affect the soils and watersheds of the State.

Within 30 days after a petition or claim has been filed with the commissioner, he shall give 15 days' due notice of a proposed hearing or denial on complaint or petition. After 6 months have expired from the date of a denial for hearing on a complaint or petition, subsequent petitions or complaints covering the same or substantially the same complaint may be filed, hearing shall be held and determination made thereon.

The commissioner may adopt such rules and regulations as he deems necessary to conduct hearings and keep minutes of all proceedings, which minutes shall be a public record available and on file in the office of the commissioner. The members of the board to hear complaints shall consist of the Forest Commissioner, the Commissioner of Inland Fisheries and Game, Chairman of the Soil and Water Conservation Committee, the Chairman of the Environmental Improvement Commission and the Attorney General. Members shall not receive a salary but shall be reimbursed for all necessary expenses in-

curred in carrying out their duties from their respective departments. Three members shall constitute a quorum and no action shall be taken by the commissioner except on the vote of at least 3 members. The commissioner may call upon the Attorney General for such legal services as he may require.

1. Interdepartmental cooperation. The commissioner may consult with other state agencies and shall receive their cooperation.

2. Duties of foresters. Foresters under the direction of the commissioner shall file complaints whenever they find situations where the ecology and conservation of timber and watersheds are endangered by destructive cutting or hauling.

3. Restricted zones. The commissioner may restrict the cutting of timber and its removal and shall set and maintain standards to protect the ecology and conservation of watersheds, to include brooks, streams, rivers, ponds and lakes. He shall have the power to approve the location of principal haul roads and crossing of waterways.

The commissioner may from time to time establish such rules and regulations as he deems necessary and desirable for the protection of forest lands and watersheds. Before promulgating rules and regulations, they shall be submitted to the Attorney General and he shall certify that in his opinion they are in conformity with the law. Such rules and regulations shall be printed for distribution to any interested person. The commissioner shall report his findings to the Legislature biennially.

If determination is made through hearing that removal of silt, slash as defined in section 1551-A, or replanting of seedlings or grass is necessary to bring damaged lands or watersheds back to standards, the cost shall be borne by the parties responsible or his employer.

4. Penalties. Whoever violates any of the provisions of this section, whether the person responsible therefor or his employer, shall on conviction be punished by a fine of not more than \$100 or by imprisonment for not more than 30 days, or by both. The failure of any person to comply with this section shall constitute a continuing offense and he shall be subject to the penalties provided for each day until he complies therewith.

5. Jurisdiction. The commissioner shall have jurisdiction over all forests in the State.

6. Appeals. Any owner or operator of timber operations aggrieved by order of the commissioner relating to timber harvesting operations, may appeal therefrom to the Superior Court. Such appeal must be taken within 30 days of the date of the order, unless the court shall for cause shown allow a longer time. The appellant shall file with the court a complaint, setting forth the grounds for appeal, and the court shall fix a time and place for hearing and cause notice thereof to be given the commissioner and other interested parties. The appeal shall be heard de novo and after such hearing the court may affirm, modify or reverse the decision of the commissioner. Any party may appeal from the decision of the Superior Court to the Supreme Judicial

Court as in other civil actions. No suit or judgment shall be brought against the commissioner or hearing board in carrying out its duty.

STATEMENT OF FACT

This legislation is intended to curb existing cutting practices that are a detriment to our natural resources.