

MAINE STATE LEGISLATURE

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ONE HUNDRED AND FIFTH LEGISLATURE

Legislative Document

No. 1297

S. P. 451

In Senate, March 12, 1971

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

HARRY N. STARBRANCH, Secretary

Presented by Senator Graham of Cumberland.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
SEVENTY-ONE

AN ACT Phasing out Log Driving in the Inland Waters of the State.

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

R. S., T. 38, § 418, additional. Title 38 of the Revised Statutes is amended by adding a new section 418 to read as follows:

§ 418. Log driving and storage

1. Prohibitions. No person, firm, corporation or other legal entity shall place logs or pulpwood into the inland waters of this State after October 1, 1976 for the purpose of driving the same to pulp mills.

No person, firm, corporation or other legal entity shall place logs or pulpwood on the ice of any inland waters of this State after October 1, 1976.

No person, firm, corporation or other legal entity shall place logs or pulpwood into the inland waters of this State after October 1, 1976 for the purpose of storage or curing the same, or for other purposes incidental to the processing of forest products, without a permit from the commission as described in subsection 2.

2. Storage; permit. Whoever proposes to use the inland waters of this State after October 1, 1976 for the storage or curing of logs or pulpwood, or for other purposes incidental to the processing of forest products, shall apply to the commission for a permit for such use. Applications for such permits shall be in such form and require such information as the commission may determine, and shall be accompanied by a processing fee of \$75.

Within 45 days of receipt of an application, the commission shall either grant the application or hold a public hearing thereon as provided.

If the commission is able to find, on the basis of the application, that the proposed use will not lower the existing quality or the classification, whichever is higher, of any waters, nor adversely affect the public rights of fishing and navigation therein, and that inability to conduct such use will impose undue economic hardship on the applicant, it shall grant the permit for a period not to exceed 3 years, with such terms and conditions as, in its judgment, may be necessary to protect such quality, standards and rights.

In the event the commission deems it necessary to solicit further evidence regarding the proposed use, it shall schedule a public hearing on the application, and shall give public notice by publication in a newspaper circulated in the area of the proposed use and in a newspaper having state-wide circulation and distribution in the said area, once a week for 2 successive weeks, the date of the last publication being at least 3 days before the date of the hearing. Notice of the hearing shall also be given to the applicant at least 21 days before the date of the hearing.

At such hearing the commission shall solicit and receive testimony concerning the nature and extent of the proposed use and its impact on existing water quality, water classification standards and the public rights of fishing and navigation and the economic implications upon the applicant of such use. If after hearing the commission determines that the proposed use will not lower the existing quality or the classification standards, whichever is higher, of any waters, nor adversely affect the public rights of fishing and navigation therein and that inability to conduct such use will impose undue economic hardship on the applicant, it shall grant the permit for a period not to exceed 3 years, with such terms and conditions, as in its judgment, may be necessary to protect such quality, standards and rights.

A full and complete record shall be kept of all hearings held under this section and all testimony shall be taken by a stenographer.

STATEMENT OF FACT

The intent of this bill is to phase out all log and pulpwood driving in the inland waters of the State, with the exception of long log drives by October 1, 1976.

The use of the inland waters for purposes incident to the processing of forest products is recognized as a necessary economic activity. This bill provides for a permit system administered by the Environmental Improvement Commission to regulate these activities.

Provisions for appeal by aggrieved persons from Environmental Improvement Commission decisions on the permits described in this bill already exist in the law in section 415 of Title 38.