

# MAINE STATE LEGISLATURE

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ONE HUNDRED AND SIXTH LEGISLATURE

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Legislative Document

No. 34

S. P. 7

Office of the Clerk of the House

Filed December 7, 1972 under Joint Rule 6 by Senator Shute of Franklin.  
To be printed and delivered to the Senate of the 106th Legislature.

BERTHA W. JOHNSON, Clerk

Presented by Senator Shute of Franklin.

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STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED  
SEVENTY-THREE

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**AN ACT Providing a Moratorium on Cutting Timber and Grass on the  
Public Reserved Lots.**

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**Emergency preamble.** Whereas, Acts of the Legislature do not become effective until 90 days after adjournment unless enacted as emergencies; and

Whereas, the highest and best uses of the public reserved lots as a source of public and private use are in the best interests of the people of Maine; and

Whereas, the use of the public reserved lots has been a source of confusion and misunderstanding for many years; and

Whereas, history indicates that such use, unless properly regulated, may have catastrophic and irreparable effects upon the environment of the State and the public health, welfare and safety; and

Whereas, the following legislation is vitally necessary to preserve the environmental status quo until long-range programming has been prepared and the constitutionality of this Act or any other law relating to public reserved lots has been finally determined; and

Whereas, in the judgment of the Legislature, these facts create an emergency within the meaning of the Constitution of Maine, and require the following legislation as immediately necessary for the preservation of the public peace, health and safety; now, therefore,

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

**Sec. 1. R. S., T. 30, c. 233, sub-c. II, additional.** Chapter 233 of Title 30 of the Revised Statutes is amended by adding a new subchapter II to read as follows:

## SUBCHAPTER II

### TIMBER AND GRASS

#### § 4171. Findings and intent

The Legislature finds and declares that the use of Maine's public reserved lots, unless properly regulated, possess the potential to degrade the environment of the State in a catastrophic and irreparable manner.

The Legislature further finds that until long-range planning for the use of the public reserved lots has been prepared and until the constitutionality of this subchapter and other laws have been finally judicially determined, the State will be unable to effectively regulate such use to the benefit of the health, safety and welfare of all its citizens.

The Legislature intends by the enactment of this subchapter to exercise the police power of this State by prohibiting the cutting of timber and grass on the public reserved lots until long-range planning has been prepared and the constitutionality of this subchapter and other laws has been finally judicially determined, in order to protect the environment, the natural resources and the public health, safety and welfare of the people of the State from the potential catastrophic and irreparable adverse effects of such use.

#### § 4472. Prohibitions; enforcement

No person, firm, corporation or other legal entity shall cut timber or grass, or both, on the public reserved lots for a period of 4 years from the effective date of this Act.

The Superior Court shall have jurisdiction to enjoin violations of this subchapter upon civil action brought therefor by the State of Maine through the Department of Environmental Protection.

**Sec. 2. Appropriation.** There is appropriated from the Unappropriated Surplus of the General Fund to the Department of Environmental Protection the sum of \$30,000 to carry out the purposes of this Act, which appropriation shall not lapse but remain a continuing carrying account until the purposes of this Act have been accomplished.

**Emergency clause.** In view of the emergency cited in the preamble, this Act shall take effect when approved.

### STATEMENT OF FACT

The purpose of this bill is reflected in the emergency preamble.