

# MAINE STATE LEGISLATURE

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# ONE HUNDRED AND SIXTH LEGISLATURE

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Legislative Document

No. 1757

H. P. 1301

House of Representatives, March 29, 1973

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

E. LOUISE LINCOLN, Clerk

Presented by Mr. Lynch of Livermore Falls.

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## STATE OF MAINE

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IN THE YEAR OF OUR LORD NINETEEN HUNDRED  
SEVENTY-THREE

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### AN ACT Creating the Maine Forest Practices Act.

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

**Sec. 1. R. S., T. 12, § 519, sub-§ 6, amended.** Subsection 6 of section 519 of Title 12 of the Revised Statutes, as enacted by chapter 486 of the public laws of 1971, is amended to read as follows:

6. Selective cutting which removes not more than 40% of the ~~trees net merchantable volume~~ within the 100-foot strip and returns a well distributed stand of tree foliage, except that more than 40% may be removed, if a state forester so recommends or if a private forester with the approval of the ~~Forestry Department~~ department so recommend;

**Sec. 2. R. S., T. 12, c. 201, sub-c. IV, additional.** Chapter 201 of Title 12 of the Revised Statutes is amended by adding a new subchapter IV, to read as follows:

#### SUBCHAPTER IV

#### THE MAINE FOREST PRACTICES ACT

##### § 540. Definitions

As used in this subchapter, unless the context otherwise indicates, the following words shall have the following meanings.

1. Class I waters. "Class I waters" means man-made and natural lakes and ponds, tidal waters and that portion of named rivers and streams draining more than 50 square miles below the confluence of that drainage.

2. Class II waters. "Class II waters" means rivers and streams of continuous flow, other than Class I waters, which are put to domestic use, are important for angling or other recreational use or are used by significant numbers of fish for spawning, rearing or migration routes.

3. Class III waters. "Class III waters" means all other lesser rivers and streams of continuous flow of the State.

4. Commissioner. "Commissioner" means the Forest Commissioner or his duly authorized representative.

5. Forest land. "Forest land" means land used primarily for production of forest products, in parcels exceeding 5 contiguous acres.

6. Harvesting. "Harvesting" means the removal of timber crops from forest land for use, including without limitation felling, bucking, yarding, decking and hauling, and treatment of slash.

7. Landowner. "Landowner" means any person or persons or other entities that hold an ownership interest in forest land, including the State and any political subdivision thereof.

8. Operation. "Operation" means any commercial activity relating to the growing, harvesting or processing of forest tree species.

9. Operator. "Operator" means any person or persons or other entities that conduct an operation.

10. Sapling. "Sapling" means a live tree of commercial species which is one to 5 inches in diameter at breast height and of good form and vigor.

11. Seedling. "Seedling" means a live tree of commercial species which is at least 3 inches tall, less than one inch in diameter at breast height and expected to survive.

12. Slash. "Slash" means branches, bark, tops, chunks, cull logs, uprooted stumps and broken or uprooted trees and shrubs left on the ground as a result of logging, right-of-way construction or maintenance and land clearance.

13. Stand. "Stand" means a contiguous group of trees, sufficiently uniform in species, arrangement of age classes and condition to be identifiable as a homogeneous and distinguishable unit.

14. These rules. "These rules" means the requirements set forth in this subchapter.

15. Timber owner. "Timber owner" means any person or persons or other entities, other than a landowner, that hold an ownership interest in any forest tree species on forest land.

16. Waters of the State. "Waters of the State" means Class I, II or III waters as defined in subsections 1, 2 and 3.

**§ 541. Policy**

Recognizing that the forest makes a vital contribution to Maine and the nation by providing jobs, products, tax base and other social and economic benefits, by helping to maintain forest tree species, soil, air and water resources and by providing a habitat for wildlife and aquatic life, it is hereby declared to be the public policy of the State of Maine to encourage forest practices which maintain and enhance such benefits and resources and which recognize varying forest conditions.

These standards attempt to insure that the inherent suitability and potential capability of forest lands to provide goods and services of value to man on a perpetual basis are maintained and, where feasible, enhanced for the benefit of society.

**§ 542. General rules**

1. **Classification of waters.** The commissioner shall designate what are Class I, II or III waters as defined in section 540, subsections 1, 2 and 3. The commissioner shall hold one or more public hearings, with such reasonable notice to the public as he shall determine, upon the foregoing matters to be determined and shall issue an order or orders stating said designations. The commissioner shall give public notice of same by certifying a copy of such designations to the Secretary of State and in such other manner as he determines reasonable.

2. **Consultation.** The commissioner shall consult with other state agencies concerned with the forest environment where expertise from such agencies would be applicable.

3. **Alternate practices.** These rules shall be complied with unless the operator, landowner or timber owner has secured written approval from the commissioner of a plan for an alternate practice or practices which provides for equivalent or better results.

4. **Conversion to a nonforest use.** When a landowner wishes to convert his forest land to another use, he shall accomplish a conversion within the period required to achieve reforestation, namely 6 years, as specified in section 544, subsection 2. The determination by the commissioner as to whether or not conversion has been accomplished shall be governed by:

A. The presence or absence of improvements necessary for use of the land for the intended purpose;

B. Evidence of actual use of the land for the intended purpose.

**§ 543. Commencement of operations, notification of Commissioner required; changes in operations**

1. **Notification.** An operator, timber owner or landowner, before commencing an operation, shall notify the commissioner as required by subsection 2. The purpose of this requirement is to facilitate the enforcement of this subchapter.

2. —types of operation. The notification shall be required for the following types of operations:

- A. Construction of new roads or landings on forest land.
- B. Harvesting;
- C. Site preparation for reforestation;
- D. Clearing forest land for change to nonforest use.

3. —forms. The notification required by subsection 2 shall be on forms provided by the commissioner and shall include the following information:

- A. Name and address of the operator, timber owner and landowner;
- B. Identification of the operating area;
- C. Date on which it is anticipated that operation will commence;
- D. Applicant's certification that copies of the notification have been mailed, by certified mail, return receipt requested, to such of the operator, timber owner and landowner, or their duly authorized agent, who are not the party submitting the notification to the commissioner. The purpose of this requirement is to inform all concerned and to prevent trespass.

4. —subsequent change. An operator, timber owner or landowner, which ever filed the original notification, shall notify the commissioner of any subsequent change in the information contained in the notification.

5. —time. A notification shall not cover an operation for more than 12 months from the date of the notification, except that notification for an operation for which a harvesting plan has been approved in advance, pursuant to section 545, subsection 9, shall cover the period stated in the harvesting plan.

6. Rules, supply. The commissioner shall maintain a supply of these rules and notification forms available at the Forestry Department office in Augusta, the several Maine Forest Services offices and with the clerk of each municipality.

#### § 544 Reforestation

1. Purpose. Reforestation of forest land following harvesting operations is an important factor in assuring continuous growing and harvesting of forest tree species on forest lands. The purpose of these rules is to describe the conditions under which reforestation will be required, to specify the minimum number of trees per acre or volume per acre which will be required and to specify the maximum time period allowed after harvesting in which the reforestation requirements must be met.

2. Stocking levels, time limits. Whenever as a result of an operation the average stocking per acre of acceptable species remaining in the harvested forest land area is reduced to less than 3 cords of net merchantable wood per acre, there shall either be left and remaining established 3 years following completion of the operation, or established within 6 years following comple-

tion of the operation, at least 500 seedlings or saplings, or combination thereof, well distributed over the harvested area. Upon request, the Forest Commissioner, or his representative, shall inspect the area and if this requirement is met, shall so certify in writing, which certification shall be conclusive as to performance of the obligation under this subsection. Sprout growth from a stump shall be counted as a single seedling or sapling.

3. Fire or other natural disaster. In the event of destruction by fire, disease, insect, infestation or other natural disaster during the 6 year reforestation period, the reforestation requirement shall not apply if vegetative cover sufficient to prevent accelerated erosion is established within 3 years following such natural disaster.

4. Acceptable species. For lands subject to the reforestation requirement, acceptable species lists shall be maintained by the commissioner and shall consist of species which are normally marketable.

5. Landowner's obligations. The landowner shall be responsible for compliance with the obligations of this section. Upon sale or other transfer of ownership, the succeeding landowner shall be responsible for compliance and the prior landowner shall be relieved of such responsibility.

#### § 545. Harvesting

1. Purpose. Harvesting of forest tree species is an integral part of forest management by which wood for human use is obtained and by which forests are established and tended. It is recognized that during harvesting operations there will be a temporary change in the forest environment. It is the purpose of this section to establish harvesting standards which will maintain the productivity of land for continuous forest crops, minimize soil and debris entering streams and prevent unnecessary damage to wildlife and fish habitat.

2. Methods of harvesting and reforestation. Because of the wide variation in forest types, stand-size classes, stocking classes and timber classes which exist throughout the forest lands of Maine, there are a variety of methods that can be used either singly or in combination in harvesting and reforestation to meet the stated purpose. These methods include clearcutting with natural reproduction, direct seeding or planting, seed-tree method of cutting, selection cutting including diameter limit cutting, shelterwood cutting and such other methods as shall be consistent with good forestry practice.

3. Soil protection. Harvesting shall be conducted so as to prevent accelerated erosion or other significant soil deterioration and to avoid significant impairment of the productivity of the harvested area.

4. Protection of residual stocking. On any operation, trees which are left for future harvest shall be adequately protected from damage resulting from harvesting operations to assure their survival and growth. This may be accomplished by locating roads and landings and by conducting felling, bucking, yarding and decking operations so as to minimize damage to or loss of residual trees.

5. Location of roads, landings and skid trails. Operator shall locate roads, landings and skid trails so as to minimize the risk of material entering streams:

A. Locate roads and landings on firm ground above the high water level of any stream;

B. Locate skid trails so they do not run parallel to any stream when such trails are within the high water level of that stream;

C. For each road, landing or skid trail, drainage control systems or stabilization shall be provided and maintained to control water flow in or into stream channels so as to prevent the entrance of accelerated amounts of mineral soil into Class I, II or III waters:

D. Reshape landings as needed to facilitate drainage, and after use stabilize all landings by establishing ground cover or other means which accomplish stabilization.

Crossing must comply with subsection 7.

6. Treatment of waste materials. All debris, overburden and other waste material associated with harvesting shall be left or placed in such a manner as to prevent their entry by erosion, high water or other means into waters of the State. Any debris or waste material which accumulates from logging operations, such as filters, grease and oil containers, machine parts, old wire rope, used lags or skidder tires and camp rubbish, shall be disposed of as an ongoing process during operations in disposal areas provided by the operation with landowner approval or in some other lawful disposal area. Open disposal areas shall be covered up upon termination of operations. The operation shall comply with sections 1551 to 1559, including without limitation section 1551 burning permits; section 1552 disposal along highways; section 1553 disposal along railroads and utility lines; section 1554 disposal along land bordering on another; section 1555 disposal by dwelling houses and section 1557 manner of disposal.

7. Harvesting near waters.

A. Class I waters. Harvesting operations within 250 feet of the normal high water mark of Class I waters shall either meet the following requirements:

(1) Harvesting operations shall be conducted in such a manner that a well-distributed stand of trees is retained;

(2) Harvesting activities shall not create single openings greater than 10,000 square feet in the forest canopy;

(3) In any stand, harvesting shall remove not more than 50% of the volume of trees 6 inches in diameter and larger, measured at 4½ feet above ground level, in any 15-year period. This is a limitation to protect the Class I waters. It is not a guide to good forest practice generally. Removal of trees less than 6 inches in diameter, measured as above, is permitted in conformity with subparagraphs (1) and (2);

(4) Avoid skidding in or through Class I waters in an unfrozen state. When such waters must be crossed in an unfrozen state, provide temporary or permanent structures adequate to keep equipment and logs out of the water and to carry water flow. Remove all temporary crossings immediately after use and where applicable water bar road ends adjacent to the stream;

(5) Remove all slash that gets into the water as an ongoing process during harvesting operations. No substantial accumulation of slash shall be left within 50 feet of the normal high water mark. At distances between 50 feet and 250 feet of the normal high water mark, all slash shall be disposed of in such a manner that it lies on the ground and no part thereof extends more than 4 feet above the ground;

or the harvesting plan shall be approved in advance by the commissioner on the grounds that it is consistent with good forestry practice and is consistent with the protection of the waters concerned.

B. Class II waters. Harvesting operations near Class II waters shall either meet the following requirements:

(1) Maintain soil stabilization, shading and water filtering effects of vegetation along Class II waters by leaving a buffer strip of trees along the water. Trees may be cut from the buffer strip provided their removal does not destroy these effects. Neither an optimum nor a minimum buffer strip width is prescribed. The width necessary will vary with the steepness of the terrain, nature of the undercover, type of soil and amount of timber to be removed. It is just as important to harvest trees within a buffer strip in order to maintain a healthy forest as it is to retain a forest cover;

(2) Avoid skidding in or through Class II waters in an unfrozen state. When such waters must be crossed in an unfrozen state, provide temporary or permanent structures adequate to keep equipment and logs out of the water and to carry water flow. Remove all temporary crossings immediately after use and where applicable water bar road ends adjacent to the stream;

(3) Remove all slash that gets into the water as an ongoing process during harvesting operations;

or the harvesting plan shall be approved in advance by the commissioner on the grounds that it is consistent with good forestry practice and with the protection of the waters concerned.

C. Class III waters. Harvesting operations near Class III waters shall either meet the following requirements:

(1) Leave a stabilization strip of undergrowth vegetation along all Class III waters in widths sufficient to prevent washing of sediment into waters downstream;

(2) Avoid skidding in or through Class III waters in an unfrozen state. When Class III waters are to be crossed in an unfrozen state, cross per-



pendicular to the stream at a point where the banks are low and where interference with the natural stream flow will not occur. If the crossing cannot be made without damaging sedimentation occurring, provide temporary or permanent structures adequate to keep equipment and logs out of the water and to carry water flow. Remove all temporary crossings immediately after use and where applicable water bar road ends adjacent to the stream;

or the harvesting plan shall be approved in advance by the commissioner on the grounds that it is consistent with good forestry practice and with the protection of the waters concerned.

8. Harvesting near highways. Harvesting operations within 100 feet from the right-of-way of numbered highways generally used by the public shall comply with section 519.

9. Harvesting in protection districts.

A. For harvesting operations within protection districts, as established by the Maine Land Use Regulation Commission, other than those established on the basis that they are areas within 250 feet of the normal high water mark of the surface waters of man-made and natural lakes and ponds, tidal waters and that portion of named rivers and streams draining more than 50 square miles below the confluence of that drainage, presently called "Interim (R-3) Protection Subdistricts", or areas significant in maintaining populations of fish species, presently such of those areas called "Interim (P-4) Protection Subdistricts" which are based upon maintaining populations of fish species, the harvesting plan shall be approved in advance by the commissioner on the grounds that it is consistent with good forestry practice and is consistent with the protection of the resource involved. With respect to the latter consideration, the commissioner shall consult with appropriate state agencies as directed by section 542, subsection 2.

B. Harvesting plans may be approved for extended periods of time if the commissioner deems it appropriate.

## § 546. Violation by operator; citation

1. Citation. Whenever the commissioner determines that an operator has committed a violation of these rules, he may issue and serve a citation upon the operator or his authorized representative. The commissioner shall cause a copy of the citation to be mailed or delivered to the timber owner and landowner. Each citation issued under this section shall specify the nature of the violation charged and any damage or unsatisfactory condition that has occurred as the result of such violation.

2. —procedure. Whenever a citation is served pursuant to subsection 1, the commissioner:

A. Shall issue and serve upon the operator or his authorized representative an order directing that the operator cease further violation and shall

cause a copy of such order to be mailed or delivered to the timber owner and landowner; and

B. May issue and serve an order upon the operator and shall cause a copy of such order to be mailed or delivered to the timber owner and landowner, directing the operator, where practical and economically feasible, to make reasonable efforts to repair the damage or correct the unsatisfactory condition specified in the citation within a period specified by the commissioner.

3. —temporary order. In the event the order issued under subsection 2, paragraph A, has not been complied with, and the violation specified in such order is resulting in continuing damage, the commissioner, by temporary order, may direct the operator to cease any further activity in that portion of the operation that is resulting in such damage. Such temporary order shall be in effect until the date of the expiration of the period as prescribed in subsection 4 or until the date that the violation ceases, whichever date occurs first.

4. —service; hearing. A temporary order issued under subsection 3 shall be served upon the operator or his authorized representative and the commissioner shall cause a copy of such temporary order to be mailed or delivered to the timber owner and landowner. If requested by the operator, timber owner or landowner, the commissioner must hold a hearing on the temporary order within 5 working days after the receipt by the commissioner of the request. The commissioner shall afford the operator, timber owner or landowner the opportunity to appear before him for the purpose of presenting facts pertaining to the alleged violation and of examining any witnesses whose testimony may be relevant. A temporary order issued and served pursuant to subsection 3 shall remain in effect not more than 5 working days after such hearing, unless the order is sooner affirmed, modified or revoked by the commissioner.

#### § 547. Failure to comply with order to repair damage

1. Failure to comply. In the event an order issued pursuant to section 546, subsection 2, paragraph B, directs the repair or damage or correction of an unsatisfactory condition and if the operator does not comply with the order within the period specified in such order, the commissioner shall estimate the cost to repair the damage or the unsatisfactory condition as directed by the order and shall notify the operator, timber owner and landowner in writing of the amount of the estimate. Upon agreement of the operator, timber owner or the landowner to pay the cost, the commissioner may proceed to repair the damage or the unsatisfactory condition.

2. Hearing. In the event approval of the expenditure is not obtained within 30 days after notification to the operator, timber owner and landowner under this section, the commissioner shall hold a hearing on the alleged violation, the estimate of the expenditure to repair the damage or unsatisfactory condition and the justification for the expenditure and shall determine whether to proceed to repair the damage or correct the unsatisfactory condition and the amount authorized for expenditure. The commissioner shall afford the operator, timber owner or landowner the opportunity to appear before him for the purpose of presenting facts pertaining to the alleged violation

and the proposed expenditure and of examining any witnesses whose testimony may be relevant.

3. Repair. If the commissioner decides to repair the damage or correct the unsatisfactory condition, the commissioner shall proceed, either with his own forces or by contract, to repair the damages or correct the unsatisfactory condition. The commissioner shall keep a complete account of direct expenditures incurred, and upon completion of the work, shall prepare an itemized statement thereof and shall deliver a copy to the operator, timber owner and landowner. In no event shall the expenditures exceed the amount authorized by subsection 2. An itemized statement of the direct expenditures incurred by the commissioner, certified by the commissioner, shall be accepted as prima facie evidence of such expenditures in any proceeding authorized by this section.

4. Lien. The expenditures in cases covered by this section shall constitute a general lien upon the parcel of real property of the operator, timber owner and landowner on which the damage occurred. A written notice of the lien, stating the amount demanded, the description of the property upon which the expenditures were made and the name of the parties against whom the lien attaches, shall be certified under oath by the commissioner and filed in the county or counties in which the expenditures were made within 6 months after the date of delivery of the itemized statement referred to in subsection 3, in the office of the registry of deeds. From the time of the filing, the amount set forth in the certificate constitutes a lien upon such real property of the operator, timber owner and landowner. The effect of such liens, their release by the commissioner and their enforcement shall be as provided in Title 36, sections 5313 to 5315.

5. Cease to exist. Liens provided for in this section shall cease to exist unless suit for foreclosure is instituted within 6 months from the date of filing under subsection 4.

#### § 548. Appeals from orders of commissioner; judicial review

Any operator, timber owner or landowner affected by any determination or order of the commissioner pursuant to this subchapter may appeal to the Superior Court in the county in which the land or any part thereof affected by the determination or order is located within 30 days after notice of such determination or order from the commissioner. Notice of the appeal shall be ordered by the court and trial shall be held without jury in the manner and with the rights provided by law in other civil actions so heard. The proceedings shall be de novo in all respects, including without limitation the determination of facts and the admission of evidence. The court may enter a judgment affirming or nullifying the commissioner's determination or order, in whole or in part, or remanding the matter to the commissioner upon such terms as the court may determine; and the court may order the refund, in whole or in part, of any amounts which have been erroneously or unjustly paid. An appeal may be taken to the law court, as in other actions.

#### § 549. Cooperative aspects

The commissioner may enter into cooperative agreements or contracts necessary in carrying out the purposes specified in section 541.

### § 550. Conversion

Nothing in this subchapter shall prevent the conversion of forest land to any other use.

### § 551. Injunctions

In the event that anyone fails to comply with an order of the commissioner, the commissioner may institute injunction proceedings in the Superior Court in the county in which the land, or any part thereof, may be located to enjoin the further violation of these forest practice rules.

### § 552. Penalties

Any person, corporation or other legal entity who shall fail, neglect or refuse to obey any order of the commissioner lawfully issued hereunder, shall be punished by a fine of not more than \$1,000 for each day of such violation, failure, neglect or refusal after the expiration of any time limit set by the commissioner. When an appeal is taken from any such order, no fine should be imposed for the period of time during which the appeal is pending.

Any person, corporation or other legal entity, who shall fail to comply with any provision of this subchapter, shall be punished by a fine of not more than \$100 for the first violation and not more than \$500 for each subsequent violation.

**Sec. 3. R. S., T. 12 § 682, sub-§ 7, amended.** Subsection 7 of section 682 of Title 12 of the Revised Statutes, as enacted by chapter 494 of the public laws of 1969, and as last repealed and replaced by section 2 of chapter 457 of the public laws of 1971, is amended to read as follows:

**7. Development.** Development shall mean any land use activity or activities directed toward using, reusing or rehabilitating air space, land, water or other natural resources, **except the cutting or removal of timber or other wood for use.**

**Sec. 4. R. S., T. 12, § 685-A, sub-§ 5, amended.** Subsection 5 of section 685-A of Title 12 of the Revised Statutes, as enacted by section 5 of chapter 457 of the public laws of 1971, is amended by adding a new paragraph after the 2nd paragraph to read as follows:

Land use guidance standards adopted pursuant to this chapter shall in no way limit the right, method or manner of cutting or removing of timber or other wood for use, such harvesting operations being placed under the exclusive regulation of the Forest Commissioner pursuant to chapter 201, subchapter IV.

**Sec. 5. R. S., T. 12, § 4815, additional.** Title 12 of the Revised Statutes is amended by adding a new section 4815 to read as follows:

### § 4815. Exemption

The zoning regulations required by this chapter shall in no way limit the right, method or manner of cutting or removing of timber or othed wood for

use, such harvesting operations being placed under the exclusive regulation of the Forest Commissioner pursuant to chapter 201, subchapter IV.

Sec. 6. R. S., T. 30, § 4962, ¶ H, additional. Section 4962 of Title 30 of the Revised Statutes, as enacted by section 2 of chapter 455 of the public laws of 1971, is amended by adding a new paragraph H, to read as follows:

H. No zoning ordinance adopted under this subsection shall in any way limit the right, method or manner of cutting or removing of timber or other wood for use, such harvesting operations being placed under the exclusive regulation of the Forest Commissioner pursuant to Title 12, chapter 201, subchapter IV.

### STATEMENT OF FACT

This bill creates the Maine Forest Practices Act and amends the statutes which provide for zoning regulation in the municipalities and in the unorganized territory in order to provide for the exclusive regulation of forest practices by the Forest Commissioner. It also amends the roadside harvesting law to make it more effective.

The purpose of this legislation is to provide harvesting regulation of general applicability throughout the State. Harvesting regulation is not a hit-or-miss proposition. It should be undertaken on a statewide, consistent and professional basis to bring about good forest practices and a proper utilization of Maine's great forest resource.

The bill has been prepared by a Forest Practices Study Committee, including representatives of the following organizations: American Pulpwood Association, Society of American Foresters, Forest Products Council, Hardwood Association and the Paper Industry Information Office.

It provides for the application of reforestation requirements and regulation of the various aspects of harvesting activity, such as soil protection, protection of residual stocking, location of roads, landings and skid trails and harvesting near waters and other critical areas.

Harvesting near waters is based upon a classification of waters into 3 categories. Class I are the lakes and rivers and streams draining more than 50 square miles, which are the waters which the Land Use Regulation Commission has placed in Interim P-3 Protection Subdistricts in the unorganized territory. Class II waters are streams of continuous flow, other than Class I waters, which are put to domestic use or which are important for fishing or other recreational use. Class III waters are the lesser streams of continuous flow. The harvesting practices required vary for these 3 categories of waters according to what is required for their protection.

The bill provides for efficient administration because the operator, timber owner or landowner must notify the commissioner before commencing opera-

tions and then must follow these statutory rules. The notification identifies the operating area and anticipated commencement date and permits State personnel to inspect the operation for compliance with the law.

The Forest Commissioner is given broad powers to cite operators for violation, including the issuance of orders to cease violation and to repair the damage or correct any unsatisfactory condition. In the case of failure to comply with an order to repair, the commissioner may proceed to repair the damage at the operator and landowner's expense. In addition, the commissioner is entitled to seek court injunctions to enforce his orders and criminal penalties are provided for violation of his orders or violation of the provisions of this subchapter.

The Act provides that the commissioner shall consult with other state agencies concerned with the forest environment where their expertise would be applicable.