

# MAINE STATE LEGISLATURE

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FIRST SPECIAL SESSION

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ONE HUNDRED AND SIXTH LEGISLATURE

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Legislative Document

No. 2596

S. P. 948

In Senate, March 20, 1974

Reported by Senator Richardson of Cumberland from the Committee on Public Lands, pursuant to Joint Order (H. P. 84) and printed under Joint Rules No. 18.

Presented by Senator Richardson of Cumberland.

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STATE OF MAINE

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IN THE YEAR OF OUR LORD NINETEEN HUNDRED  
SEVENTY-FOUR

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AN ACT Clarifying the Regulation of Roadside Cutting Practices.

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

Sec. 1. R. S., T. 12, § 519, amended. The 2nd paragraph 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:

It is unlawful for any person, firm, corporation or other legal entity to cut down trees on land within a distance of 100 feet from the right-of-way limits of any ~~numbered highway generally used by the public~~ maintained town way, county way, state aid highway, state highway or interstate highway, except:

Sec. 2. R. S., T. 12, § 519, sub-§§ 2 and 6, amended. Subsection 2, as enacted by chapter 486 of the public laws of 1971 and subsection 6, as enacted by chapter 486 of the public laws of 1971 and as amended by section 18 of chapter 460 of the public laws of 1973, are further amended to read as follows:

2. Land used for residential, nonwoodland commercial, industrial or recreational purposes or ~~being developed for such purposes with respect to which development for such purposes has already been commenced by application for applicable permits or by equally definitive steps, prior to harvesting in excess of the limits imposed by this section:~~

6. Selective cutting which removes not more than ~~40%~~ 50% of the ~~trees~~ volume of trees 6 inches in diameter or larger, measured at 4½ feet above ground level, in any 15-year period within the 100-foot strip and returns a well distributed stand of tree foliage, except that more than ~~40%~~ 50% may

be removed, if a state forester so recommends or if a private forester with the approval of the bureau so recommends;

#### STATEMENT OF FACT

Because of ambiguities in the present law, it has been difficult, if not impossible, to enforce roadside cutting practices regulations equitably and effectively. This bill would remove these ambiguities while both retaining the flexibility which exceptions in the law allow and assuring minimal adverse aesthetic impact on the public using these roads.