

MAINE STATE LEGISLATURE

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(EMERGENCY)

ONE HUNDRED AND SEVENTH LEGISLATURE

Legislative Document

No. 1754

H. P. 1228

House of Representatives, March 27, 1975

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

EDWIN H. PERT, Clerk

Presented by Mr. Peterson of Windham.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
SEVENTY-FIVE

AN ACT to Establish the Citizen Woodcutting Act.

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

Whereas, the citizens of Maine are faced with rapidly rising cooking and heating costs, especially during the present cold season; and

Whereas, these costs bear heavily upon the working people of this State who are struggling to shelter and feed their families in this time of deep recession; and

Whereas, the State-owned forests and wooded land provide a limited amount of wood which can be cut by Maine citizens to provide their family with heat and cooking fuel; and

Whereas, it is imperative that this relief be afforded Maine citizens as soon as possible during the present cold season; 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:

12 MRSA c. 218 is enacted to read:

CHAPTER 218

THE CITIZEN WOODCUTTING ACT

§ 1801. Authorization

The Bureau of Public Lands, subject to the provisions of this chapter, shall permit Maine residents, at nominal cost, to cut and haul away firewood taken from state-owner forest lands.

§ 1802. Designation of woodcutting areas; notification

The Bureau of Public Lands shall annually designate areas in state-owned forests and wooded lands from which firewood may be taken under this chapter, and shall notify the general public of these areas by suitable publicity, including notices in newspapers of general circulation in the counties in which the areas are located.

§ 1803. Supervision

Employees of the Bureau of Public Lands, in cooperation with wardens of the Department of Inland Fisheries and Game and employees of the Department of Conservation shall oversee and supervise the cutting of firewood in designated areas under this chapter and shall report any violations of provisions under this chapter to the appropriate law enforcement officials for investigation and possible prosecution.

§ 1804. Restrictions

The cutting of firewood on state-owned forest land and wooded land shall be subject to the following restrictions:

1. Limitation on healthy wood cut. No Maine resident shall cut or haul away or cut and haul away more than 2 cords of wood taken from live, non-diseased trees. The Director of the Bureau of Public Lands, acting upon the recommendation of local supervisors who are employees of the Bureau of Public Lands, the Department of Conservation or the Department of Inland Fisheries and Game, may permit larger amounts of wood to be taken in cases where the 2-cord limit would cause unwarranted hardship.

2. Other wood. There shall be no limitation on the amount of firewood cut or hauled away which is taken from dead, insect-infested or diseased timber or thinnings.

3. No sale. Firewood cut under this chapter may be taken for the personal use of the cutter or his family only, and shall not be sold or exchanged for any item of value.

4. Natural persons. Only natural persons may cut firewood under this section, and corporations, partnerships and other legal entities not natural persons are prohibited from taking firewood under this section.

5. Time limits. Cutting of firewood under this chapter shall be permitted during the entire calendar year, unless the Director of the Bureau of Public Lands declares that cutting in a locality during a certain period poses a

danger to woodcutters, supervisory personnel, other persons in the area of the woodcutting or to the forest land and the fauna inhabiting it.

§ 1805. Fee

Persons cutting wood under this chapter may be charged a nominal fee to cover the costs incurred by any state department as a result of expenses incurred in carrying out the provisions of this chapter. Fees under this section may be imposed only after a public hearing on the imposition of those fees preceded by sufficient public notice in a newspaper of general circulation. Revenues from fees imposed under this section shall be paid into the "Citizen Woodcutting Fund," to be administered by the Bureau of Public Lands, and shall be used to defray expenses incurred by any state department in carrying out the provisions of this chapter. This fund shall be audited in the same manner as other moneys collected and expended by the Bureau of Public Lands.

§ 1806. Regulations

The Director of the Bureau of Public Lands, acting in cooperation with the Commissioners of the Department of Conservation and of the Department of Inland Fisheries and Game, shall promulgate rules and regulations necessary to carry out the purposes of this chapter and to ensure that Maine residents, present and future, are permitted to take firewood under this chapter for their domestic use.

Any rule or regulation promulgated under this section shall become effective either 90 days after promulgation, unless disapproved within that 90-day period by the Joint Standing Committee on Natural Resources of the Legislature, or upon approval by the Joint Standing Committee on Natural Resources of the Legislature, whichever is sooner.

§ 1807. Penalties

Any person violating any provision of this chapter or any rule or regulation promulgated by the Director of the Bureau of Public Lands shall be punished by a fine of not more than \$500 or by imprisonment for not more than 30 days.

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

STATEMENT OF FACT

This bill proposes a method to enable Maine citizens to take firewood from state-owned forests and woodlands in order to provide for their domestic uses. This bill provides a method for persons hard pressed by fuel bills to cook and heat their homes at modest cost, and because it provides for user fees and can be supervised by existing personnel, this bill should not require an appropriation of moneys by the State.