

MAINE STATE LEGISLATURE

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FIRST REGULAR SESSION

ONE HUNDRED AND NINTH LEGISLATURE

Legislative Document

No. 1351

H. P. 1084

House of Representatives, March 20, 1979

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

EDWIN H. PERT, Clerk

Presented by Mr. Elias of Madison.

Cosponsor: Mr. Davies of Orono.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
SEVENTY-NINE

AN ACT to Require Commercial Timber Harvesters to Replace Destroyed Trees.

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

12 MRSA c. 219 is enacted to read:

CHAPTER 219

REFORESTATION OF HARVESTED LANDS

§ 1801. Findings; purpose

The Legislature finds and declares that reforestation of forest land following harvesting operations is an important factor in assuring continuous growing and harvesting of forest trees on a sustained yield basis. The purpose of this chapter is to establish 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 allowed after harvesting to meet the reforestation requirements.

§ 1802. Applicability

The provisions of this chapter apply to all commercial forest parcels greater than 100 acres.

§ 1803. Administration

The Commissioner of Conservation shall have the powers and duties provided in this chapter. He shall adopt and amend in accordance with the Administrative Procedure Act Title 5, chapter 375, any rules and regulations that are reasonable and appropriate to carry out these responsibilities.

§ 1804. Requirements

Whenever more than 50% of the timber volume of a parcel of 100 contiguous acres or more is harvested, satisfactory reforestation of the area is required in conformance with the following provisions.

1. Reforestation species. Where the species proposed for reforestation after timber harvesting differ from the removed stand, the commissioner may approve use of the proposed species where a reforestation plan reveals that the proposed species is preferable for any of the following reasons:

- A. Site data indicates better potential production for the proposed species;
- B. Control of forest insects or diseases; or
- C. Greater economic return.

2. Acceptable stocking. Stocking levels are acceptable if 300 well-distributed, vigorous seedlings per acre of commercial tree species or such lesser number as the department determines will fully utilize the timber growing capacity of the site, have survived on the site at least one growing season. "Well-distributed" shall mean that no significant plantable area contains fewer than the equivalent of 300 trees per acre.

3. Seedling or seeding standards. Except as approved by the commissioner to qualify as acceptable reforestation:

- A. The seedlings or seeds shall be from an appropriate seed source zone. The commissioner shall establish seed zones and guidelines for their use; and
- B. Competing vegetation shall be controlled to the extent necessary to allow survival and growth of commercial species.

4. Natural regeneration standards. A natural regeneration plan may be approved as acceptable reforestation if:

- A. A seed source of well formed trees of commercial tree species, capable of seed production is available;
- B. The owner of the seed source agrees in writing not to harvest the seed source for at least 15 years or until issuance of a satisfactory reforestation inspection report;
- C. The seed source shall consist of:

- (1) Seed blocks of sizes and locations shown on a plan and satisfactory to the commissioner; or

(2) An average of at least 8 individually marked, well-distributed, undamaged, vigorous, windfirm seed trees per acre of plantable area and no inadequacy stocked area is more than 400 feet from the nearest seed tree.

Competing vegetation shall be controlled to the extent necessary to allow survival and growth by commercial species.

§ 1805. Enforcement

The Bureau of Forestry shall enforce the provisions of this chapter.

§ 1806. Penalty

Violation of any provision of this chapter is a civil infraction for which a forfeiture of not more than \$50 for every acre of timberland harvested may be adjudged.

STATEMENT OF FACT

This bill establishes requirements for replanting trees in areas where commercial timber harvesting has removed more than half the wood volume.