

MAINE STATE LEGISLATURE

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FIRST REGULAR SESSION

ONE HUNDRED AND NINTH LEGISLATURE

Legislative Document

No. 1486

H. P. 1187

House of Representatives, March 26, 1979

Referred to the Committee on Energy and Natural Resources. Sent up for concurrence and 2,500 ordered printed.

EDWIN H. PERT, Clerk

Presented by Mr. Michael of Auburn.

Cosponsors: Mr. Dexter of Kingfield and Mr. Sherburne of Dexter.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
SEVENTY-NINE

AN ACT to Establish a Silvicultural Review Board.

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

12 MRSA c. 219 is enacted to read:

CHAPTER 219

SILVICULTURAL REVIEW BOARD

§ 1801. Establishment and purpose

There is established a Silvicultural Review Board, within the Department of Conservation, which shall review silvicultural plans and determine reforestation needs. The purpose of the board shall be to assure, to the maximum extent feasible, that the forests of the State of Maine contain a distribution of age classed trees managed for sustained yield in order to secure an optimum economic return to the State and its people in terms of tax support, employment of citizens and use of forest products in domestic industry.

§ 1802. Membership

The Silvicultural Review Board shall consist of 10 members, who shall be appointed by the Governor, subject to review by the Joint Standing Committee on Energy and Natural Resources and to confirmation by the Legislature.

Members of the board shall include: A professor of forest soils, a professor of rural sociology, a professor of economics, each for 4-year terms; the Executive Director, or his agent, of the Maine Soil and Water Conservation Commission, the State Forest Insect Manager, a registered forester with an advanced degree not employed by the paper industry, each for a 3-year term; a registered forester with an advanced degree employed by the paper industry and a person whose income is derived from cutting or harvesting commercial trees as an employee, each for a 2-year term; a member of a woods labor organization which does not represent mill workers and a tax assessor in a municipality where 50% or more of the land is owned by the paper industry, each for a one-year term. Appointments to fill vacancies shall be for the term vacated. Subsequent appointments shall be for a term of 4 years.

§ 1803. Board officers, meetings, expenses and quorum

The board shall elect annually from its membership a chairman, a secretary and any other officers it deems necessary. Meetings shall be held at the call of the chairman or at the call of more than ½ of the membership. The secretary shall keep minutes of all proceedings of the board, which minutes shall be a public record available and on file in the office of the board.

Members of the board, except state employees, shall receive \$40 per day for their services at meetings or hearings and all members shall receive necessary traveling expenses for attending any meetings of the board or for any travel in connection with the official business of the board, and under specific authority of the board, which traveling expenses shall be paid out of the General Fund.

A quorum of the board for the transaction of business shall be 6 members.

§ 1804. Board budget, financing and staff

The Commissioner of Conservation shall prepare a biennial budget and shall submit to the Legislature requests for appropriations sufficient to carry out the responsibilities assigned to the Silvicultural Review Board. The board may accept contributions of any type from any source to assist it in carrying out its assigned tasks, and make the requirements in respect to the administration of the funds, not inconsistent with this chapter, as are required as conditions precedent to receiving the funds, federal or otherwise. The board shall give public notice of all contributions, in the state paper, stating the source, the amount and the purpose of the contributions. The board may contract with municipal, state and federal governments or their agencies to assist in the carrying out of any of its assigned tasks.

The Commissioner of Conservation, with the consent of a majority of the board, shall appoint a director who shall be the principal administrative, operational and executive employee of the board. The director shall attend all meetings of the board and be permitted to participate fully but shall not be a voting member of the board. The director, with the approval of the Commissioner of Conservation, may hire whatever competent professional personnel and other staff he deems necessary and he may obtain office space, goods and services as required.

§ 1805. Forest management plans required

All persons who own more than 1,000 acres of commercial forest land in the deorganized and unorganized areas of the State shall file a forest management plan with the board by January 1, 1980, and every 3 years thereafter. This plan shall contain as a minimum the following information: The location of the forest by township and area within the township; the method of intended harvest of other silvicultural practice; the volume and species of trees intended to be removed; the anticipated percentages of the stand expected to be removed and to be remaining; the percentage of the owner's total holdings expected to be affected by this plan; the approximate annual growth increment of the owner's holdings; and the anticipated source and amount of regeneration.

§ 1806. Notice required

All persons shall file notice with the board at least 60 days prior to conducting any of the following activities on commercial timber parcels of more than 1,000 acres in the unorganized and deorganized areas of the State:

1. **Timber harvesting.** All timber harvesting activities indicating the percent cut, cords per acre and species to be harvested and method of anticipated regeneration;

2. **Land management road construction.** All land management road construction. A land management road is defined as a route or tract consisting of a bed of exposed mineral soil, gravel, or other surfacing material constructed for, or created by, the repeated passage of motorized vehicles and used primarily for forest management activities, including associated log yards but not including skid trails, skid roads and winter haul roads; and

3. **Timber stand improvement.** All timber stand improvement, including thinning, pruning, pesticide, herbicide and fertilizer applications.

§ 1807. Public hearings

The board may conduct, according to the procedures in the Administrative Procedure Act, Title 5, chapter 375, subchapter IV, a public hearing on any plan or notice filed with the board.

The board shall adopt rules of practice and shall adopt regulations to carry out its purposes in accordance with the procedures set forth in the Administrative Procedure Act, Title 5, chapter 375, subchapter II.

§ 1808. Hearings

Whenever the board is required or empowered to conduct a hearing pursuant to any provision of law, the hearing may be held and conducted by the board or by any member of the board or by any qualified employee or representative of the board as the board chairman may determine. If the hearing is conducted by a single board member or qualified employee or representative, the member,

employee or representative shall report his findings of fact and conclusions to the board together with a transcript of the hearing and all exhibits. The findings of fact and conclusions shall become a part of the record. The board shall not be bound by the findings or conclusions when acting upon the record, but shall take the action, issue the orders and make the decisions as if it had held and conducted the hearing itself.

§ 1809. Investigations and subpoenas

In carrying out its responsibilities under this chapter, the board shall have authority to issue subpoenas to require the attendance and testimony of witnesses and the production of evidence relating to any issue of fact. The board is also authorized to inspect all holdings subject to its jurisdiction.

§ 1810. Violations and enforcement

A violation of any provision of this chapter or the rules promulgated hereunder is a civil violation for which a forfeiture of not more than \$500 may be adjudged for each day of the violation.

In addition to the other forfeitures provided, the board may, in the name of the State of Maine, institute any appropriate action, injunction or other proceeding to prevent, restrain, correct or abate any violation hereof or of the requirements, rules or regulations promulgated hereunder.

STATEMENT OF FACT

This bill creates a Silvicultural Review Board and requires owners or managers of large holdings in the unorganized territories to file silvicultural management plans and notice of certain activities with the board.

A forest management plan is required every 3 years. It shall contain information on the composition of the timberland, anticipated harvesting, regeneration and timber stand improvement. Owners and manager shall file notice of these activities with the board before the operations are actually conducted. The board may hold public informational hearings on these notifications.