

# MAINE STATE LEGISLATURE

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1 (EMERGENCY)  
2 (After Deadline)

3 FIRST REGULAR SESSION  
4

5 ONE HUNDRED AND ELEVENTH LEGISLATURE  
6

7 Legislative Document

No. 1548

8  
9 S.P. 525

In Senate, May 3, 1983

10 Approved for introduction by a majority of the Legislative Council  
11 pursuant to Joint Rule 27.

12 On Motion of Senator Carpenter of Aroostook, referred to the  
Committee on Energy and Natural Resources. Sent down for concurrence and  
ordered printed.

JOY J. O'BRIEN, Secretary of the Senate

13 Presented by Senator Pray of Penobscot.

14 STATE OF MAINE  
15

16 IN THE YEAR OF OUR LORD  
17 NINETEEN HUNDRED AND EIGHTY-THREE  
18

19 AN ACT Relating to Forest Practice.  
20

21 **Emergency preamble.** Whereas, Acts of the Legis-  
22 lature do not become effective until 90 days after  
23 adjournment unless enacted as emergencies; and

24 Whereas, there are numerous islands in the State  
25 that have timber that has been harvested and that  
26 needs to be harvested; and

27 Whereas, the timber that has been harvested must  
28 be transported to the mainland this spring or its  
29 economic value will be greatly diminished; and

30 Whereas, in the judgment of the Legislature,  
31 these facts create an emergency within the meaning of  
32 the Constitution of Maine and require the following  
33 legislation as immediately necessary for the preser-  
34 vation of the public peace, health and safety; now,  
35 therefore,

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

3 Sec. 1. 38 MRSA §418, sub-§1, as amended by PL  
4 1973, c. 625, §272, is further amended to read:

5 1. Prohibitions. No person, firm, corporation or  
6 other legal entity ~~shall~~ may place logs or pulpwood  
7 into the inland waters of this State after October 1,  
8 1976 for the purpose of driving the same to pulp  
9 mills, lumber mills or any other destination, except  
10 to transport logs or pulpwood from islands to the  
11 mainland.

12 No person, firm, corporation or other legal entity  
13 ~~shall~~ may place logs or pulpwood on the ice of any  
14 inland waters of this State after October 1, 1976,  
15 except to transport logs or pulpwood from islands to  
16 the mainland.

17 No person, firm, corporation or other legal entity  
18 ~~shall~~ may place logs or pulpwood into the inland  
19 waters of this State after October 1, 1976 for the  
20 purpose of storage or curing the same, or for other  
21 purposes incidental to the processing of forest prod-  
22 ucts, or to transport logs or pulpwood from islands  
23 to the mainland, without a permit from the board as  
24 described in subsection 2.

25 Sec. 2. 38 MRSA §418, sub-§2, as amended by PL  
26 1977, c. 300, §§21 and 22, is further amended to  
27 read:

28 2. Storage; permit. Whoever proposes to use the  
29 inland waters of this State after October 1, 1976 for  
30 the storage or curing of logs or pulpwood, or for  
31 other purposes incidental to the processing of forest  
32 products, or to transport logs or pulpwood from  
33 islands to the mainland, shall apply to the board for  
34 a permit for such use. Applications for such permits  
35 shall be in such form and require such information as  
36 the board may determine.

37 Within 45 days of receipt of an application, the  
38 board shall either grant the application or hold a  
39 public hearing thereon as provided.

1 If the board is able to find, on the basis of the  
2 application, that the proposed use will not lower the  
3 existing quality or the classification, whichever is  
4 higher, of any waters, nor adversely affect the  
5 public rights of fishing and navigation therein, and  
6 that inability to conduct such use will impose undue  
7 economic hardship on the applicant, it shall grant  
8 the permit for a period not to exceed 3 years, with  
9 such terms and conditions as, in its judgment, may be  
10 necessary to protect such quality, standards and  
11 rights.

12 In the event the board deems it necessary to solicit  
13 further evidence regarding the proposed use, it shall  
14 schedule a public hearing on the application.

15 At such hearing the board shall solicit and receive  
16 testimony concerning the nature and extent of the  
17 proposed use and its impact on existing water qual-  
18 ity, water classification standards and the public  
19 rights of fishing and navigation and the economic  
20 implications upon the applicant of such use. If after  
21 hearing the board determines that the proposed use  
22 will not lower the existing quality or the classifi-  
23 cation standards, whichever is higher, of any waters,  
24 nor adversely affect the public rights of fishing and  
25 navigation therein and that inability to conduct such  
26 use will impose undue economic hardship on the appli-  
27 cant, it shall grant the permit for a period not to  
28 exceed 3 years, with such terms and conditions, as in  
29 its judgment, may be necessary to protect such qual-  
30 ity, standards and rights.

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

34 STATEMENT OF FACT

35 This bill allows island owners to harvest timber  
36 on their islands and to transport the timber, under  
37 the supervision of the Department of Environmental  
38 Protection, across the inland waters of this State to  
39 the mainland.

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