

MAINE STATE LEGISLATURE

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SECOND REGULAR SESSION

ONE HUNDRED AND THIRTEENTH LEGISLATURE

Legislative Document

No. 2489

S.P. 942 In Senate, March 9, 1988
Approved for Introduction by a Majority of the Legislative
Council pursuant to Joint Rule 26.

Reference to the Committee on Energy and Natural Resources
suggested and ordered printed.

JOY J. O'BRIEN, Secretary of the Senate

Presented by Senator PEARSON of Penobscot.

STATE OF MAINE

IN THE YEAR OF OUR LORD
NINETEEN HUNDRED AND EIGHTY-EIGHT

AN ACT Concerning Cutting in Resource
Protection Areas.

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

6 Sec. 1. 38 MRSA §436, sub-§6, as amended by PL
7 1987, c. 419, §9, is repealed and the following
8 enacted in its place:

1 6. Timber harvesting. "Timber harvesting" means
2 the cutting and removal of trees from their growing
3 site and the attendant operation of cutting and
4 skidding machinery, but not the construction or
5 creation of roads. Timber harvesting does not include
6 the clearing of land for approved construction.

7 Sec. 2. 38 MRSA §439-A is enacted to read:

8 §439-A. Timber harvesting and vegetation clearing
9 standards

10 1. Timber harvesting. Municipal ordinances shall
11 regulate timber harvesting within the shoreland area.
12 These regulations shall be consistent with the board's
13 guidelines which shall not be less restrictive than
14 the following:

15 A. Within the strip of land extending 75 feet
16 inland from the normal high-water mark, there
17 shall be no timber harvesting; and

18 B. Within the strip of land extending from 75
19 feet inland from the normal high-water mark to 250
20 feet inland from the normal high-water mark,
21 selective cutting of no more than 40% of the trees
22 4 inches or more in diameter, measured at 4 1/2
23 feet above ground level, is allowed in any 10-year
24 period, provided that a well-distributed stand of
25 trees and other natural vegetation remains.

26 2. Clearing of vegetation. Within the shoreland
27 zone, municipal ordinances shall provide for effective
28 vegetative screening between buildings and
29 shorelines. These ordinances must be consistent with
30 the board's guidelines which shall not be less
31 restrictive than the following:

32 A. Clear-cutting of vegetation is not permitted,
33 except that openings not greater than 30 feet in
34 width for every 100 feet of shoreline may be
35 created. Notwithstanding this paragraph, no such
36 openings may be created in those portions of the
37 shoreland area abutting a pond and zoned for
38 resource protection; and

1 B. Selective cutting of no more than 40% of the
2 trees 4 inches or more in diameter, measured at 4
3 1/2 feet above ground level, is allowed in any
4 10-year period, provided that a well-distributed
5 stand of trees and other natural vegetation
6 remains.

7 STATEMENT OF FACT

8 The purpose of this bill is to draw a clear
9 distinction between timber harvesting operations and
10 clearing operations for views common in the shoreland
11 area.

12 In drawing this distinction, the intent of the
13 Legislature is to prohibit the creation of "view
14 corridors" in resource protection districts along
15 great ponds. Normal timber harvesting, using a
16 selective method, is permitted.

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