

MAINE STATE LEGISLATURE

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114th MAINE LEGISLATURE

FIRST REGULAR SESSION - 1989

Legislative Document

No. 453

H.P. 334

House of Representatives, February 27, 1989

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

Ed Pert

EDWIN H. PERT, Clerk

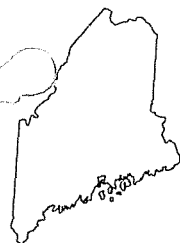
Presented by Representative HUSSEY of Milo.

Cosponsored by Representative GOULD of Greenville and Representative DEXTER of Kingfield.

STATE OF MAINE

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

An Act Regarding Replanting of Woodlots.



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

3 12 MRSA c. 805, sub-c. III, art. 4 is enacted to read:

5 ARTICLE 4

7 REGENERATION OF CLEAR-CUTTING

9 §8865. Definitions

11 As used in this article, unless the context otherwise
13 indicates, the following terms have the following meanings.

15 1. Clearcut. "Clearcut" means an area of at least 40 acres
17 in size in which trees have been harvested so that less than 10
square feet of basal area per acre of trees with greater than one
inch diameter at breast height remain.

19 2. Harvesting operation. "Harvesting operation" means the
21 cutting or removal of timber or other solid wood products from
timberlands for commercial forestry purposes.

23 3. Landowner. "Landowner" means a person, partnership,
25 corporation or association, including the State Government and
Federal Government, that holds an ownership interest in forest
land.

27 4. Regeneration. "Regeneration" means the renewal of a
29 forest stand evidenced by the presence of at least 400 stems per
acre but not more than 40,000 stems per acre of commercial tree
31 species.

33 5. Regeneration and management plan. "Regeneration and
35 management plan" means a written document prepared in accordance
with accepted principles of professional forestry that outlines
37 proposed activities to ensure regeneration for a particular
forest stand.

39 §8866. Regeneration requirements

41 1. Performance bond. Within 30 days of commencing
43 harvesting operations for a clearcut, a landowner shall notify
the bureau and furnish evidence of a surety bond payable to the
45 Treasurer of State in the amount of \$200 per acre issued by a
surety company approved by the Bureau of Insurance and licensed
47 to do business in the State. The bond shall be conditional on
the landowner faithfully conforming to and abiding by the
49 provisions of this article.

51 2. Regeneration and management plan. A landowner shall
have a regeneration and management plan developed for each
clearcut. This plan must be reviewed and certified by a

1 registered professional forester prior to harvesting. The plan
3 must be forwarded to the bureau within 30 days of harvesting
operations.

5 3. Regeneration. A landowner shall ensure that:

7 A. Regeneration efforts undertaken for the forest stand
9 consistent with the regeneration and management plan
developed for the forest stand; and

11 B. Any clearcut on the landowner's property has adequate
13 regeneration within 2 years of harvesting operations.

15 4. Certification of regeneration. Within 2-1/2 years of
17 the commencement of harvesting a clearcut, the landowner shall
19 forward to the bureau evidence that the regeneration requirements
21 of this article have been met consistent with the regeneration
23 and management plan. The evidence shall consist of a statement
25 by a licensed professional forester that the requirements of
subsection 3 have been met. Within 45 days of receipt of the
evidence, the bureau shall notify the landowner in writing of the
bureau's findings regarding the adequacy of regeneration on the
site. The bureau must notify the landowner within 15 days of
receipt of the evidence if more information is required to
certify regeneration efforts.

27 5. Release of bond requirement. Upon the landowner's
29 receipt of the bureau's findings that stand regeneration for a
31 clearcut has occurred, the landowner is released from the surety
bond requirement for that clearcut.

33 6. Injunction. The Attorney General may bring an action in
Superior Court to enjoin any person from violating this article.

STATEMENT OF FACT

37
39 This bill requires landowners to ensure that their lands
41 have adequate regeneration following clear-cut harvesting
operations. Landowners are required to notify the Bureau of
43 Forestry prior to harvesting, secure a surety bond of \$200 per
acre harvested and have a regeneration and management plan
45 developed for the site. At least 2-1/2 years after the harvest,
the landowner must certify that regeneration has occurred and is
47 then released from the bond requirement. The Attorney General
may initiate injunctive proceedings to stop a landowner from
violating these requirements.
49