

MAINE STATE LEGISLATURE

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114th MAINE LEGISLATURE

SECOND REGULAR SESSION - 1990

Legislative Document

No. 1829

H.P. 1327

House of Representatives, December 7, 1989

Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 26.

Received by the Clerk of the House on December 7, 1989. Referred to the Committee on Energy and Natural Resources and 1600 ordered printed pursuant to Joint Rule 14.

A handwritten signature in cursive script that reads "Ed Pert".

EDWIN H. PERT, Clerk

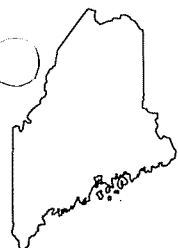
Presented by Speaker MARTIN of Eagle Lake.

Cosponsored by Representative JACQUES of Waterville, Senator KANY of Kennebec and Representative ANDERSON of Woodland.

STATE OF MAINE

IN THE YEAR OF OUR LORD
NINETEEN HUNDRED AND NINETY

**An Act to Prohibit the Use of Herbicides in the Allagash Wilderness
Waterway.**



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

2
4 12 MRSa §670, sub-§2, as repealed and replaced by PL 1983,
c. 754, §3, is amended to read:

6 2. **Waterway outside restricted zone.** No person may
8 commence a timber-harvesting operations in the waterway outside
10 of the restricted zone without consultation with or, when
required under paragraph B, approval from the bureau. No person
may apply herbicides in the waterway outside the restricted zone.

12 A. Before a timber-harvesting operation is commenced in the
14 waterway outside the restricted zone, a management plan
shall be submitted to the bureau. The plan shall contain:

- 16 (1) A plan of the proposed timber-harvesting
18 operation, setting forth the type of cutting proposed;
20 (2) The amount of timber proposed to be removed;
22 (3) The time of year of cutting and removal;
24 (4) The location of principal haul road and crossings
26 in the waterway to be used in connection with the
proposed timber-harvesting operation;
28 (5) The plan for reforestation;
30 (6) A stand table indicating species composition, size
32 class and health of the original and residual stands;
34 (7) Expected date of reentry;
36 (8) Pesticide or other chemical treatment planned; and
(9) Proposed plans to mitigate evidence of harvesting.

38 When an application for approval is not required under
40 paragraph B, the bureau shall seek cooperation from those
42 submitting the management plan in addressing any concerns of
the bureau.

44 B. When the bureau determines that the timber-harvesting
46 operation is proposed for an area in the waterway outside of
the restricted zone and visible from the watercourse, the
48 timber-harvesting operation may commence only with approval
from the bureau. Application forms for approval, provided
50 by the bureau, shall be completed and signed by the
applicant. This paragraph shall not be construed to excuse
52 the applicant from requirements for other permits required
by law.

2 C. The bureau shall, within 30 days of receipt of an
4 application for approval, either approve the proposed
6 timber-harvesting operation, upon such terms and conditions
8 as are appropriate and reasonable, or disapprove the
10 proposed timber-harvesting operation setting forth in
12 writing the reasons therefor. If a decision is not made
14 within the 30 days, the timber-harvesting operation shall be
16 considered approved under the provisions of the management
18 plan submitted.

20 D. The bureau shall approve an application for a
22 timber-harvesting operation when it finds that the
24 management plan provides for the silvicultural alternative
26 which:

28 (1) Produces the least adverse impact upon the natural
30 character of the area in the waterway outside the
32 restricted zone and visible from the watercourse for
34 which the timber-harvesting operation is proposed; and

36 (2) Is economically feasible, except that an applicant
38 may waive the requirement of a finding of economic
40 feasibility.

42 E. Notwithstanding the provisions of paragraph D, the
bureau shall not deny an application for the removal of
trees that are dead, dying or damaged by natural causes.

F. Before disapproving an application or imposing terms and
conditions under paragraph C, the bureau shall have the
application and management plan reviewed by an experienced
professional forester.

STATEMENT OF FACT

This bill prohibits the application of herbicides in the
Allagash Wilderness Waterway.