

MAINE STATE LEGISLATURE

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114th MAINE LEGISLATURE

SECOND REGULAR SESSION - 1990

Legislative Document

No. 2255

H.P. 1628

House of Representatives, January 31, 1990

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

Reference to the Committee on Fisheries and Wildlife suggested and ordered printed.

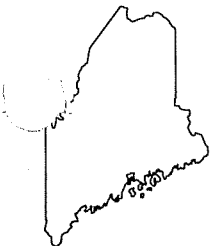
EDWIN H. PERT, Clerk

Presented by Representative MICHAUD of East Millinocket.

STATE OF MAINE

IN THE YEAR OF OUR LORD
NINETEEN HUNDRED AND NINETY

**An Act to Exempt Forestry Activities in Forested Wetlands from
Regulation Under the Natural Resources Protection Laws.**



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

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3 **Sec. 1. 38 MRSA §480-Q, sub-§7**, as amended by PL 1989, c. 430,
4 §7, is further amended to read:

6 **7. Forestry.** Alteration associated with normal forestry
7 management and harvesting activities in or adjacent to a
8 freshwater wetland ~~is exempt from the provisions of this~~
9 ~~article.~~ The determination of what constitutes normal forestry
10 management and harvesting activities shall be made by the Maine
11 Land Use Regulation Commission regardless of whether the
12 freshwater wetland is located within the jurisdiction of the
13 commission and according to standards adopted by the commission.
14 For purposes of this subsection section, "normal forestry
15 management and harvesting activities" means those activities
16 which that meet the forestry standards of the Maine Land Use
17 Regulation Commission;

18 **Sec. 2. 38 MRSA §480-Q, sub-§7-A** is enacted to read:

20 **7-A. Forested wetlands.** Normal forestry and management
21 activities in freshwater wetlands that result in a stand that
22 meets minimum stocking requirements promulgated under Title 12,
23 section 8869, if the freshwater wetland:

24 A. Has soils that are not composed primarily of sphagnum
25 moss; or

26 B. Is not inundated with water throughout the growing
27 season.

28 **Sec. 3. Expedited procedures.** Before September 30, 1990, the
29 Commissioner of Environmental Protection shall develop procedures
30 for department staff to expedite the review of permits for
31 developing land management roads within freshwater wetlands.

32 **Sec. 4. Effective date.** Section 1 of this Act takes effect when
33 rules are adopted under the Maine Revised Statutes, Title 12,
34 section 8869.

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41 **STATEMENT OF FACT**

42 This bill exempts forestry activities in forested wetlands
43 from the requirements of the laws concerning the protection of
44 natural resources. In addition, it requires the Commissioner of
45 Environmental Protection to develop an expedited review for
46 road-building activities within wetlands.