

MAINE STATE LEGISLATURE

The following document is provided by the
LAW AND LEGISLATIVE DIGITAL LIBRARY
at the Maine State Law and Legislative Reference Library
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied
(searchable text may contain some errors and/or omissions)

STATE OF MAINE
HOUSE OF REPRESENTATIVES
115TH LEGISLATURE
FIRST REGULAR SESSION

COMMITTEE AMENDMENT "A" to H.P. 693, L.D. 992, Bill, "An Act to Amend the Mandatory Zoning and Subdivision Control Laws"

Amend the bill by inserting after section 5 the following:

'Sec. 6. 38 MRSA §438-A, sub-§6, as affected by PL 1989, c. 890, Pt. A, §40 and amended by Pt. B, §46, is repealed.'

Further amend the bill by striking out all of section 7 and inserting in its place the following:

'Sec. 7. 38 MRSA §439-A, sub-§5, as repealed and replaced by PL 1991, c. 66, Pt. A, §10, is amended to read:

5. Timber harvesting. Municipal ordinances must regulate timber harvesting within the shoreland area, except surrounding existing forested wetlands or harvested forested wetlands that are not zoned for resource protection. Notwithstanding any provision in a local ordinance to the contrary, standards for timber harvesting activities may not be less restrictive than the following:

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

B. Within a shoreland area zoned for resource protection abutting a great pond there may not be timber harvesting within the strip of land extending 75 feet inland from the normal high-water line except to remove safety hazards; and

2 C. Any site within a shoreland area zoned for resource
3 protection abutting a great pond, beyond the 75-foot strip
4 restricted in paragraph B, where timber is harvested must be
5 reforested within 2 growing seasons after the completion of
6 the harvest, according to guidelines adopted by the board.
7 The board shall adopt guidelines consistent with minimum
8 stocking standards established under Title 12, section 8869.

9
10 The board may adopt more restrictive guidelines consistent with
11 the purposes of this subchapter that must then be incorporated
12 into local ordinances. Timber harvesting operations exceeding
13 the 40% limitation in paragraph A may be allowed by a planning
14 board upon a clear showing, including a forest management plan
15 signed by a Maine licensed professional forester, that such an
16 exception is necessary for good forest management and is carried
17 out in accordance with the purposes of shoreland zoning. The
18 planning board shall notify the commissioner of each exception
allowed.'

19
20 Further amend the bill in section 9 in paragraph C in the
21 3rd line from the end (page 4, line 28 in L.D.) by striking out
22 the following: "shall" and inserting in its place the
23 following: '~~shall~~ must'

24
25 Further amend the bill by renumbering the sections to read
26 consecutively.

27
28 Further amend the bill by inserting at the end before the
29 statement of fact the following:

30
31 **FISCAL NOTE**

32
33 This legislation will result in a negligible savings to the
34 Department of Environmental Protection due to the proposed change
35 from an annual to a biennial reporting requirement for code
36 enforcement officers and other provisions of the bill.'

37
38
39
40 **STATEMENT OF FACT**

41
42 This amendment amends the bill to repeal a requirement for
43 each municipality to submit a copy of each variance request to
44 the Commissioner of Environmental Protection. It also stipulates
45 that any exception for timber harvesting be carried out in
46 accordance with the purposes of shoreland zoning. The amendment
47 also adds a fiscal note to the bill.
48