

MAINE STATE LEGISLATURE

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115th MAINE LEGISLATURE

FIRST REGULAR SESSION-1991

Legislative Document

No. 1442

H.P. 993

House of Representatives, April 8, 1991

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

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

EDWIN H. PERT, Clerk

Presented by Representative LOOK of Jonesboro.

Cosponsored by Representative LORD of Waterboro and Representative MERRILL of Dover-Foxcroft.

STATE OF MAINE

IN THE YEAR OF OUR LORD
NINETEEN HUNDRED AND NINETY-ONE

**An Act to Restrict Clear-cutting on Land Used for Drinking Water
Supplies.**



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

2
4 Sec. 1. 12 MRSA §8869, sub-§2-A is enacted to read:

6 2-A. Clear-cutting prohibited. Clear-cutting on sand and
8 gravel aquifers delineated pursuant to Title 38, section 403, is
10 prohibited if these areas are currently used for public drinking
12 water supplies, except that water districts and water utilities
14 may clear-cut areas in their ownership to enhance water supply or
16 water quality.

18 Sec. 2. 12 MRSA §8869, sub-§3, as enacted by PL 1989, c. 555,
20 §10, is amended to read:

22 3. Plans for clear-cuts over 50 acres. For clear-cuts of
24 50 acres or more, the landowner, or agent of the landowner, shall
26 develop, prior to harvest, a forest management plan signed by a
28 professional forester that conforms to the standards set forth in
30 subsections 1 and 2. This plan must be kept on file by the
32 landowner or agent of the landowner and be available for
34 inspection by the bureau until adequate regeneration in
36 accordance with the standards set forth in subsection 1 is
38 established. The landowner or agent of the landowner must submit
40 a copy of this plan to:

42 A. The municipal reviewing authority of any municipality in
44 which clear-cutting is proposed; or

46 B. If the clear-cutting is proposed on any land under the
48 jurisdiction of the Maine Land Use Regulation Commission,
50 the Maine Land Use Regulation Commission and the county
52 commissioners for the county in which clear-cutting is
54 proposed.

56 Sec. 3. 12 MRSA §8883, first ¶, as affected by PL 1989, c. 600,
58 Pt. B, §11, is amended to read:

60 Prior to commencing harvesting operations, the landowner or
62 designated agent shall notify the bureau and any municipality in
64 which clear-cutting is to take place of the harvest operation.

66 Sec. 4. 38 MRSA §480-Q, sub-§7-A, ¶¶C and D, as enacted by PL
68 1989, c. 838, §6, are amended to read:

70 C. The forested wetland is not mapped as a significant
72 wildlife habitat under section 480-I; and

74 D. Any road construction is not used to access development
76 but is used primarily for forest management activities,
78 unless the road is removed and the site restored to its
80 prior natural condition. Roads must be the minimum feasible

2 width and total length consistent with forest management
activities. This exemption does not apply to roads that
4 provide access to development in a subdivision as defined in
Title 30-A, section 4401, subsection 4, for the organized
6 portions of the State, or Title 12, section 682, subsection
2, including divisions of land exempted by Title 12, section
8 682, subsection 2, paragraph A, for portions of the State
under the jurisdiction of the Maine Land Use Regulation
Commission; and

10 **Sec. 5. 38 MRSA §480-Q, sub-§7-A, ¶E is enacted to read:**

12 E. The forested wetland is not part of or associated with
14 the following features when they are used for public
16 drinking water supplies:

18 (1) A freshwater wetland;

20 (2) A great pond; or

22 (3) A sand and gravel aquifer delineated pursuant to
24 section 403.

26 STATEMENT OF FACT

28 This bill prohibits clear-cutting over sand and gravel
aquifers that are used for public drinking water supplies. It
30 also requires forest management plans for clear-cuts to be filed
with the municipal reviewing authorities or the Maine Land Use
32 Regulation Commission and the county commissioners.
Municipalities must be notified of any clear-cuts within their
34 jurisdiction. Exemptions from the natural resources protection
laws are narrowed to exclude forested wetlands that are
36 associated with wetlands, great ponds or sand and gravel aquifers
that are used for public drinking water supplies.

38