# MAINE STATE LEGISLATURE

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# 116th MAINE LEGISLATURE

### FIRST REGULAR SESSION-1993

Legislative Document

No. 547

H.P. 428

House of Representatives, February 18, 1993

An Act to Correct Inconsistencies in the Shoreland Zoning Laws.

Submitted by the Department of Environmental Protection pursuant to Joint Rule 24. Reference to the Committee on Energy and Natural Resources suggested and ordered printed.

OSEPH W. MAYO, Clerk

Presented by Representative DEXTER of Kingfield. Cosponsored by Representative: GOULD of Greenville, Senator: LUDWIG of Aroostook.

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

Sec. 1. 38 MRSA §439-A, sub-§5, as amended by PL 1991, c. 346, §8, is further amended to read:

- 5. Timber harvesting. Municipal ordinances must regulate timber harvesting within the shoreland area,—except—surreunding existing—forested—wetlands—or—harvested—forested—wetlands—that are—net—zened—fer—reseuree—pretection. 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
  - C. Any site within a shoreland area zoned for resource protection abutting a great pond, beyond the 75-foot strip restricted in paragraph B, where timber is harvested must be reforested within 2 growing seasons after the completion of the harvest, according to guidelines adopted by the board. The board shall adopt guidelines consistent with minimum stocking standards established under Title 12, section 8869.

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

#### STATEMENT OF FACT

This bill removes an inconsistency in the shoreland zoning laws that implies that the shoreland zone includes areas surrounding forested wetlands. Public Law 1989, chapter 346 withdrew forested wetlands from the class of freshwater wetlands that municipalities are required to regulate.

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