

# MAINE STATE LEGISLATURE

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# 116th MAINE LEGISLATURE

## SECOND REGULAR SESSION-1994

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Legislative Document

No. 1764

H.P. 1309

House of Representatives, January 24, 1994

**An Act to Preserve Productive Forests.**

(EMERGENCY)

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Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 26.  
Reference to the Committee on Energy and Natural Resources suggested and ordered printed.

A handwritten signature in cursive script that reads "Joseph W. Mayo".

JOSEPH W. MAYO, Clerk

Presented by Representative HOLT of Bath.

Cosponsored by Representatives: CROSS of Dover-Foxcroft, FARNSWORTH of Hallowell, HEESCHEN of Wilton, MARTIN of Eagle Lake, MITCHELL of Freeport, Senator: LUTHER of Oxford.

Emergency preamble. Whereas, Acts of the Legislature do not become effective until 90 days after adjournment unless enacted as emergencies; and

Whereas, healthy forest ecosystems are vital to the people of the State in order to provide for ecologically and economically sustainable yields of wood fiber, clean water and air, productive soils, flood control, recreational opportunities, wildlife habitat and biological diversity of native species; and

Whereas, current forest management practices within state wildlands are destructive to healthy forest ecosystems and are not economically sustainable; and

Whereas, tens of thousands of acres of forest in state wildlands are clear-cut every year; and

Whereas, inventories of forest resources in the State show that important tree species are in decline, jeopardizing forest productivity; and

Whereas, clear-cutting and other even-aged forest management practices are destructive to healthy forest ecosystems because these practices result in large, unnatural disturbances, impair ecological habitat and diversity, lower forest resistance to fire, wind, insect and disease infestations, and promote even-aged forest stands with a predominance of short-lived tree species; and

Whereas, the establishment of minimum forest management standards is necessary to restore, protect and promote healthy forest ecosystems in state wildlands; and

Whereas, in the judgment of the Legislature, these facts create an emergency within the meaning of the Constitution of Maine and require the following legislation as immediately necessary for the preservation of the public peace, health and safety; now, therefore,

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

**Sec. 1. 12 MRSA §685-A, sub-§12 is enacted to read:**

12. Forest management standards. Notwithstanding subsection 5, all timber harvesting activities within the commission's jurisdiction must comply with the following minimum standards.

A. In a 10-year period, timber harvesting activities may not result in the removal of more than 40% of the volume on

2 each acre of trees 6 inches in diameter or larger when  
3 measured at 4 1/2 feet above ground level. Timber  
4 harvesting activities may not create a single opening in the  
5 forest canopy greater than 14,000 square feet. An  
6 undisturbed buffer not less than 100 feet in width must be  
7 retained between single openings greater than 10,000 square  
8 feet. Slash that is larger than 3 inches in diameter must  
9 be disposed of so that no part of that slash extends more  
10 than 4 feet above ground.

11 The commission may impose, by rule or by permit condition, more  
12 stringent requirements for timber harvesting in protection and  
13 development subdistricts. The minimum requirements set forth in  
14 this subsection may be exceeded upon issuance of a variance by  
15 the commission pursuant to criteria set forth in subsection 10.

16 **Emergency clause.** In view of the emergency cited in the  
17 preamble, this Act takes effect when approved.

## 22 STATEMENT OF FACT

23 This bill requires timber harvesting occurring within the  
24 jurisdiction of the Maine Land Use Regulation Commission to  
25 comply with minimum standards designed to prevent excessive  
26 forest clear-cutting that is destructive to the State's forest  
27 economy and ecology. Variances are authorized from these  
28 standards in cases of undue hardship.

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35 This document has not yet been reviewed to determine the  
36 need for cross-reference, stylistic and other technical  
37 amendments to conform existing law to current drafting standards.  
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