

MAINE STATE LEGISLATURE

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L.D. 56

DATE: April 25, 1995

(Filing No. S-81)

AGRICULTURE, CONSERVATION AND FORESTRY

Reported by: Senator PARADIS of Aroostook for the Committee.

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**STATE OF MAINE
SENATE
117TH LEGISLATURE
FIRST REGULAR SESSION**

COMMITTEE AMENDMENT "A" to S.P. 25, L.D. 56, Bill, "An Act to Protect Forest Management as a Viable Land Use"

Amend the bill by striking out everything after the enacting clause and before the statement of fact and inserting in its place the following:

'Sec. 1. 12 MRSA §8869, sub-§8, as amended by PL 1991, c. 863, §1, is further amended to read:

8. Relationship to municipal rules and regulations.
Nothing in this subchapter may be construed to preempt or otherwise limit the existing authority of municipalities to regulate harvesting, except that municipalities regulating timber harvesting shall adopt definitions for forestry terms used in their ordinances that are consistent with forestry terms adopted by the commissioner pursuant to this subchapter. A municipality may not adopt an ordinance that regulates timber harvesting unless ~~the ordinance is developed in consultation with the department and is reviewed by a professional forester prior to adoption,~~ the following process is followed in the development and review of the ordinance:

A. A licensed professional forester must participate in the development of the ordinance;

B. A face-to-face meeting must take place during the development of the ordinance between representatives of the department and municipal officials involved in developing

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the ordinance. Discussion at the meeting must include, but is not limited to, the timber harvesting goals of the municipality;

C. The municipality shall hold a public hearing to review a proposed ordinance at least 45 days before a vote is held on the ordinance. The municipality shall provide public notice of the hearing according to the method the municipality uses for its regular public meetings; and

D. The municipality shall notify the department of the public hearing and provide the department with a copy of the proposed ordinance that will be reviewed at the hearing at least 30 days before the date of the hearing.

The proposed ordinance may be revised after the public hearing. The revised ordinance or the proposed ordinance, if no changes are made following the public hearing, must be submitted to the legislative body of the municipality in accordance with the procedures the municipality uses for adopting ordinances.

The department must provide a municipality guidance on how the municipality may use sound forestry practices to achieve its timber harvesting goals.

Sec. 2. Application. This Act applies to municipal ordinances enacted after the effective date of this Act. This Act applies to the portions of existing ordinances that are amended after the effective date of this Act, but not to the portions of existing ordinances that are not amended.'

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

'FISCAL NOTE

The Department of Conservation will incur some minor additional costs to provide guidance to certain municipalities on sound forestry practices. These costs can be absorbed within the department's existing budgeted resources.'

STATEMENT OF FACT

This amendment replaces the bill. It establishes a process for the development and review of municipal ordinances regulating timber harvesting.

It also adds a fiscal note to the bill.