

MAINE STATE LEGISLATURE

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118th MAINE LEGISLATURE

FIRST REGULAR SESSION-1997

Legislative Document

No. 1311

H.P. 948

House of Representatives, March 4, 1997

An Act to Prohibit Clear-cutting.

(EMERGENCY)

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

A handwritten signature in black ink that reads "Joseph W. Mayo".

JOSEPH W. MAYO, Clerk

Presented by Representative VOLENIK of Brooklin.
Cosponsored by Representative JONES of Bar Harbor.

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

4
6 **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
8 air, productive soils, flood control, recreational opportunities,
wildlife habitat and biological diversity of native species; and

10
12 **Whereas,** clear-cutting within the State is destructive to
healthy ecosystems and is not economically sustainable; and

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

18 **Whereas,** clear-cutting and other forest liquidation
practices are destructive to healthy forest ecosystems because
20 these practices result in large, unnatural disturbances that
impair ecological habitat and diversity; lower forest resistance
22 to fire, wind and insect and disease infestations; increase
runoff, soil erosion and siltation of water resources; and
24 promote even-aged forest stands with a predominance of
short-lived tree species; and

26
28 **Whereas,** forest-related employment is declining, in part due
to extensive forest clear-cutting, and is dependent on
maintaining healthy forest ecosystems; and

30
32 **Whereas,** tens of thousands of acres of forest in the State
are clear-cut every year; and

34 **Whereas,** the elimination of clear-cutting is necessary to
the restoration, protection and promotion of healthy forest
36 ecosystems in the State; and

38 **Whereas,** hundreds of thousands of voters have indicated in
the most recent general election their profound concern with
40 clear-cutting and other forest liquidation practices in the
State; and

42
44 **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
46 necessary for the preservation of the public peace, health and
safety; now, therefore,

48
50 **Be it enacted by the People of the State of Maine as follows:**

2 **Sec. 1. 12 MRSA §8868, sub-§1**, as enacted by PL 1989, c. 555,
3 §10, is repealed.

4 **Sec. 2. 12 MRSA §8868, sub-§1-A** is enacted to read:

6 **1-A. Clear-cutting.** "Clear-cutting" means any timber
7 harvesting on a forested site greater than one acre that reduces
8 the average residual basal area of all trees larger than one inch
9 in diameter measured at 4.5 feet above the ground to less than 60
10 square feet of basal area per acre.

12 **Sec. 3. 12 MRSA §8869, sub-§2**, as enacted by PL 1989, c. 555,
13 §10, is repealed.

14 **Sec. 4. 12 MRSA §8869, sub-§§2-A and 2-B** are enacted to read:

16 **2-A. Clear-cutting prohibited.** Notwithstanding any other
17 provision of law, clear-cutting is prohibited except for the
18 following:

20 A. The creation by timber harvesting of single openings in
21 the forest canopy less than one acre in size. These
22 openings must be included in the residual basal area
23 calculations of the stand; and

24 B. The creation of land management roads and public roads.

26 **2-B. Separation of openings.** When timber harvesting
27 activities create openings in the forest canopy greater than 1/4
28 acre but less than one acre, these openings must be separated by
29 at least 250 feet.

30 **Sec. 5. 12 MRSA §8869, sub-§§3 and 4**, as enacted by PL 1989, c.
31 555, §10, are repealed.

32 **Sec. 6. 12 MRSA §8869, sub-§5**, as enacted by PL 1989, c. 555,
33 §10, is repealed and the following enacted in its place:

34 **5. Variance.** The Commissioner of Conservation may issue a
35 variance to permit activities that exceed the standards set forth
36 under subsections 2-A and 2-B upon a written finding that:

37 A. Strict compliance with the standards set forth in
38 subsections 2-A and 2-B would cause unusual hardship or
39 extraordinary difficulties because of exceptional or unique
40 forest conditions;

2 B. The proposed harvesting activities are otherwise in
3 keeping with the general spirit and intent of this chapter;
4 and

6 C. The public interest is otherwise protected.

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

10

SUMMARY

12

14 This bill amends the laws governing forest practices by
 prohibiting clear-cutting except when allowed by variance.