

# MAINE STATE LEGISLATURE

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# 118th MAINE LEGISLATURE

## FIRST REGULAR SESSION-1997

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Legislative Document

No. 1465

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H.P. 1048

House of Representatives, March 11, 1997

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### An Act to Limit Liquidation Harvesting.

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Reference to the Committee on Agriculture, Conservation and Forestry suggested and ordered printed.

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

JOSEPH W. MAYO, Clerk

Presented by Representative SHIAH of Bowdoinham.  
Cosponsored by Representatives: SAMSON of Jay, SIROIS of Caribou, VOLENIK of  
Brooklin, Senator: NUTTING of Androscoggin.

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

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Sec. 1. 12 MRSA §8865 is enacted to read:

**§8865. Definitions**

As used in this subchapter, unless the context otherwise indicates, the following terms have the following meanings.

1. Basal area. "Basal area" means the cross-sectional area of the stem of a tree measured 4.5 feet above ground level outside the bark.

2. Clearcut or understocked. "Clearcut" or "understocked" means any forest stand greater than 2 acres in area in which, after harvest, either:

A. The total residual basal area in square feet per acre of all trees greater than 4.5 inches in diameter 4.5 feet above the ground is less than:

(1) Forty-five square feet where the preharvest stand was a hardwood stand;

(2) Sixty-five square feet where the preharvest stand was a mixed wood stand; or

(3) Eighty square feet where the preharvest stand was a softwood stand; or

B. Fewer than 70% of an adequate sample of milacre plots well distributed in the stand contain at least one free-to-grow tree of the species indicated in subparagraphs (1) to (3) between 0.5 and 4.5 inches in diameter 4.5 feet above the ground:

(1) Any commercial species where the preharvest stand was a hardwood stand;

(2) At least 25% commercial softwood species where the preharvest stand was a mixed wood stand; or

(3) At least 75% commercial softwood species where the preharvest stand was a softwood stand.

3. Commercial hardwood species or commercial softwood species. "Commercial hardwood species" or "commercial softwood species" means broadleaved or coniferous species on the list of commercial species contained in rules adopted by the Maine Forest Service.

2           **4. Forest management plan.** "Forest management plan" means  
4           a site-specific document signed by a professional forester  
6           outlining proposed activities to ensure compliance with  
            performance standards and regeneration requirements established  
            pursuant to this subchapter.

8           **5. Hardwood stand.** "Hardwood stand" means a forest stand  
10           in which the basal area of all trees greater than 4.5 inches in  
12           diameter 4.5 feet above ground before harvest is comprised of 75%  
            or more of commercial hardwood species, singly or in combination.

14           **6. Mixed wood stand.** "Mixed wood stand" means a forest  
16           stand in which the basal area of all trees greater than 4.5  
18           inches in diameter 4.5 feet above the ground before harvest is  
            comprised of between 25% and 75% commercial hardwood species,  
            singly or in combination.

20           **7. Professional forester.** "Professional forester" means a  
            person licensed pursuant to Title 32, chapter 75.

22           **8. Short-lived or intolerant overstories.** "Short-lived or  
24           intolerant overstories" means overstories composed of tree  
26           species that ordinarily live fewer than 150 years or species that  
28           are recognized by silvicultural authorities to not tolerate  
            shade. Specifically, these species include: paper birch, grey  
            birch, poplar, red maple, balsam fir and larch.

30           **9. Softwood stand.** "Softwood stand" means a forest stand  
32           in which the basal area of all trees greater than 4.5 inches in  
            diameter 4.5 feet above ground before harvest is comprised of 75%  
            or more of commercial softwood species, singly or in combination.

34           **10. Stand.** "Stand" means a forested area of land forming a  
36           silvicultural or management entity containing trees that are  
38           sufficiently uniform in species composition, construction, size  
40           or age class, spatial arrangement or condition to be  
            distinguishable from an adjacent land area of different  
            character, with inclusions of minor areas with different  
            characteristics that are less than 5 acres in size.

42           **11. Timber harvesting.** "Timber harvesting" means the  
44           cutting or removal of at least 50 cords of timber for the primary  
            purpose of selling or processing forest products.

46           **Sec. 2. 12 MRSA §8868,** as enacted by PL 1989, c. 555, §10, is  
48           repealed.

50           **Sec. 3. 12 MRSA §8869, sub-§1,** as enacted by PL 1989, c. 555,  
            §10, is amended to read:

2           **1. Standards for regeneration after harvests.** The  
3 commissioner shall adopt rules to ensure adequate regeneration of  
4 commercial tree species on a site within 5 years of completion of  
5 any timber harvest. Rules to implement this requirement shall  
6 must include identification of commercial tree species, minimum  
7 stocking standards and methods to mitigate inadequate  
8 regeneration. In developing regeneration standards, the  
9 commissioner shall take into consideration regional differences  
10 in forest types, tree species and physiographic conditions and  
11 ensure that high future value and productivity will be  
12 sustained. Rules adopted under this subchapter apply to all  
13 timber harvesting that produces clearcut or understocked stands.  
14 Rules adopted under this subchapter are routine technical rules  
15 pursuant to Title 5, chapter 375, subchapter II-A.

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

17           **2-A. Harvesting that produces clearcut or understocked**  
18 **stands.** Harvesting that produces clearcut or understocked stands  
19 is governed by the following.

20           **A. Harvesting that produces clearcut or understocked stands**  
21 **is permitted only for one or more of the following purposes:**

22                   (1) Removal of poor-quality, understocked, mature,  
23 short-lived or intolerant overstories when the  
24 retention of the residual overstory trees is not  
25 justified for further increase in value, as a source of  
26 seed or for protection of the new stand;

27                   (2) Ecologically appropriate improvement or creation  
28 of wildlife habitat, with accompanying prescription and  
29 justification from a certified wildlife professional;

30                   (3) Removal of timber stands that, if partially  
31 harvested according to accepted silvicultural practice,  
32 are at high risk for windthrow due to factors such as  
33 soils, rooting depth, crown ratio or stem quality; or

34                   (4) Harvesting of an existing plantation.

35           **B. The Legislature intends that harvesting that produces**  
36 **clearcut or understocked stands is the harvesting method of**  
37 **last resort and must be used to the least possible extent.**  
38 **Harvesting that produces clearcut or understocked stands is**  
39 **not permitted when the condition of the stand is the result**  
40 **of harvesting within the preceding 10 years.**



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limits harvesting that produces clearcut or understocked stands to specific circumstances.