

MAINE STATE LEGISLATURE

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118th MAINE LEGISLATURE

FIRST SPECIAL SESSION-1997

Legislative Document

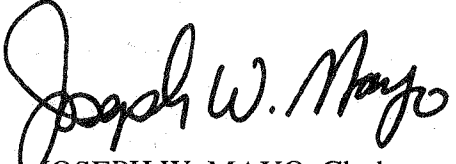
No. 1766

H.P. 1246

House of Representatives, April 9, 1997

An Act to Improve Management of Maine's Forests.

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


JOSEPH W. MAYO, Clerk

Presented by Representative SHIAH of Bowdoinham.

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

2
4 **Sec. 1. 5 MRSA §12004-G, sub-§12-A** is enacted to read:

6 12-A. Sustainable Not Autho- 12 MRSA
8 Environment/ Forest rized §8870-C
 Natural Management
 Resources Audit Board

10 This subsection is repealed 90 days after the adjournment of the
12 Second Regular Session of the 120th Legislature.

14 **Sec. 2. 12 MRSA §8611, sub-§2**, as amended by PL 1989, c. 700,
Pt. A, §40, is further amended to read:

16 **2. Natural resource educator.** The director shall employ a
18 natural resource educator to develop and coordinate natural
20 resource education, workshops and training opportunities for the
22 general public, school-age children, forest landowners, forest
24 products harvesters and forest managers. By February 15, 1998,
26 the director shall convene a natural resource education advisory
 committee that includes, but is not limited to, members that
 represent forest landowners, forest products harvesters, forest
 managers and environmental education organizations. The
 committee shall serve in an advisory capacity to the natural
 resource educator. Specifically, this--person the natural
 resource educator shall:

28 A. Work with the Department of Education and organizations
30 to integrate forestry and forest science programs into the
 science curricula in public and private schools; and

32 B. Establish a program for continuing education courses in
34 timber harvesting equipment operation, safety and basic
 forest management skills; and

36 C. Work in partnership with the private sector and
38 nongovernmental organizations, including, but not limited
40 to, associations whose members own small woodlands in the
42 State to develop new natural resource education initiatives
44 for the general public. By September 1, 1998, the natural
46 resource educator shall submit to the director and to the
 natural resource education advisory committee a plan
 including a description of those initiatives and any
 possible financial resources that have been identified or
 pledged.

48 **Sec. 3. 12 MRSA §8866** is enacted to read:

50 **§8866. Purpose**

2 The Legislature finds that forest management, when practiced
4 in accordance with environmentally sound silvicultural
6 principles, constitutes a beneficial and desirable use of the
8 State's forest resource and makes vital contributions to the
10 economy, environment and aesthetic features of the State. The
tradition of using the forest resource for the production of
forest products and related commercial activities, for recreation
and for sustenance of the State's fisheries and wildlife is
essential to the favorable quality of life in the State.

12 The Legislature finds that timber harvesting is a
14 traditional and legitimate use of the State's lands. The
16 Legislature finds further that it is vital to the welfare of the
18 State that any law, rule or ordinance enacted to regulate this
20 activity seek a lawful balance between the constitutional rights
of all private property owners affected by the regulation or
activity and the interests of the citizens of the State to
protect public health, safety and welfare.

22 **Sec. 4. 12 MRSA §8867**, as amended by PL 1991, c. 722, §4, is
repealed.

24 **Sec. 5. 12 MRSA §8867-A** is enacted to read:

26 **§8867-A. Rulemaking**

28 No later than May 1, 1998, the Commissioner of Conservation
30 shall provisionally adopt rules in accordance with Title 5,
32 chapter 375 to implement this subchapter. Rules adopted pursuant
to this subchapter are major substantive rules as defined in
Title 5, chapter 375, subchapter II-A.

34 The Commissioner of Conservation shall consult with the
36 Commissioner of Environmental Protection and the Commissioner of
Inland Fisheries and Wildlife to ensure that bureau rules are
consistent with wildlife habitat and environmental protection.

38 **Sec. 6. 12 MRSA §8868**, as enacted by PL 1989, c. 555, §10, is
40 repealed.

42 **Sec. 7. 12 MRSA §8868-A** is enacted to read:

44 **§8868-A. Definitions**

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

50 **1. Acceptable growing stock.** "Acceptable growing stock"
means live trees of commercially valuable species classified as

2 sawtimber or pole-timber, that are not culls, or saplings or
3 seedlings capable of developing into trees suitable for producing
4 merchantable products.

6 **2. Affiliated interest.** "Affiliated interest" means:

8 A. Any corporate or other legal entity in which a landowner
9 possesses a controlling ownership interest; or

10 B. Any corporate or other legal entity that possesses a
11 controlling ownership interest in a landowner.

12 The Commissioner of Conservation by rule shall define what
13 constitutes a controlling ownership interest.

16 **3. Certified wildlife professional.** "Certified wildlife
17 professional" means a person who meets the education and
18 experience requirements of a certified wildlife biologist as
19 defined by a professional organization that certifies wildlife
20 professionals.

22 **4. Clear-cut.** "Clear-cut" means any timber harvesting on a
23 forested site greater than 5 acres in size that results in a
24 residual stand that does not meet either of the following
25 conditions:

26 A. The average residual basal area of acceptable growing
27 stock trees 4.5 inches and over in diameter measured at 4
28 1/2 feet above the ground is 45 square feet per acre or
29 more; or

30 B. The site has a well-distributed stand of acceptable
31 growing stock trees of at least 5 feet in height that meets
32 the regeneration standards defined under section 8869-A,
33 subsection 7.

34 **5. Forest lands owned by a landowner.** "Forest lands owned
35 by a landowner" means any forest land in which a landowner or any
36 affiliated interest possesses a dominant ownership interest with
37 respect to timber harvesting. The commissioner by rule shall
38 define what indicia of ownership constitutes a dominant ownership
39 interest.

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

2 7. Landowner. "Landowner" means a person, firm,
3 association, organization, partnership, cotenant, joint tenant,
4 trust, company, corporation, state agency or other legal entity
5 or entities that possess a dominant ownership interest in land
6 with respect to timber harvesting. The commissioner by rule
7 shall define what indicia of ownership constitutes a dominant
8 ownership interest.

10 8. Licensed professional forester. "Licensed professional
11 forester" means a person licensed pursuant to Title 32, chapter
12 75.

14 9. Parcel. "Parcel" means a contiguous tract or plot of
15 forest land owned by a landowner. Multiple contiguous tracts,
16 plots or parcels of forest land owned by the same landowner are
17 considered a single parcel for the purposes of this subchapter.

18 10. Timber harvesting. "Timber harvesting" means the
19 cutting or removal of at least 50 cords of timber for the primary
20 purpose of selling or processing forest products.

22 **Sec. 8. 12 MRSA §8869**, as amended by PL 1995, c. 122, §1 and
23 affected by §2, is repealed.

24 **Sec. 9. 12 MRSA §§8869-A and 8870** are enacted to read:

26 **§8869-A. Timber harvesting rules**

28 Timber harvesting is regulated in this subchapter as follows.

30 1. Rule-making authority. The Commissioner of Conservation
31 shall adopt rules to regulate timber harvesting pursuant to this
32 subchapter in order to promote a healthy and sustainable forest
33 that contains a balance of age classes necessary for a
34 sustainable timber supply and spatial and compositional
35 diversity, to protect water quality, to minimize soil erosion and
36 to address unreasonable adverse impacts on fisheries and wildlife
37 habitat. Such rules must describe with specificity the class of
38 activities covered by the rules and may establish standards of
39 performance, design, regeneration or use as appropriate to
40 balance the need to avoid unreasonable environmental impacts with
41 the considerations of the practicality and costs of
42 implementation and enforcement. Such rules must to the extent
43 possible be developed in consideration of their practicality and
44 costs of implementation and enforcement. Any such rules must
45 require notification to the Commissioner of Conservation prior to
46 the undertaking of the regulated activity. Rules must also
47 include a streamlined notification process to the Commissioner of
48 Conservation prior to the undertaking of any activity requiring
49 certification. The Commissioner of Conservation may incorporate
50

2 regional variations in developing performance standards that
3 consider growing conditions, tree species and site quality. The
4 Commissioner of Conservation may draw reasonable distinctions
5 based upon total forest holdings as well as the size of parcels
6 to be harvested in order to take into account the diminishing
7 scale of impacts and the logistics of harvesting smaller parcels.

8 2. Silvicultural standards; permit by rule. Except as
9 provided under subsections 15 to 17 and notwithstanding the
10 provisions of Title 5, chapter 375, subchapters IV and V, a
11 landowner shall obtain a permit by rule from the Commissioner of
12 Conservation prior to conducting a clear-cut. The Commissioner
13 of Conservation shall adopt rules to implement a permit-by-rule
14 process based upon streamlined notification and applicant
15 certification of compliance with the standards of this section.

16
17 A. The Commissioner of Conservation shall grant a permit by
18 rule to allow the use of clear-cuts in timber harvesting
19 operations upon proper application and with any conditions
20 necessary to fulfill the purposes of this subchapter when
21 the Commissioner of Conservation finds that the applicant
22 has demonstrated that the clear-cutting is conducted for one
23 or more of the following purposes:

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

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

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

36 (4) Harvesting of an existing plantation.

37
38 B. The Commissioner of Conservation shall process all
39 permits under this subchapter under a permit-by-rule
40 process. A permit-by-rule application must be processed as
41 follows:

42 (1) The applicant shall notify the Bureau of Forestry
43 at least 14 days prior to initiating a clear-cut;
44

2 (2) The applicant shall complete a form provided by
3 the Bureau of Forestry requiring the following
4 information:

5 (a) The size and number of the proposed
6 clear-cuts and other harvest notification
7 information required under section 8883,
8 subsection 1;

9 (b) Which silvicultural purpose under paragraph A
10 the proposed clear-cut fulfills;

11 (c) A certification signed by a licensed
12 professional forester or, if required under this
13 subsection, by a certified wildlife professional,
14 attesting that the proposed clear-cuts meet one or
15 more purposes under paragraph A;

16 (d) A certification by the applicant that the
17 applicant will comply with this subchapter and all
18 implementing rules as conditions of the permit; and

19 (e) Other information determined to be necessary.

20 (3) The permit by rule takes effect 14 days after the
21 Bureau of Forestry receives the notification form,
22 unless the Commissioner of Conservation approves or
23 denies the permit by rule prior to that date. The
24 Commissioner of Conservation shall approve or deny the
25 application after review of any reliable information on
26 file with the application pertaining to the applicant's
27 compliance with standards for issuance of the permit
28 provided for in paragraph A, subparagraphs (1) to (4).
29 During the 14-day period, the Commissioner of
30 Conservation or the Commissioner of Conservation's
31 designee may contact the applicant verbally to notify
32 the applicant of the need to submit additional
33 information in order to complete the application, and
34 the applicant and Commissioner of Conservation may
35 mutually agree to extend the 14-day period in order to
36 accommodate completion of the application. The permit
37 by rule is effective for 2 years from the effective
38 date of approval;

39 (4) If the Commissioner of Conservation denies the
40 permit by rule, the Commissioner of Conservation shall
41 state the reasons in writing and describe under what
42 conditions a permit may be approved. The Commissioner
43 of Conservation may provide verbal notice of a denial
44 within the 14-day period as long as the Commissioner of
45 Conservation provides written notice of the denial
46 within the 14-day period.

2 Conservation immediately issues a written denial. The
3 applicant may elect to accept a permit by rule with the
4 proposed conditions or, alternatively, seek a variance
5 under subsection 17; and

6 (5) An approval or denial of a permit by rule is
7 considered final agency action for purposes of judicial
8 appeal under Title 5, chapter 375, subchapter VII.

10 3. Maximum area clear-cut limit; forest land ownerships
11 equal to or greater than 100,000 acres. When forest lands owned
12 by a landowner total 100,000 acres or more statewide, the maximum
13 of that land area to be clear-cut in any year is limited to:

14 A. Not more than 0.25% of the landowner's total statewide
15 land area ownership, plus any unused qualifying acres that
16 may be carried over for up to 3 years; and

17 B. Not more than an additional 0.75% of the ownership's
18 total statewide land area, as long as every acre clear-cut
19 in excess of the 0.25% limit referenced in paragraph A is
20 matched with an acre of land that was planted or
21 precommercially thinned, mechanically or with nonchemical
22 manual methods, in the previous year. During the period
23 from January 1, 1998 to December 31, 1998, landowners may
24 only exercise this option using the greatest number of acres
25 that were planted or precommercially thinned, mechanically
26 or with nonchemical manual methods, during any one of the
27 calendar years 1994, 1995 or 1996, as reported to the Maine
28 Forest Service under the reporting requirements of section
29 8885, subsection 2. Beginning January 1, 1998, unused
30 qualifying acres may be carried over for up to 3 years.

31 4. Maximum area clear-cut limit; forest land ownerships
32 less than 100,000 acres. When forest lands owned by a landowner
33 total less than 100,000 acres statewide, the maximum of that land
34 area to be clear-cut on a parcel in any one year is limited to
35 the greater of either 100 acres or 10% of the land area of any
36 parcel. The total land area meeting the definition of a
37 clear-cut under section 8868-A, subsection 4 must be calculated
38 each year to ensure that clear-cuts do not occupy at any point in
39 time more than 100 acres or 10% of the parcel, whichever is
40 greater.

41 5. Maximum individual clear-cut size. An individual
42 clear-cut may not exceed 75 acres in total area.

43 6. Clear-cut separation zones. For parcels of land over
44 100 acres, clear-cut harvest areas must be separated by a defined
45 area equal to the area contained within the perimeter of the
46 area.

1 clear-cut. Each defined area must be identified with a specific
2 clear-cut area. For parcels of land 100 acres or less, a
4 clear-cut must be separated from any other clear-cut by at least
250 feet.

6 **7. Standards for regeneration after harvests.** The
7 Commissioner of Conservation shall adopt rules to ensure adequate
8 regeneration of commercially valuable tree species on a site
10 within 5 years of completion of any timber harvest. Rules to
12 implement this requirement must include identification of
14 commercial tree species, minimum stocking standards and methods
16 to mitigate inadequate regeneration. In developing regeneration
18 standards, the Commissioner of Conservation shall take into
20 consideration regional differences in forest types, tree species
and physiographic conditions. If the regeneration on a harvested
site or a portion of a harvest site is destroyed by fire,
disease, insect infestation or other natural disaster, the
regeneration requirement does not apply. Vegetative cover
sufficient to prevent accelerated erosion must be established on
the site.

22 **8. Transfer or sale of property.** Upon sale or other
24 transfer of ownership of land that has been harvested, the
26 transferee becomes responsible for the regeneration requirements
28 on the site. The transferor shall disclose in writing to the
30 transferee the regeneration requirements of this section at, or
prior to, the time of sale or transfer. Failure of the
transferor to comply with the disclosure requirement results in
the transferor being responsible for the cost of compliance with
the regeneration requirements of subsection 7.

32 **9. Application.** This section applies to all forest lands
34 in the State, including land in municipal and state ownership.
36 Only state-owned or state-operated research forests or
industrially owned research forests certified by the Commissioner
of Conservation are exempt from these requirements.

38 **10. Relationship to municipal ordinances.** Except as
40 provided in this subsection, this subchapter may not be construed
42 to preempt or otherwise limit the existing authority of
44 municipalities to regulate timber harvesting. Municipalities
46 regulating timber harvesting shall adopt definitions for forestry
48 terms used in their ordinances that are consistent with
definitions in section 8868-A and with forestry terms adopted by
the Commissioner of Conservation pursuant to this subchapter.
Municipal timber harvesting ordinances adopted before September
1, 1990 and not amended subsequently must meet this standard of
definitional compliance no later than January 1, 1999.

2 A municipality may not adopt an ordinance that is less stringent
3 than the minimum standards established in this section and in the
4 rules adopted to implement this section. A municipality may not
5 adopt or amend an ordinance that regulates timber harvesting
6 unless the process set out in this subsection is followed in the
7 development and review of the ordinance.

8 A. A licensed professional forester must participate in the
9 development or amendment of the ordinance.

10 B. A face-to-face meeting must take place in the
11 municipality during the development or amendment of the
12 ordinance between representatives of the Department of
13 Conservation and the municipal officers and other municipal
14 officials involved in developing the ordinance. Discussion
15 at the meeting must include, but is not limited to, the
16 forest practices goals of the municipality. At this meeting
17 and subsequently, the department must provide guidance to
18 the municipality on how the municipality may use sound
19 forestry practices to achieve the municipality's forest
20 practices goals.

21 C. The municipality shall hold a public hearing to review a
22 proposed ordinance or ordinance amendment at least 45 days
23 before a vote is held on the ordinance. The municipality
24 shall post and publish notice of this public hearing
25 according to the same general requirements of posted and
26 published notice for zoning ordinance public hearings as
27 provided by Title 30-A, section 4352, subsection 9.

28 In addition, when a municipality proposes to adopt or amend
29 a timber harvesting ordinance pursuant to its home rule
30 authority as provided by Title 30-A, section 3001, the
31 municipality shall mail notice of the hearing by first-class
32 mail at least 14 days before the hearing to all landowners
33 in the municipality at the last known address of the person
34 on whom a property tax on each parcel is assessed. In the
35 case of a timber harvesting ordinance or amendment that
36 applies only to certain zones or land use districts in the
37 municipality, the municipality may meet the requirements of
38 this subsection by mailing notice only to those landowners
39 whose land is in a zone or land use district or immediately
40 abutting the affected zone or land use district.

41 Mailed notice to individual landowners is not required under
42 this subsection for any type of amendment to an existing
43 local land use ordinance merely to conform that ordinance to
44 the minimum timber harvesting guidelines required by Title
45 38, section 439-A, as those guidelines may be subsequently
46 amended, or to conform any timber harvesting ordinance to
47 the minimum timber harvesting guidelines required by Title
48 38, section 439-A, as those guidelines may be subsequently
49 amended, or to conform any timber harvesting ordinance to
50 the minimum timber harvesting guidelines required by Title

2 the definitional compliance required by this section when
4 the amendments proposed to accomplish definitional
6 compliance do not substantially change any previously
8 established timber harvesting standards adopted pursuant to
10 home rule authority.

12 The municipal officers shall prepare and file with the
14 municipal clerk a written certificate indicating those
16 landowners to whom the notice was mailed and at what
18 addresses, when it was mailed, by whom it was mailed and
20 from what location it was mailed. The certificate
22 constitutes prima facie evidence that notice was sent to
24 those landowners named in the certificate.

26 Any action challenging the validity of the adoption or
28 amendment of a municipal timber harvesting ordinance based
30 on the municipality's alleged failure to comply with the
32 landowner notice requirement must be brought in Superior
34 Court within 30 days after the adoption of the ordinance or
36 amendment. The Superior Court may invalidate an ordinance
38 or amendment only if the landowner demonstrates that the
40 landowner was entitled to receive a notice under this
42 section, that the municipality failed to send the notice as
44 required, that the landowner had no knowledge of the
46 proposed ordinance or amendment and that the landowner was
48 materially harmed by that lack of knowledge.

D. The municipal clerk shall notify the Department of
Conservation of the time, place and date 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.

E. At the public hearing, representatives of the Department
of Conservation must be provided an opportunity to present
and discuss for the municipality's information any reports,
articles, treatises or similar materials published by
acknowledged experts in the field of sound forestry or
silvicultural management to the extent such information
might apply to the proposed ordinance or ordinance amendment.

The proposed ordinance or ordinance amendment may be revised
after the public hearing. The ordinance or amendment must
be submitted to the legislative body of the municipality in
accordance with the procedures the municipality uses for
adopting ordinances.

F. Municipal timber harvesting ordinances may not be
unreasonable, arbitrary or capricious and must employ means

2 appropriate to the protection of public health, safety and
3 welfare.

4 G. All direct costs incurred by a municipality associated
5 with landowner notification requirements and other required
6 public notice must be paid to the municipality in accordance
7 with a distribution schedule established under Title 30-A,
8 section 5685, subsection 5. All direct costs incurred by a
9 municipality associated with the amendment of ordinances
10 adopted before September 1, 1990, and not subsequently
11 amended, in order to comply with this section must be paid
12 to the municipality in accordance with a distribution
13 schedule established under Title 30-A, section 5685,
14 subsection 5.

15 **11. Centralized listing of municipal ordinances.** The
16 Bureau of Forestry shall maintain for informational purposes a
17 statewide centralized listing of municipal ordinances that
18 specifically apply to forest practices.

19 A. Within 30 days after the legislative body of the
20 municipality votes on a timber harvesting ordinance
21 developed according to the procedures of subsection 10, the
22 clerk shall notify the bureau of the outcome and shall file
23 a copy of the ordinance with the bureau.

24 **12. Right of enforcement.** Department of Conservation
25 employees designated by the Commissioner of Conservation and any
26 state, county or municipal law enforcement officer, including,
27 but not limited to, Bureau of Forestry forest rangers and field
28 foresters and inland fisheries and wildlife wardens are
29 authorized to enforce this subchapter and implementing rules.
30 The Director of the Bureau of Forestry is authorized to issue a
31 stop-work order for up to 5 working days to a landowner,
32 contractor or any other person conducting timber harvesting when
33 there is probable cause to believe that a violation of this
34 subchapter or implementing rules has occurred. Department of
35 Conservation employees designated by the Commissioner of
36 Conservation are authorized to conduct inspections and to enforce
37 this subchapter and implementing rules under the Maine Rules of
38 Civil Procedure, Rules 80E and 80H.

39 **13. Right of entry.** Agents of the Bureau of Forestry have
40 rights of access to all lands in the State to carry out their
41 duties authorized by law. Entry into private property under this
42 subsection is not a trespass. This subsection does not authorize
43 entry into any building or structure.

44 **14. Right of action.** A landowner found in violation of
45 this section and penalized under section 9701 as a result of

2 actions of a harvester has a right of action to recover the
3 penalty against the harvester who undertook the harvest operation
4 found in violation. In addition to all other defenses permitted
5 by law, it is a defense that the harvester operated under the
6 landowner's instructions. For the purposes of this subsection,
7 the terms "harvester" and "harvest operation" have the same
8 meanings as in section 8881.

10 15. Exemption for compliance with the Sustainable Forest
11 Management Audit Program. After receipt of any recommendations
12 to exempt landowners who have demonstrated compliance with
13 subsection 2, paragraph B or subsection 3, 4, 5 or 6 and the
14 audit criteria of section 8870-D, the Commissioner of
15 Conservation may adopt rules to exempt such qualifying
16 landowners, in whole or part, from these provisions, but only if
17 the Commissioner of Conservation determines that the purposes of
18 section 8866 and this section will be fulfilled by the audit
19 criteria approved by the Sustainable Forest Management Audit
20 Board.

22 16. Exemption from permit-by-rule standards for clear-cut
23 due to natural disturbance. Timber harvesting activities are
24 exempt from the restrictions on clear-cut size, separation zones
25 and maximum extent of clear-cutting and other requirements under
26 subsection 2, 3, 4, 5 or 6 upon issuance of a natural disturbance
27 exemption by the Commissioner of Conservation, as necessary to
28 allow the salvage or presalvage of timber for which there is a
29 high probability of substantial loss or damage from severe
30 natural disturbances, which include, but are not limited to,
31 fire, insect infestation, disease, ice and wind. A landowner may
32 apply for, or the Commissioner of Conservation may declare in the
33 absence of a landowner application, a natural disturbance
34 exemption. If the Commissioner of Conservation declares a
35 natural disturbance exemption, the Commissioner of Conservation
36 shall identify the geographic areas to which the exemption
37 applies. Both declarations and applications for exemptions must
38 include a description of the natural disturbance, the areas
39 impacted by the natural disturbance, the species or stand types
40 affected, the duration of the exemption and the specific
41 activities regulated under this section to which the exemption
42 applies. The application is automatically granted if not denied
43 within 45 days of the Department of Conservation's receipt of the
44 application by certified mail, return receipt requested. The
45 Commissioner of Conservation shall grant an application if, based
46 on the best available scientific information, the Commissioner of
47 Conservation finds that there is a high probability of
48 substantial loss or damage from severe natural disturbance and
49 that the proposed harvesting can not be reasonably undertaken
50 under the conditions specified in subsection 2, 3, 4, 5 or 6. If
the Commissioner of Conservation denies the exemption, the
Commissioner of Conservation shall state the reasons in writing

2 and describe the conditions that allow an exemption to be
3 granted. The landowner may elect to accept a conditional
4 approval or, alternatively, seek a variance under subsection 17.

6 **17. Exemption from permit standards for clear-cuts less**
7 **than 50 acres in total area.** When forest lands owned by a
8 landowner total less than 100,000 acres statewide, clear-cuts in
9 those lands totaling less than 50 acres per year per parcel are
10 exempt from the permit requirements of subsection 2, but must be
11 conducted in accordance with all other applicable standards.

12 **18. Variance.** The Commissioner of Conservation may grant a
13 variance from the standards in subsection 2, 3, 4, 5 or 6 when
14 the Commissioner of Conservation finds that strict compliance
15 with this section and implementing rules cause unusual hardship
16 or extraordinary difficulties because of topography, access,
17 location, shape, size or other physical features of a site, that
18 the proposed clear-cutting is in keeping with the general spirit
19 and intent of this subchapter and that the public interest is
20 otherwise protected. An applicant for a variance shall submit an
21 application on a form provided by the Bureau of Forestry at least
22 60 days prior to the proposed clear-cut activity. The variance
23 must be processed as provided under subsection 2, paragraph B,
24 except that the Commissioner of Conservation shall issue a
25 written decision granting the variance with any necessary
26 conditions in order for the variance to become effective. The
27 Commissioner of Conservation shall adopt rules and standards for
28 clear-cut variances.

30 **18. Penalty.** A person who violates any requirement of this
31 section, the condition or terms of any permit issued by the
32 Commissioner of Conservation under this section or a provision of
33 any rule adopted under this section commits a civil violation for
34 which a forfeiture not to exceed \$1,000 may be adjudged. Each
35 day of a violation is considered a separate offense.

36 **§8870. Evaluation and assessment**

38 By January 1, 2000 and every 5 years thereafter, the
39 Commissioner of Conservation shall report to the Legislature on
40 the results of an evaluation and assessment of the impacts of
41 this subchapter and the forest harvest rules adopted pursuant to
42 it. At a minimum, the evaluation and assessment must include
43 research necessary to obtain:

46 **1. Acreage harvest.** The total acreage, the average
47 acreage, the range of acreage and the geographic distribution of
48 clear-cuts and other regeneration and nonregeneration harvests in
49 the State;

2 2. Harvesting by landowners. The extent to which forest
3 landowners are harvesting to the minimum standards adopted in the
4 forest practices rules; and

5 3. Effect of timber harvesting. An understanding of how
6 this subchapter and the forest harvest rules adopted pursuant to
7 it have affected the sustainability of timber harvesting in the
8 State.

10 Sec. 10. 12 MRSA c. 805, sub-c. III-B is enacted to read:

12 SUBCHAPTER III-B

14 VOLUNTARY SUSTAINABLE FOREST MANAGEMENT AUDITS

16 §8870-A. Sustainable Forest Management Audit Program

18 1. Findings. The Legislature finds that:

20 A. The forests of this State are critical for the economic
21 and ecological health and quality of life in this State;

22 B. The forests of this State should be managed in a manner
23 that ensures their sustainable ecological and economic
24 health;

25 C. Landowners must be encouraged to manage their forests in
26 a sustainable manner to meet the needs of current and future
27 generations; and

28 D. Regulatory systems alone are insufficient to ensure
29 sustainable forest management. Voluntary efforts by owners
30 of forest lands that foster individual creativity and
31 flexibility in meeting sustainability goals are encouraged.

32 2. Definitions. As used in this subchapter, unless the
33 context otherwise indicates, the following terms have the
34 following meanings.

35 A. "Benchmark" means a measurable forest management goal or
36 guideline, but is not a regulatory standard.

37 B. "Bureau" means the Bureau of Forestry.

38 C. "Commissioner" means the Commissioner of Conservation.

39 D. "Director" means the Director of the Bureau of Forestry.

2 E. "Landowner" means an owner of forest lands or an
3 authorized representative or agent of an owner of forest
4 lands.

6 3. Program established; objectives. The Sustainable Forest
7 Management Audit Program, referred to in this subchapter as the
8 "program," is established within the Department of Conservation
9 to encourage continuous improvement in forest management and to
10 optimize both the long-term ecological and the economic health of
11 forests in this State. Two objectives guide the program:

12 A. The maintenance and enhancement of timber sustainability
13 and economic viability of forest management; and

14 B. The maintenance and enhancement of the biodiversity of
15 forests in this State, including viable populations of
16 existing native species and viable representatives of
17 existing native forest communities, well distributed across
18 their native ranges.

20 **§8870-B. Eligibility**

22 Prior to January 1, 2002, any landowner who owns 100,000 or
23 more acres of forest lands in the State is eligible to
24 participate in the program. A landowner who owns less than
25 100,000 acres of forest lands in the State is eligible to
26 participate in the program by mutual agreement of the director
27 and the landowner. After January 1, 2002, any landowner is
28 eligible to participate. Participation by a landowner in the
29 program is voluntary.

32 **§8870-C. Audit program administration**

34 1. Board established; membership; termination. The
35 Sustainable Forest Management Audit Board, referred to in this
36 subchapter as the "board," is established within the Department
37 of Conservation to develop the program and oversee its
38 implementation by the bureau. The bureau shall provide staff
39 assistance to the board within existing budgeted resources. The
40 board has no regulatory authority. Meetings of the board are
41 public meetings.

42 The board consists of 7 members who must be appointed no later
43 than January 1, 1998 and shall serve until termination of the
44 board in January 1, 2002. The Governor shall appoint each
45 member, subject to review by the joint standing committee of the
46 Legislature having jurisdiction over forestry matters and to
47 confirmation by the Senate. The board shall select a chair from
48 among its members.

2 The board must be composed of a balance of members who have
3 expertise in forest management, timber harvesting, wildlife and
4 conservation and ecological principles, including landowners who
5 are eligible to participate in the program and members of the
6 general public.

7 A vacancy on the board must be filled as provided for initial
8 appointees in this subsection. Board members are not entitled to
9 compensation or reimbursement of expenses.

10 This subsection is repealed 90 days after adjournment of the
11 Second Regular Session of the 120th Legislature.

12
13 **2. Decision-making process.** The board shall reach its
14 decisions by the unanimous approval of its members. The board
15 may convene working groups to assist it in areas requiring
16 particular expertise or perspectives. The board shall provide
17 ample opportunities for public input and discussion. The board
18 shall convene a working group on cold water fisheries habitat
19 issues. The cold water fisheries habitat working group must
20 include, but is not limited to, a representative of the
21 Department of Inland Fisheries and Wildlife having expertise in
22 cold water fisheries management, a representative of a statewide
23 association of sportsmen, a representative of any Maine
24 organization engaged in the stocking, restoration or protection
25 of cold water fisheries, a representative of the University of
26 Maine System having expertise in aquatic ecology and a
27 representative of the Maine Forest Products Council. The working
28 group shall develop and recommend to the board voluntary best
29 management practices that enhance existing protection for cold
30 water fisheries habitat and can be integrated into audit programs
31 certified under this subchapter.

32
33 This subsection is repealed 90 days after adjournment of the
34 Second Regular Session of the 120th Legislature.

35
36 **3. Duties of the board.** The board shall:

37
38 **A.** By January 1, 1999, through a public process and using
39 the best scientific information and expertise available to
40 it:

41
42 (1) Establish specific, credible and practical
43 benchmarks to achieve the objectives set forth in
44 section 8870-A. The benchmarks must be developed in
45 the categories set forth in section 8870-D. In
46 establishing the benchmarks, the board must consider
47 and incorporate, as appropriate, the work of past
48 collaborative forest policy efforts, including the
49 findings and recommendations set forth in the final
50 report.

2 report of the Maine Council on Sustainable Forest
3 Management. In addition, the benchmarks established
4 must be practical yet sufficiently flexible to
5 encourage participation in the program by landowners
6 representing a range of ownership sizes and must ensure
7 continuous improvement of the audit process;

8 (2) Establish the methodology by which the forest
9 management programs of landowners participating in the
10 program will be audited;

11 (3) Establish a process for certifying independent 3rd
12 parties to perform program audits. Once established,
13 the certification process must be administered by the
14 bureau;

15 (4) Recommend to the commissioner incentives to
16 encourage participation in the program by landowners.
17 The incentives may include, but are not limited to,
18 marketing opportunities, tax treatment and regulatory
19 flexibility; and

20 (5) Recommend to the commissioner disincentives for
21 failure to meet program benchmarks; and

22
23
24
25
26 B. By January 1, 2000, through a public process, review and
27 recommend to the commissioner measures for providing
28 regulatory flexibility and exemptions, in whole or in part,
29 for participants in the program. The board may consider
30 exemptions from provisions, including, but not limited to,
31 the following:

32 (1) Section 8869-A, subsection 2, paragraph B,
33 relating to permit-by-rule requirements;

34 (2) Section 8869-A, subsections 3 and 4, relating to
35 the clear-cut area limit;

36 (3) Section 8869-A, subsection 5, relating to
37 clear-cut size limits; and

38 (4) Section 8869-A, subsection 6, relating to
39 clear-cut separation zones.

40
41
42
43
44 **4. Duties of the commissioner. The commissioner shall:**

45 A. No later than January 1, 1999, after consultation with
46 the board, develop and maintain a register of alternative
47 accredited 3rd-party audit or certification programs that,
48 in the commissioner's judgment, employ benchmarks and
49 in the commissioner's judgment, employ benchmarks and
50 in the commissioner's judgment, employ benchmarks and

2 criteria that are substantially equivalent to those employed
4 under this section and develop a process to add new
6 alternative accredited 3rd-party audit or certification
8 programs after consultation with the board. In developing
10 the register, the commissioner's criteria for registering
12 programs must be sufficiently flexible to allow registration
14 of existing accredited 3rd-party audit or certification
16 programs that certify for sustainable forest practices,
18 ecological health, socio-economic health and marketing of
20 forest products in order to ensure continuity for landowners
22 using such programs and minimize duplication of effort.

24 Notwithstanding any other provisions of this paragraph, a
26 landowner is considered to be in compliance with the
28 provisions of the program if the landowner submits to the
30 commissioner documentation, as the commissioner may require,
32 within 6 months of the effective date of this section, of
34 the successful completion of an audit conducted prior to
36 January 1, 1996 by an organization competent to conduct
38 sustainable forestry audits that consider, at a minimum,
40 sustainable forest practices, ecological health,
42 socio-economic health and marketing of forest products.
44 Landowners who have submitted documentation of such
46 certification are considered in compliance with the
48 alternative audit program so long as the documented
certification is maintained and so long as the
organization's certification program remains substantially
unchanged;

30 B. Adopt rules establishing a procedure for a landowner to
32 demonstrate compliance with the provisions of the program
34 through submission of audit certification by an organization
36 on the register. At the time of the adoption of rules, the
38 commissioner shall review any organization considered in
40 compliance with the alternative audit program and shall
42 authorize the continuation of this recognized status when
44 the commissioner determines that the organization's audit
46 program continues to employ benchmarks and criteria that are
48 substantially equivalent to those employed under this
section. In addition, the commissioner may adopt rules to
certify independent 3rd-party auditors to carry out forest
management audits conducted pursuant to this subchapter,
following establishment of benchmarks and audit methods by
the board. Pursuant to Title 5, chapter 375, subchapter
II-A, the rules are major substantive rules; and

30 C. Assume any remaining duties of the board upon the
32 board's termination in January 1, 2002.

2 5. Responsibility for program administration. The bureau
shall administer the program, including benchmarks, methodologies
and processes developed by the board.

4
6 6. Auditing program. The following govern the auditing
program.

8 A. A landowner who participates in the program shall first
register with the director and then may select an auditor
10 certified by the bureau who does not have a direct and
substantial financial or other relationship with that
12 landowner that may preclude the auditor's ability to conduct
an independent, objective audit.

14
16 B. Upon selection of an auditor, a participating landowner
shall submit to the bureau a timetable for conducting an
audit of the management of the landowner's forest lands in
18 the State and identification of the auditor selected. The
auditor and participating landowner shall use their best
20 efforts to ensure that the audit is conducted within 18
months after submission of the timetable or after
22 establishment of benchmarks and audit methodology by the
board, whichever is later. For timetables submitted by July
24 1, 1999, every effort must be made to complete the initial
audits by December 31, 2000. The audit must be conducted in
26 accordance with the benchmarks and criteria established by
the board.

28
30 C. Upon completion of an audit, the auditor shall submit a
report to the bureau and the board that indicates whether
32 the landowner passed or failed the audit, along with a brief
statement describing the basis for that determination.

34 D. An audit of the management of forest lands of a
participating landowner must be conducted at least every 5
36 years in order for the landowner to continue to participate
in the program.

38
40 7. Auditor's report; confidentiality. The report of the
auditor that indicates whether a landowner passed or failed the
42 audit and the statement describing the basis for that
determination are public records. For purposes of Title 1,
44 section 402, an auditor certified by the bureau is not an agency
or public official of the State and materials held by the auditor
46 in the course of an audit are not public records by virtue of
being in the possession or custody of the auditor.

48 **§8870-D. Audit program benchmarks**

2 The board shall develop specific, credible and practical
3 benchmarks in the following areas.

4 1. Sustained yield. Benchmarks must include measures to
5 ensure sustained yield. These measures may include growth,
6 harvest levels, rotation length, inventory levels, mix of species
7 and landowners' forest management objectives, if these objectives
8 are compatible with the objectives of the program. The
9 benchmarks must include appropriate flexibility for year-to-year
10 variation.

11 2. Management according to silvicultural guidelines. The
12 benchmarks must include appropriate use of established
13 silvicultural guidelines, including standards to achieve
14 improvement of the overall quality of the timber resource as a
15 foundation for more value-added opportunities.

16 3. Landscape goals. In the area of landscape goals, the
17 benchmarks must include a requirement to gather and analyze data
18 and to develop and implement a plan for distribution of age
19 classes, species, habitats and structures to include mature and 2
20 or more layered stands, over a landowner's total statewide land
21 area ownership. The benchmarks must include a definition of and
22 benchmarks for "naturalistic forest management" to be applied on
23 landscapes of high ecological, recreational or scenic value.
24 Benchmarks must reflect the limitations and opportunities
25 inherent in existing forest conditions and may need to achieve a
26 desired result over a period of time.

27 4. Plantations. The benchmarks must include measures to
28 ensure the appropriate establishment and distribution of
29 plantations.

30 5. Visual impact. In the area of visual impact, the
31 benchmarks must include actions at both the landing and landscape
32 levels to minimize the potential adverse impact of forest
33 management within a landowner's total statewide land area
34 ownership, including the impact on views with significant public
35 use.

36 6. Wildlife and fisheries habitat. The benchmarks must
37 include forest management that promotes wildlife and fisheries
38 habitat diversity and conserves viable plant and animal
39 populations.

40 7. Fragile or rare ecological sites. The benchmarks must
41 include screening for and protection of fragile or rare
42 ecological sites.

2 8. Insecticides and herbicides. The benchmarks must ensure
the prudent use of forest insecticides and herbicides and use
4 integrated pest management techniques to minimize the need for
insecticide and herbicide use.

6 9. Soil productivity and water quality. The benchmarks
must include the protection of soil productivity and water
8 quality.

10 The board may develop other benchmarks that it identifies as
necessary to achieve the purposes of this subchapter.

12 **§8870-E. Annual report**

14 The director, after consultation with the board, shall
16 publish a report annually on the condition of the forests of the
State and on landowner performance within the program no later
18 than December 31st of each year. The bureau shall analyze
available United States Forestry Service inventory data to
20 establish a baseline and trends in the sustainability and
structure of the forest. A copy of the report must be submitted
22 to the joint standing committee of the Legislature having
jurisdiction over forestry matters.

24 **Sec. 11. 14 MRSA §7552, sub-§3, ¶B,** as enacted by PL 1995, c.
26 450, §2, is amended to read:

28 B. For lost trees, the owner may claim in lieu of market
value the forfeiture amounts in Title 17, section 2510,
30 subsection 2. In addition, the owner's damages may include
the costs for regeneration of the stand in accordance with
32 Title 12, section 8869 8869-A.

34 **Sec. 12. 38 MRSA §439-A, sub-§5, ¶C,** as repealed and replaced
by PL 1991, c. 66, Pt. A, §10, is amended to read:

36 C. Any site within a shoreland area zoned for resource
38 protection abutting a great pond, beyond the 75-foot strip
restricted in paragraph B, where timber is harvested must be
40 reforested within 2 growing seasons after the completion of
the harvest, according to guidelines adopted by the board.
42 The board shall adopt guidelines consistent with minimum
stocking standards established under Title 12, section 8869
44 8869-A.

46 **Sec. 13. 38 MRSA §480-Q, sub-§7-A, ¶A,** as enacted by PL 1989,
c. 838, §6, is amended to read:

48 A. The activity results in a forest stand that meets the
50 minimum stocking requirements in rules adopted pursuant to

2 Title 12, section 8869 ~~8869-A~~. This requirement takes
effect when those rules are adopted;

4 **Sec. 14. Ecological forest reserves.** The Legislature endorses the
Bureau of Parks and Lands' designation of ecological forest
6 reserves on state-owned land to protect viable representatives of
the State's natural community types and to provide a credible
8 reference point for the scientific evaluation of potential
ecological issues on commercially managed forest lands.

10 1. The Legislature endorses the Bureau of Parks and Lands'
12 integrated resource management policies for such reserves,
including to:

14 A. Serve as reference points in studying the impact of
16 forest management on the forest environment;

18 B. Provide for a wide range of forest conditions;

20 C. Preserve natural areas;

22 D. Preserve old growth;

24 E. Establish and maintain biological diversity;

26 F. Sustain the health and vitality of the natural
environment for the State's many species of wildlife; and

28 G. Establish and maintain a broad array of habitat
30 conditions for all indigenous species of wildlife, existing
forest types and other plant associations.

32 2. The Legislature therefore directs that:

34 A. The Land and Water Resources Council, with support from
36 the Department of Conservation and the Department of Inland
Fisheries and Wildlife, shall determine which public and
38 private nonprofit conservation lands have potential to meet
the objectives of ecological forest reserves as described in
40 subsection 1. The council shall also determine which of
these lands are managed consistent with those objectives of
42 ecological forest reserves and provide this information to
the Department of Conservation by May 1, 1998. Using this
44 information, the Department of Conservation shall provide an
interim report to the Joint Standing Committee on
46 Agriculture, Conservation and Forestry by June 1, 1998. In
this report, the Department of Conservation shall identify
48 ecological forest community types that exist on public lands
managed by the Bureau of Parks and Lands that are not

2 adequately represented by land managed on the effective date
of this Act by public and private nonprofit conservation
4 entities;

6 B. After soliciting public comment through public meetings,
the Bureau of Parks and Lands may establish ecological
8 forest reserves totaling between 8,000 and 10,000 acres on
public lands that are primarily available for timber
10 harvesting. These reserves must complement those lands
already identified as being managed consistent with the
12 objectives for ecological forest reserves. Timber
harvesting is prohibited on the ecological forest reserves.
14 Notwithstanding any other provision of this section,
traditional recreation activities, including, but not
16 limited to, hunting, trapping and fishing, must be allowed
on ecological forest reserves designated by this section to
18 the same extent that such uses would be allowed on those
lands had they not been designated as ecological forest
20 reserves. It is the intent of the Legislature that reserves
established in accordance with this paragraph be established
by October 1, 1998; and

22 C. The Land and Water Resources Council, with support from
24 the Department of Conservation and the Department of Inland
Fisheries and Wildlife, shall assess the need for additional
26 ecological forest reserves, if any, and the extent to which
these can be accommodated on existing public lands. The
28 council shall develop scientifically justified criteria for
the identification and ranking of any ecological types that
30 may merit inclusion in a reserve. The council shall also
consider the fiscal impact of any additional reserves on the
32 operations of the landowning public agencies. By January 1,
1999, the council shall submit its findings to the Governor
34 and the Legislature. No additional public lands may be
designated by the Bureau of Parks and Lands as ecological
36 forest reserves prior to January 1, 1999.

38 **Sec. 15. Timber liquidation.** The Legislature finds that
certain forest lands in the State have been subjected to the
40 practice of timber liquidation harvesting.

42 The act of timber liquidation harvesting, defined as
excessive timber harvesting on lands held for less than 10 years,
44 is inconsistent with accepted silvicultural and forest
stewardship principles shared by the State and its private forest
46 landowners. Ensuring a sustainable forest resource for the State
requires the objective of severely restricting timber liquidation
48 activities in the State. While the regulatory changes introduced
by this legislation will impact and reduce timber liquidation in

2 the State, additional policies will be required to achieve the
objective of severely restricting this activity.

4 Therefore, the Legislature directs that:

6 1. Upon enactment of this legislation, the Maine Forest
Service, in consultation with faculty of the College of Forestry
8 and Natural Resources at the University of Maine and other
outside experts on timber liquidation and forest productivity,
10 shall initiate and complete by March 1, 1998 an assessment of the
expected impact of the provisions of this Act upon the practice
12 of timber liquidation;

14 2. The Maine Forest Service, as part of the above
assessment, shall estimate the amount and types of liquidation
16 that are likely to occur in the State after implementation of
this legislation; and

18 3. By April 1, 1998, the Governor shall submit to the
20 Legislature a legislative proposal designed to further restrict
timber liquidation to ensure that, in combination with the
22 provisions of this Act, timber liquidation harvesting is severely
restricted in the State.

24 **Sec. 16. Review of regulatory restrictions.** The Sustainable
26 Forest Management Audit Board, established in the Maine Revised
Statutes, Title 5, section 12004-G, subsection 12-A, shall review
28 the regulatory restrictions contained in the
laws regulating forest practices in Title 12, chapter 805,
30 subchapter III-A and make a report containing recommendations to
the Legislature and the Commissioner of Conservation for
32 regulatory flexibility to apply to the participants in the
Sustainable Forest Management Audit Program who have successfully
34 passed the audit program in Title 12, chapter 805, subchapter
III-B, thus demonstrating sound forest management. The review
36 and recommendations must include, but are not limited to,
suggestions for regulatory flexibility regarding the following
38 provisions of Title 12:

40 1. The provisions regarding permit-by-rule process in
section 8869-A, subsection 2, paragraph B;

42 2. The provisions regarding clear-cut area limits in
44 section 8869-A, subsections 3 and 4;

46 3. The provisions regarding maximum clear-cut size in
section 8869-A, subsection 5; and

48 4. The provisions regarding clear-cut separation zones in
50 section 8869-A, subsection 6.

2 The report must also include recommendations for any
4 necessary legislative changes to this Act and be submitted on or
before January 1, 2000.

6 **Sec. 17. Board report; termination.**

8 1. The Sustainable Forest Management Audit Board,
10 established in the Maine Revised Statutes, Title 5, section
12 12004-G, subsection 12-A and referred to in this section as the
14 "board," shall conclude its work by January 1, 2002. No later
16 than this date, the board shall submit a report and any necessary
18 implementing legislation to the Governor and the Legislature
20 summarizing the board's work and recommending any improvements or
changes to the Sustainable Forest Management Audit Program or
this Act. The board may recommend any necessary revisions to the
benchmarks to incorporate the best available scientific
information. The report must include an evaluation and
assessment of the program. The report must also include research
necessary to determine:

22 A. The potential opportunities and barriers for landowners
24 with less than 100,000 acres in total statewide land
holdings to participate voluntarily in the program;

26 B. The number of landowners, the number of acres and the
28 geographic distribution of lands certified as passing or
failing the audit;

30 C. The extent to which landowners are participating in the
32 program; and

34 D. The extent to which the benchmarks are being attained.

36 2. The board ceases to exist 90 days after the adjournment
38 of the Second Regular Session of the 120th Legislature. The
Commissioner of Conservation shall assume any remaining duties of
the board.

40 **SUMMARY**

42 This bill establishes a new forest policy for the State.

44 This bill amends the Department of Conservation's natural
46 resource education program and directs the department to develop
48 partnerships and funding sources for creating new natural
resource education initiatives for the public.

2 The bill amends the forest practices laws to establish a
3 permit-by-rule procedure for clear-cutting, increase the minimum
4 basal area required for a timber harvest not to qualify as a
5 clear-cut, require that clear-cutting have a silvicultural
6 justification and set limitations on the size and arrangement of
7 clear-cuts, with some exemptions provided for smaller holdings.

8 The bill also establishes the Sustainable Forest Management
9 Audit Program within the Department of Conservation for
10 ownerships greater than 100,000 acres in size to ensure the
11 maintenance and enhancement of timber sustainability, the
12 economic viability of forest management and the State's forest
13 biodiversity.

14 The bill authorizes an ecological forest reserve on public
15 lands, totaling between 8,000 and 10,000 acres.

16 The bill directs the Maine Forest Service to undertake a
17 study of liquidation harvesting and make recommendations to
18 further restrict the practice.
19
20