

L.D. 2286

DATE: 3-24-98

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(Filing No. H-1037)

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## STATE OF MAINE HOUSE OF REPRESENTATIVES 118TH LEGISLATURE SECOND REGULAR SESSION

HOUSE AMENDMENT "b" to H.P. 1657, L.D. 2286, Bill, "An Act
to Implement the Recommendations of the Majority of the Joint Standing Committee on Agriculture, Conservation and Forestry
Regarding Enhancing Forest Resource Assessment"

Amend the bill by striking out all of section 3 and inserting in its place the following:

'Sec. 3. 12 MRSA §8868, sub-§1, as enacted by PL 1989, c. 555, §10, is repealed and the following enacted in its place:

26 1. Clear-cut. "Clear-cut" means timber harvesting on a forested site greater than one acre in size that results in a 28 residual stand that does not meet either of the following conditions:

A. The average residual basal area of acceptable growing 32 stock trees 4.5 inches and over in diameter measured at 4 1/2 feet above the ground is 45 square feet per acre or 34 more; or

B. The site has a well-distributed stand of acceptable growing stock trees of at least 5 feet in height that meets
 the regeneration standards adopted by the commissioner.'

40 Further amend the bill by inserting after section 3 the following: 42

'Sec. 4. 12 MRSA §8868, sub-§§1-A and 1-B are enacted to read: 44

1-A. Affiliated interest. "Affiliated interest" means:

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

B. Any corporate or other legal entity that possesses a controlling ownership interest in a landowner. Rules adopted by the commissioner must define what constitutes a controlling ownership interest in a landowner.

10 <u>1-B. Forest lands owned by a landowner.</u> "Forest lands owned by a landowner" means any forest land in which a landowner or an affiliated interest possesses a dominant ownership interest with respect to timber harvesting. Rules adopted by the commissioner must describe what constitutes a dominant ownership interest.'

Further amend the bill in section 4 by striking out all of the first line (page 1, line 45 in L.D.) and inserting in its place the following:

Sec. 5. 12 MRSA §8868, sub-§§2-A and 2-B are enacted to read:

2-A. Landowner. "Landowner" means a person, firm, 24 association, organization, partnership, cotenant, joint tenant, 26 or entities that possess a dominant ownership interest in land 28 with respect to timber harvesting. Rules adopted by the 28 commissioner must describe what constitutes a dominant ownership 29 interest.'

Further amend the bill in section 4 in the 2nd line (page 1, 32 line 47 in L.D.) by striking out the following: "<u>2-A.</u>" and inserting in its place the following: '<u>2-B.</u>'

Further amend the bill by striking out all of section 7.

Further amend the bill by inserting after section 8 the 38 following:

40 'Sec. 9. 12 MRSA §8869, sub-§§13 to 16 are enacted to read:

42 13. Maximum area clear-cut limits; forest land ownerships equal to or greater than 100,000 acres. When forest lands owned 44 by a landowner total 100,000 acres or more statewide, not more than one guarter of one percent of those forest lands may be 46 clear-cut in any calendar year.

48 **14. Maximum individual clear-cut size.** An individual clear-cut may not exceed 75 acres in total area.

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2 15. Clear-cut separation zones. For parcels of land over 100 acres, clear-cut harvest areas must be separated by a defined 4 area equal to 1 1/2 times the area contained within the perimeter of the clear-cut. Each defined area must be identified with a 6 specific clear-cut area. For parcels of land 100 acres or less, a clear-cut must be separated from any other clear-cut by at 8 least 250 feet.

10 **16. Permit required; variance.** A landowner subject to the provisions of subsection 13 must obtain a permit from the Maine Forest Service prior to undertaking harvesting activities that are planned to or may reasonably be expected to result in a 14 clear-cut. Prior to issuing a permit for a clear-cut, the Maine Forest Service must determine that the clear-cut is silviculturally justified, that there are no reasonable alternatives to the proposed clear-cut and that no undue adverse ecological damage will result from the clear-cut or the clear-cutting activities.'

Further amend the bill by relettering or renumbering any 22 nonconsecutive Part letter or section number to read consecutively.

## **SUMMARY**

The amendment proposes several changes relating to clear-cuts.

With respect to clear-cuts and clear-cutting activities, the
amendment reduces from 250 acres to 75 acres the maximum size of
a clear-cut and reduces the threshold size of a clear-cut from 5
acres to one acre. It also requires landowners who hold 100,000
or more acres of forest land to get a permit from the Maine
Forest Service before any clear-cutting activity and prohibits
such landowners from clear-cutting more than 0.25% of their land
in any one year. Clear-cuts must be separated by a clearly
defined separation zone at least equal to 1 1/2 times the area of

42 SPONSORED BY 44 (Representative DAVIDSON) 46 TOWN: Brunswick 48

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## HOUSE AMENDMENT