

MAINE STATE LEGISLATURE

The following document is provided by the
LAW AND LEGISLATIVE DIGITAL LIBRARY
at the Maine State Law and Legislative Reference Library
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied
(searchable text may contain some errors and/or omissions)

DATE: 5-12-99

(Filing No. H-551)

AGRICULTURE, CONSERVATION AND FORESTRY

Reproduced and distributed under the direction of the Clerk of the House.

STATE OF MAINE
HOUSE OF REPRESENTATIVES
119TH LEGISLATURE
FIRST REGULAR SESSION

COMMITTEE AMENDMENT "A" to H.P. 299, L.D. 407, Bill, "An Act to Reconcile Minor Technical Differences between Forest Practices Laws and Rules"

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

Sec. 1. 12 MRSA §8868, sub-§1, as amended by PL 1997, c. 720, §3, is repealed and the following enacted in its place:

1. Clear-cut. "Clear-cut" means any timber harvesting on a forested site greater than 5 acres in size that results in a residual basal area of trees over 4 1/2 inches in diameter measured at 4 1/2 feet above the ground of less than 30 square feet per acre, unless, after harvesting, the site has a well-distributed stand of acceptable growing stock, as defined by rule, of at least 3 feet in height for softwood trees and 5 feet in height for hardwood trees that meets the regeneration standards defined under section 8869, subsection 1.

Sec. 2. 12 MRSA §8869, sub-§2-A, as enacted by PL 1997, c. 720, §7, is amended to read:

2-A. Separation zones. For a parcel of land 100 acres or less, a clear-cut must be separated from any other clear-cut by at least 250 feet except where a property line is closer than 250 feet from the edge of the clear-cut. Unless an exemption is

RMS

COMMITTEE AMENDMENT "A" to H.P. 299, L.D. 407

2 provided in rules adopted pursuant to section 8867-A, a
3 separation zone must be equal to or greater than the area
4 clear-cut.

5 ~~For a parcel of land over 100 acres, a clear-cut must be~~
6 ~~separated from any other clear-cut by a defined area equal to at~~
7 ~~least the area contained within the perimeter of the clear-cut.~~
8 ~~For a parcel of land over 100 acres, each defined separation zone~~
9 ~~must be identified with a specific clear-cut and be a minimum of~~
10 ~~250 feet in width and may not be designated to meet the~~
11 ~~separation zone requirements for any other clear-cut.~~

12 ~~The Commissioner of Conservation may establish, by rule, more~~
13 ~~stringent separation zone standards for clear-cuts greater than~~
14 ~~35 acres.~~

15 **Sec. 3. 12 MRSA §8869, sub-§3,** as amended by PL 1997, c. 720,
16 §8, is further amended to read:

17 **3. Forest management plans for clear-cuts over 20 acres.**
18 For a clear-cut of ~~35~~ 20 acres or more, the landowner, or agent
19 of the landowner, shall develop, prior to harvest, a forest
20 management plan for that clear-cut signed by a professional
21 forester that conforms to the standards set forth in subsections
22 1 and 2. The plan must state the purpose of the clear-cut. This
23 plan must be kept on file by the landowner or agent of the
24 landowner and be available for inspection by the bureau until
25 adequate regeneration in accordance with the standards set forth
26 in subsection 1 is established.

27 **Sec. 4. 12 MRSA §8883, first ¶,** as amended by PL 1997, c. 648,
28 §4, is further amended to read:

29 ~~Prior~~ Unless exempted under subsection 5 or by rule, prior
30 to commencing harvesting operations, the landowner or designated
31 agent shall notify the bureau of the harvest operation. When the
32 harvest is occurring within a municipality, the bureau shall send
33 a copy of the notification form to the municipal clerk.

34 **Sec. 5. 12 MRSA §8883, sub-§1,** as amended by PL 1997, c. 648,
35 §5, is further amended to read:

36 **1. Notification prior to harvest.** Notification Unless an
37 alternate form or method of reporting is provided in rule,
38 notification must be on forms supplied by the bureau and must
39 include the following information:

40 **A.** The name, address and phone number of the landowner, any
41 designated agent, and, if known, any harvester or harvesters;

50

R 0 8

COMMITTEE AMENDMENT "A" to H.P. 299, L.D. 407

2 B. The name and address of any licensed professional
forester consulting the landowner on forest management or
harvesting practices;

4 C. The municipality or township and county of harvest;

6 D. The name of the nearest public or private all-weather
8 road;

10 E. The approximate dates the harvest will begin and finish;

12 F. The anticipated acreage to be harvested;

14 G. Whether the land is being harvested to convert to
16 another use within 2 years and, if so, what that use is to
be;

18 H. The signatures ~~of the landowner or designated agent and~~
the signature of the harvester when listed on the form in
20 accordance with paragraph A and the licensed professional
forester when listed on the form in accordance with
22 paragraph B;

24 H-1. The signature of the landowner and the signature of
the designated agent when a designated agent is listed in
26 accordance with paragraph A. If the designated agent is a
licensed professional forester who has a fiduciary
28 responsibility to the landowner, the signature of the
landowner is not required;

30 I. A map locating the harvest site in relation to known or
32 easily identifiable terrain features, such as a road
junction or a stream and road junction. The map must be a
34 copy of a 7.5 or 15 minute series topographical map produced
by the United States Geological Survey or a map of
36 equivalent or superior detail in the location of roads; and

38 J. The date of notification.

40 ~~When a landowner has a designated agent, the designated agent~~
must submit with the notification form a notarized statement of
42 agreement signed by the landowner and the designated agent or a
durable power of attorney.

44 **Sec. 6. 12 MRSA §8883, sub-§3, amended by PL 1997, c. 648, §6,**
46 is further amended to read:

48 **3. Notification form on file; posted.** The landowner or
designated agent shall retain a copy of the notification form and
50 produce it upon request of agents as specified in section 8888.

COMMITTEE AMENDMENT

R 42

COMMITTEE AMENDMENT "A" to H.P. 299, L.D. 407

The landowner or designated agent shall post a--copy--of the notification ~~form~~ number at the harvest site in a clearly visible location.

Sec. 7. 12 MRSA §8883, sub-§5, as enacted by PL 1989, c. 555, §12 and affected by c. 600, Pt. B, §11, is amended to read:

5. Notification exemption. The following activities are exempt from the notification requirement under this section:

A. Activities where forest products are harvested for an owner's own use and are not sold or offered for sale or used in the owner's primary wood-using plants; and

B. Precommercial silvicultural forestry activities; and

C. Harvesting within a 12-month period when the total area harvested on land owned by that landowner does not exceed:

(1) Two acres if the residual basal area of acceptable growing stock over 4 1/2 inches in diameter measured at 4 1/2 feet above the ground is less than 30 square feet basal area per acre; or

(2) Five acres if the residual basal area of acceptable growing stock over 4 1/2 inches in diameter measured at 4 1/2 feet above the ground is more than 30 square feet basal area per acre.'

SUMMARY

This amendment replaces the bill. It reduces the minimum height of softwood trees that are counted when assessing a site after harvesting to determine if the definition of a clear-cut has been met. It allows a separation zone to be less than 250 feet in width when a clear-cut is near a property line. It requires a separation zone to be equal to or greater than the clear-cut area. It exempts certain small area harvests from the notification requirement. It removes the requirement for a notarized statement to be submitted with certain notification forms. It allows the harvest notification number to be posted at a harvest site rather than a copy of the notification form.