

MAINE STATE LEGISLATURE

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M
R.S.

L.D. 1458

DATE: 5-6-99

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MAJORITY
NATURAL RESOURCES

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

COMMITTEE AMENDMENT "A" to H.P. 1036, L.D. 1458, Bill, "An Act to Allow Cutting of Trees in the Shoreland Zone Under Certain Conditions"

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

Sec. 1. 30-A MRSA §4452, sub-§3, ¶B-1 is enacted to read:

B-1. Notwithstanding paragraph B, the maximum penalty is \$5,000 for any violation of a law or an ordinance set forth in subsection 5, paragraph O, if the violation occurs within an area zoned for resource protection.

Sec. 2. 38 MRSA §439-A, sub-§5, ¶B, as repealed and replaced by PL 1991, c. 66, Pt. A, §10, is amended to read:

B. Within a shoreland area zoned for resource protection abutting a great pond there may not be timber harvesting within the strip of land extending 75 feet inland from the normal high-water line except to remove safety hazards, ~~and~~ or if a municipality adopts an ordinance pursuant to this paragraph. A municipality may adopt an ordinance that allows limited timber harvesting within the 75-foot strip in the resource protection zone when the following conditions are met:

(1) The ground is frozen;

(2) There is no resultant soil disturbance;

(3) The removal of trees is accomplished using a cable

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or boom and there is no entry of tracked or wheeled vehicles into the 75-foot strip of land;

(4) There is no cutting of trees less than 6 inches in diameter; no more than 30% of the trees 6 inches or more in diameter, measured at 4 1/2 feet above ground level, are cut in any 10-year period; and a well-distributed stand of trees and other natural vegetation remains; and

(5) A licensed professional forester has marked the trees to be harvested prior to a permit being issued by the municipality; and'

SUMMARY

Current law prohibits timber harvesting in a resource protection zone abutting a great pond within a strip of land extending 75 feet inland from the normal high-water line. This amendment, which is the majority report of the committee, gives a municipality the option to allow timber harvesting in that 75-foot strip, provided the harvesting is conducted only when the ground is frozen, there is no resultant soil disturbance, there is no entry into the strip by tracked or wheeled vehicles, no trees less than 6 inches in diameter are cut and no more than 30% of the trees 6 inches or more in diameter, measured at 4 1/2 feet above ground level, are cut in any 10-year period. The trees to be harvested must be marked by a licensed professional forester prior to a harvesting permit being issued by a municipality.

The amendment increases the maximum penalty for a violation of shoreland zoning ordinances if the violation occurs in a resource protection zone.