

# MAINE STATE LEGISLATURE

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# 119th MAINE LEGISLATURE

## SECOND REGULAR SESSION-2000

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Legislative Document

No. 2665

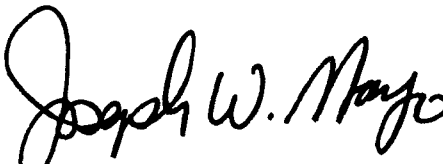
H.P. 1919

House of Representatives, April 3, 2000

**An Act to Provide for Statewide Standards for Timber Harvesting in  
Shoreland Areas and to Modify Regulation of Stream Crossings.**

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Reported by the Majority from the Joint Standing Committee on Agriculture, Conservation  
and Forestry pursuant to Public Law 1997, chapter 648, section 8.

  
JOSEPH W. MAYO, Clerk

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

4 **Sec. 1. 12 MRSA §8867-B is enacted to read:**

6 **§8867-B. Regulation of timber harvesting activities in areas**  
8 **adjacent to rivers, streams, ponds, wetlands and tidal**  
10 **waters**

12 In accordance with the purposes of chapter 206-A and Title  
14 38, chapter 3, no later than January 2, 2002, the Commissioner of  
16 Conservation shall provisionally adopt rules in accordance with  
18 Title 5, chapter 375 to establish performance standards for  
20 timber harvesting activities in areas adjacent to rivers,  
22 streams, ponds, wetlands and tidal waters. The rules must  
24 provide the maximum opportunity for flexibility that achieves the  
26 goal of protecting the public resources while minimizing the  
28 impact on private resources. Rules adopted pursuant to this  
30 section are major substantive rules as defined in Title 5,  
32 chapter 375, subchapter II-A and must be submitted to the  
34 Legislature no later than January 2, 2002 for review.

36 In addition to the materials submitted pursuant to Title 5,  
38 section 8072, subsection 2, upon submitting the rules authorized  
40 by this section, the Commissioner of Conservation shall submit a  
42 report to the joint standing committee of the Legislature having  
44 jurisdiction over forestry matters that describes the rationale  
46 for new standards and the public resources and values protected  
48 by each standard.

30 The rules must resolve inconsistencies among standards  
32 established pursuant to chapter 206-A and Title 38, chapter 3,  
34 articles 2-B and 5-A and retain standards established pursuant to  
36 those statutes when those standards are consistent. Upon final  
38 adoption, performance standards established pursuant to this  
40 section apply to timber harvesting activities in areas adjacent  
42 to rivers, streams, ponds, wetlands and tidal waters throughout  
44 the State. The Commissioner of Conservation shall administer the  
46 rules and enforce the standards adopted under this section.

40 **Sec. 2. 12 MRSA §8868, sub-§5 is enacted to read:**

42 **5. Timber harvesting activities.** "Timber harvesting  
44 activities" means timber harvesting, the construction and  
46 maintenance of roads used primarily for timber harvesting and  
48 other activities conducted to facilitate timber harvesting.

48 **Sec. 3. 38 MRSA §480-E, sub-§10 is enacted to read:**



2 relating to mandatory shoreland zoning and natural resources  
3 protection when those standards are consistent with standards  
4 established by the Maine Land Use Regulation Commission. It  
5 authorizes the joint standing committee of the Legislature having  
6 jurisdiction over forestry matters to report out a bill to the  
7 Second Regular Session of the 120th Legislature to amend statutes  
8 administered and enforced by the Department of Environmental  
9 Protection and the Maine Land Use Regulation Commission  
10 pertaining to timber harvesting activities. This bill also  
11 eliminates any waiting period for road construction activities  
12 associated with forest management activities. A permit by rule  
13 becomes effective when the Department of Environmental Protection  
14 receives notification of the activity as long as the notification  
is complete and the activity is eligible for a permit by rule.