

MAINE STATE LEGISLATURE

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119th MAINE LEGISLATURE

SECOND REGULAR SESSION-2000

Legislative Document

No. 2666

H.P. 1920

House of Representatives, April 3, 2000

**An Act to Provide for Statewide Standards for Timber Harvesting in
Shoreland Areas.**

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

A handwritten signature in black ink that reads "Joseph W. Mayo".

JOSEPH W. MAYO, Clerk

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

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

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

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

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

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

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

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

Sec. 3. Legislation authorized. The joint standing committee of the Legislature having jurisdiction over forestry matters may report out a bill to the Second Regular Session of the 120th Legislature to specify that the standards for timber

2 harvesting activities in areas adjacent to standing and flowing
water bodies and wetlands adopted pursuant to the Maine Revised
4 Statutes, Title 12, section 8867-B apply statewide. The
legislation must amend provisions in Title 12, chapter 206-A
6 administered by the Maine Land Use Regulation Commission and in
Title 38, chapter 3, subchapter I, articles 2-B and 5-A
8 administered by the Department of Environmental Protection and to
clarify the authority of these agencies to regulate timber
10 harvesting.

12 FISCAL NOTE

14 The Department of Conservation will incur some minor
additional costs to adopt certain rules pertaining to timber
16 harvesting and submit the required report. These costs can be
absorbed within the department's existing budgeted resources.
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20 SUMMARY

22 This bill, which is the minority report, directs the
Commissioner of Conservation to adopt rules to establish
24 statewide standards for timber harvesting activities in areas
adjacent to rivers, streams, ponds, wetlands and tidal waters.
26 It requires the rules to retain standards established by the
Department of Environmental Protection under the laws relating to
28 mandatory shoreland zoning and natural resources protection when
those standards are consistent with standards established by the
30 Maine Land Use Regulation Commission. It authorizes the joint
standing committee of the Legislature having jurisdiction over
32 forestry matters to report out a bill to the Second Regular
Session of the 120th Legislature to amend statutes administered
34 and enforced by the Department of Environmental Protection and
the Maine Land Use Regulation Commission pertaining to timber
36 harvesting activities.