

# MAINE STATE LEGISLATURE

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L.D. 2135

DATE: 3-20-02

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**AGRICULTURE, CONSERVATION AND FORESTRY**

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**STATE OF MAINE  
HOUSE OF REPRESENTATIVES  
120TH LEGISLATURE  
SECOND REGULAR SESSION**

COMMITTEE AMENDMENT "A" to H.P. 1632, L.D. 2135, "Resolve, Regarding Legislative Review of Chapter 21: Statewide Standards for Timber Harvesting in Shoreland Areas, a Major Substantive Rule of the Department of Conservation"

Amend the resolve by striking out everything after the title and before the summary and inserting in its place the following:

**Emergency preamble.** Whereas, Acts and resolves of the Legislature do not become effective until 90 days after adjournment unless enacted as emergencies; and

**Whereas,** the Maine Revised Statutes, Title 5, chapter 375, subchapter II-A requires legislative authorization before major substantive agency rules may be finally adopted by the agency; and

**Whereas,** the above-named major substantive rule has been submitted to the Legislature for review; and

**Whereas,** immediate action on this resolve is necessary to record the Legislature's position on final adoption of the rule; and

**Whereas,** regulatory consistency continues to be an important public policy goal for the health of Maine's forest economy and natural resources; and

**Whereas,** in the judgment of the Legislature, these facts create an emergency within the meaning of the Constitution of Maine and require the following legislation as immediately necessary for the preservation of the public peace, health and safety; now, therefore, be it

**COMMITTEE AMENDMENT**

2           **Sec. 1. Adoption not authorized. Resolved:** That final adoption  
of Chapter 21: Statewide Standards for Timber Harvesting in  
4           Shoreland Areas, a provisionally adopted major substantive rule  
of the Department of Conservation, that has been submitted to the  
6           Legislature for review pursuant to the Maine Revised Statutes,  
Title 5, chapter 375, subchapter II-A is not authorized; and be  
it further

8  
          **Sec. 2. Report. Resolved:** That the Commissioner of  
10           Conservation, no later than January 2, 2003, shall report back to  
the joint standing committee of the Legislature having  
12           jurisdiction over forestry matters with recommendations for a  
regulatory framework and an implementation plan for the Maine  
14           Forest Service to assume existing responsibilities of the  
Department of Environmental Protection and the Maine Land Use  
16           Regulation Commission for timber harvesting in shoreland areas.  
The regulatory framework and implementation plan must allow  
18           municipalities to voluntarily accept the Maine Forest Service's  
authority for enforcement of timber harvesting standards in  
20           shoreland areas. The recommendations must be based on the  
purposes of the Maine Revised Statutes, Title 12, chapter 206-A  
22           and Title 38, chapter 3, and the sustainability standards  
established under Title 12, section 8876-A. The commissioner  
24           shall review the provisionally adopted rule submitted to the  
Legislature on February 15, 2002 and use that proposed rule as a  
26           starting point for conferring with interested parties and  
determining which provisions to recommend for implementation.  
28           The primary objectives of the review are to reduce  
inconsistencies in existing state laws and rules and to consider  
30           a regulatory framework that is less prescriptive and more  
results-oriented when appropriate and that is balanced with  
32           existing environmental, land use and forest practices laws.

34           In conducting the review, the commissioner shall solicit  
input from representatives of the forestry industry, state  
36           agencies, municipalities, nonindustrial landowners, environmental  
groups, legislators and members of the public and shall provide  
38           ongoing public forums to discuss and receive input on the  
elements of the review and plan. The commissioner shall involve  
40           municipalities concerning their interests in developing and  
accepting greater statewide consistency of laws governing timber  
42           harvesting in shoreland areas. The commissioner shall notify the  
joint standing committee of the Legislature having jurisdiction  
44           over forestry matters of the public forums and shall provide  
interim reports to the committee throughout the review period.  
46           The interim reports must include information on the provisions  
that the department believes can be implemented based on  
48           discussions with the interested parties and provisions that  
require further discussion or guidance before implementation.

50

2 The final report must include proposed changes to existing  
laws and rules necessary to implement the regulatory framework  
and implementation plan; and be it further

4  
6 **Sec. 3. Legislation authorized. Resolved:** That the joint  
standing committee of the Legislature having jurisdiction over  
forestry matters may report out a bill to the First Regular  
8 Session of the 121st Legislature to implement any or all of the  
provisions of the plan recommended under section 2 or revisions  
10 to the plan approved by the committee.

12 **Emergency clause.** In view of the emergency cited in the  
preamble, this resolve takes effect when approved.'

14  
16 Further amend the resolve by inserting at the end before the  
summary the following:

18  
20 **FISCAL NOTE**

22 The Department of Conservation will incur some minor  
additional costs to submit a required report to the Legislature.  
24 These costs can be absorbed within the department's existing  
budgeted resources.'

26  
28 **SUMMARY**

30 This amendment replaces the resolve. The amendment does not  
authorize adoption of Chapter 21: Statewide Standards for Timber  
32 Harvesting in Shoreland Areas, a Major Substantive Rule of the  
Department of Conservation. It requires the Department of  
Conservation to develop recommendations for a regulatory  
34 framework and an implementation plan for the Maine Forest Service  
to assume existing Department of Environmental Protection and  
36 Maine Land Use Regulation Commission responsibility for timber  
harvesting in shoreland areas. It requires the Department of  
38 Conservation to provide interim progress reports and a final  
report no later than January 2, 2003 to the joint standing  
40 committee of the Legislature having jurisdiction over forestry  
matters. It authorizes the joint standing committee of the  
42 Legislature having jurisdiction over forestry matters to report  
out a bill in the First Session of the 121st Legislature. It adds  
44 a fiscal note to the resolve.