

MAINE STATE LEGISLATURE

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120th MAINE LEGISLATURE

SECOND REGULAR SESSION-2002

Legislative Document

No. 2181

H.P. 1678

House of Representatives, March 19, 2002

**An Act to Amend the Rule-making Authority of the Department of
Conservation Regarding Timber Harvesting in Shoreland Areas.**

Reported by Representative McKEE for the Joint Standing Committee on Agriculture,
Conservation and Forestry pursuant to Public Law 1999, chapter 695, section 4.

Millicent M. MacFarland

MILLICENT M. MacFARLAND, Clerk

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

2 **Sec. 1. 12 MRSA §8867-B**, as enacted by PL 1999, c. 695, §1,
4 is amended to read:

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

10 In accordance with the purposes of chapter 206-A and Title
11 38, chapter 3, ~~no later than January 2, 2002~~, the Commissioner of
12 Conservation shall may provisionally adopt rules in accordance
13 with Title 5, chapter 375 to establish performance standards for
14 timber harvesting activities in areas adjacent to rivers,
15 streams, ponds, wetlands and tidal waters. The rules must
16 provide the maximum opportunity for flexibility that achieves the
17 goal of protecting the public resources while minimizing the
18 impact on private resources. Rules adopted pursuant to this
19 section are major substantive rules as defined in Title 5,
20 chapter 375, subchapter II-A and ~~must be submitted to the~~
21 ~~Legislature no later than January 2, 2002 for review.~~

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

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

42 **FISCAL NOTE**

44 The Department of Conservation may realize some minor
45 savings from the repeal of certain rulemaking requirements.

SUMMARY

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4 This bill amends the statutory provision directing the
6 Department of Conservation to provisionally adopt rules to
establish timber harvesting standards in shoreland areas. It
removes certain parameters previously set in statute.