

# MAINE STATE LEGISLATURE

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MAJORITY  
NATURAL RESOURCES

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STATE OF MAINE  
HOUSE OF REPRESENTATIVES  
121ST LEGISLATURE  
SECOND SPECIAL SESSION

COMMITTEE AMENDMENT "A" to H.P. 1195, L.D. 1617, Bill, "An Act To Improve Subdivision Standards"

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

'Sec. 1. 12 MRSA §685-B, sub-§4-A is enacted to read:

4-A. Subdivision of land subject to liquidation harvesting. The commission may not approve an application for a subdivision if the commission determines that timber on the parcel proposed for subdivision has been harvested in violation of rules adopted pursuant to section 8869, subsection 14. If a violation of rules adopted by the Maine Forest Service to substantially eliminate liquidation harvesting has occurred, the commission must determine prior to granting approval for the subdivision that 5 years have elapsed from the date the landowner under whose ownership the harvest occurred acquired the parcel. The commission may request technical assistance from the Maine Forest Service to determine if a rule violation has occurred.

For the purposes of this subsection, "liquidation harvesting" has the same meaning as in section 8868, subsection 6 and "parcel" means a contiguous area within one municipality, township or plantation owned by one person or a group of persons in common or joint ownership. This subsection takes effect on the effective date of rules adopted pursuant to section 8869, subsection 14.

H.O.S.

2           **Sec. 2. 30-A MRSA §4404, sub-§18**, as amended by PL 1997, c.  
226, §3, is further amended to read:

4           **18. Lake phosphorus concentration.** The long-term  
6 cumulative effects of the proposed subdivision will not  
unreasonably increase a great pond's phosphorus concentration  
8 during the construction phase and life of the proposed  
subdivision; and

10           **Sec. 3. 30-A MRSA §4404, sub-§19**, as enacted by PL 1997, c.  
12 226, §4, is amended to read:

14           **19. Impact on adjoining municipality.** For any proposed  
subdivision that crosses municipal boundaries, the proposed  
16 subdivision will not cause unreasonable traffic congestion or  
unsafe conditions with respect to the use of existing public ways  
18 in an adjoining municipality in which part of the subdivision is  
located; and

20           **Sec. 4. 30-A MRSA §4404, sub-§20** is enacted to read:

22           **20. Lands subject to liquidation harvesting.** Timber on the  
24 parcel being subdivided has not been harvested in violation of  
rules adopted pursuant to Title 12, section 8869, subsection 14.  
26 If a violation of rules adopted by the Maine Forest Service to  
substantially eliminate liquidation harvesting has occurred, the  
28 municipal reviewing authority must determine prior to granting  
approval for the subdivision that 5 years have elapsed from the  
30 date the landowner under whose ownership the harvest occurred  
acquired the parcel. A municipal reviewing authority may request  
32 technical assistance from the Department of Conservation, Bureau  
of Forestry to determine whether a rule violation has occurred,  
34 or the municipal reviewing authority may accept a determination  
certified by a forester licensed pursuant to Title 32, chapter  
36 76. If a municipal reviewing authority requests technical  
assistance from the bureau, the bureau shall respond within 5  
38 working days regarding its ability to provide assistance. If the  
bureau agrees to provide assistance, it shall make a finding and  
40 determination as to whether a rule violation has occurred. The  
bureau shall provide a written copy of its finding and  
42 determination to the municipal reviewing authority within 30 days  
of receipt of the municipal reviewing authority's request. If  
44 the bureau notifies a municipal reviewing authority that the  
bureau will not provide assistance, the municipal reviewing  
46 authority may require a subdivision applicant to provide a  
determination certified by a licensed forester.

48           For the purposes of this subsection, "liquidation harvesting" has  
the same meaning as in Title 12, section 8868, subsection 6 and

# COMMITTEE AMENDMENT

2 "parcel" means a contiguous area within one municipality,  
3 township or plantation owned by one person or a group of persons  
4 in common or joint ownership. This subsection takes effect on  
5 the effective date of rules adopted pursuant to Title 12, section  
6 8869, subsection 14.'

8 **SUMMARY**

10 This amendment is the majority report. The amendment  
11 replaces the bill. It prohibits a municipality or the Maine Land  
12 Use Regulation Commission from approving an application for a  
13 subdivision if the parcel has been harvested in violation of  
14 rules adopted by the Maine Forest Service to regulate liquidation  
15 harvesting. This prohibition ends 5 years from the date the  
16 parcel was purchased by the landowner responsible for the  
17 harvest. This provision takes effect on the same date that the  
18 Maine Forest Service rules become effective.