

MAINE STATE LEGISLATURE

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L.D. 1962

DATE: 4-28-04

(Filing No. H-966)

MAJORITY
AGRICULTURE, CONSERVATION AND FORESTRY

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

COMMITTEE AMENDMENT "A" to H.P. 1466, L.D. 1962, "Resolve, Regarding Legislative Review of Chapter 23: Standards for Timber Harvesting To Substantially Eliminate Liquidation Harvesting, 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:

Sec. 1. Adoption. Resolved: That final adoption of Chapter 23: Standards for Timber Harvesting to substantially eliminate Liquidation Harvesting, a provisionally adopted major substantive rule of the Department of Conservation that has been submitted to the Legislature for review pursuant to the Maine Revised Statutes, Title 5, chapter 375, subchapter 2-A, is authorized only if the rule is modified to include all changes in the revised rule prepared by the Maine Forest Service, dated April 27, 2004 and submitted to the Joint Standing Committee on Agriculture, Conservation and Forestry on April 26, 2004 and in addition is modified as follows:

1. The definitions section of the finally adopted rule must define "rare natural community" instead of "rare and exemplary natural community," and the definition of "threatened and endangered species" must clarify that plant species are listed by the Maine Natural Areas Program.

2. The exemptions section of the rule, Sec. 5, must be amended in paragraphs E and G for the purpose of allowing these exemptions to apply to landowners with less than 100 acres of forest land statewide and on parcels containing less than 20 acres of forest land, respectively.

COMMITTEE AMENDMENT

2 The Commissioner of Conservation is not required to hold
4 hearings or conduct other formal proceedings prior to finally
6 adopting the rule in accordance with this resolve. At the time
8 of final adoption, the commissioner shall make available to the
public a document that allows comparison of the rule
provisionally adopted on April 14, 2004 and the rule authorized
and finally adopted in accordance with this resolve.'

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SUMMARY

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14 This amendment is the majority report of the Joint Standing
Committee on Agriculture, Conservation and Forestry. It
16 authorizes final adoption of the provisionally adopted rule
provided revisions proposed by the Maine Forest Service and dated
18 April 27, 2004 are made as well as additional changes specified
in the resolve. It requires the Commissioner of Conservation to
make available to the public a document that allows comparison of
20 the rule provisionally adopted on April 14, 2004 and the rule
authorized and finally adopted. It removes the emergency
22 preamble and emergency clause from the resolve.