

MAINE STATE LEGISLATURE

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126th MAINE LEGISLATURE

SECOND REGULAR SESSION-2014

Legislative Document

No. 1673

S.P. 657

In Senate, January 8, 2014

An Act To Further Delegate Permit-granting Authority to the Bureau of Forestry

Submitted by the Department of Agriculture, Conservation and Forestry pursuant to Joint Rule 204.

Reference to the Committee on Agriculture, Conservation and Forestry suggested and ordered printed.

A handwritten signature in black ink, appearing to read 'D M Grant'.

DAREK M. GRANT
Secretary of the Senate

Presented by Senator BOYLE of Cumberland.
Cosponsored by Representative MAREAN of Hollis and
Senator: LANGLEY of Hancock, Representatives: GIFFORD of Lincoln, WILSON of
Augusta.

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

2 **Sec. 1. 38 MRSA §480-E-3**, as enacted by PL 2011, c. 599, §13 and amended by
3 c. 657, Pt. W, §§5 and 7 and PL 2013, c. 405, Pt. A, §23, is further amended to read:

4 **§480-E-3. Delegation of permit-granting authority to the Department of**
5 **Agriculture, Conservation and Forestry, Bureau of Forestry**

6 Notwithstanding section 480-E-1, the Department of Agriculture, Conservation and
7 Forestry, Bureau of Forestry shall issue all permits under this article for timber harvesting
8 activities ~~that are located within the unorganized and deorganized areas of the State as~~
9 ~~defined in Title 12, section 682, subsection 1 and in all areas of the State, except Indian~~
10 ~~reservations, that are not subject to review and approval by the department under any~~
11 ~~other article of this chapter. For the purposes of this section, "timber harvesting~~
12 ~~activities" means timber harvesting, the construction and maintenance of roads used~~
13 ~~primarily for timber harvesting, the mining of gravel used for the construction and~~
14 ~~maintenance of roads used primarily for timber harvesting and other activities conducted~~
15 ~~to facilitate timber harvesting.~~

16 ~~**1. Activity located in organized and unorganized area.** If a timber harvesting~~
17 ~~activity is located in part within an organized area and in part within an unorganized or~~
18 ~~deorganized area, that portion of the timber harvesting activity within the organized area~~
19 ~~is subject to department review under this article if that portion is an activity pursuant to~~
20 ~~this article. That portion of the timber harvesting activity within an unorganized or~~
21 ~~deorganized area of the State is not subject to the requirements of this article except as~~
22 ~~provided in subsection 2.~~

23 ~~**2. Allowed use.** If a timber harvesting activity is located as described in subsection~~
24 ~~1, the department may review that portion of the activity within the unorganized and~~
25 ~~deorganized areas if the Department of Agriculture, Conservation and Forestry, Bureau of~~
26 ~~Forestry determines that the project is an allowed use within the subdistrict or subdistricts~~
27 ~~for which it is proposed. A permit from the Bureau of Forestry is not required for those~~
28 ~~aspects of an activity approved by the department under this subsection.~~

29 The Department of Agriculture, Conservation and Forestry, Bureau of Forestry, in
30 consultation with the department, shall annually review standards for timber harvesting
31 activities adopted by the Bureau of Forestry to ensure that the standards afford a level of
32 protection consistent with the goals of this article and the goals of Title 12, chapter 805,
33 subchapter 3-A.

34 **SUMMARY**

35 Under the Natural Resources Protection Act, the Department of Environmental
36 Protection and the Department of Agriculture, Conservation and Forestry, Bureau of
37 Forestry each have permitting authority with respect to timber harvesting activities. This
38 bill consolidates this permitting authority under the bureau.