

MAINE STATE LEGISLATURE

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N I N E T Y - T H I R D L E G I S L A T U R E

Legislative Document

No. 1158

S. P. 409

In Senate, February 26, 1947.

Transmitted by revisor of statutes pursuant to joint order

Referred to Committee on State Lands and Forest Preservation. Sent down for concurrence and ordered printed.

CHESTER T. WINSLOW, Secretary.

Presented by Senator Cleaves of Cumberland.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
FORTY-SEVEN

AN ACT Relating to Forestry Cutting Practices.

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

R. S., c. 32, §§ 88-97, additional. Chapter 32 of the revised statutes is hereby amended by adding thereto 10 new sections to be numbered 88 to 97, inclusive, to read as follows:

‘Sec. 88. Declaration of policy. Inasmuch as the forest lands of the state are one of its most valuable assets extending over about 80% of the area of the state, and extensive industries are dependent upon the products of our forests, it is in both the public and private interest to protect and perpetuate the forests of the state. The welfare, security and stability of the people, communities and industries of the state extensively depend on the cooperation of forest owners and the public in measures which will continue to avoid destructive forest practices and to obtain continued yield of forest products and orderly utilization thereof. Both public and private interests should be protected, so that while communities dependent on forests be kept prosperous and tax delinquency avoided, continuous operations and forest land productivity shall be assured.

Sec. 89. Administration. The administration of the conservation of the forests of the state is hereby vested in the state forestry commission.

Sec. 90. Rules and regulations. The state forester shall from time to time promulgate rules and regulations approved by the commission that are not inconsistent herewith for the administration of the provisions of sections 88 to 97, inclusive, and to carry out its purposes.

Sec. 91. District boards. The state forest commission may appoint district boards as it deems necessary, which shall consist of 3 members each, shall serve without compensation but shall receive necessary expenses when on official business. The initial term of such boards shall be for 1, 2 and 3 years respectively and thereafter all appointments shall be for terms of 3 years, provided, however, a member shall serve until his successor has been appointed and qualified. District boards shall elect a chairman annually and shall administer the regulations of forest practice for which provision is hereinafter made. The state forester shall assign a district forester to each district to assist and advise regarding the administration of the district.

Sec. 92. Notice by owners before cutting. Every timberland or woodlot owner or operator who plans to cut on land devoted to forest purposes, except as provided in section 93, shall give written notice of his intention to the state forester at least 30 days before he begins any cutting operation, but the notice may be waived by the state forester in any emergency. The state forester's staff shall examine the forest area to be cut, either before or after the operation has started, as well as advise and assist the owner or operator in the preparation of a cutting plan that will conform to the forest practice regulations adopted.

The existing tax rate, the economic conditions in the area and other basic features shall be taken into consideration by the state forester's staff in making its recommendations.

A member of the staff of the state forestry commission shall inspect the completed operations to determine if the work has been executed in accordance with the plan adopted, making a report to the state forest commission covering the nature of the operation, the amount of product cut and other necessary information.

Sec. 93. Exceptions. The provisions of section 92 shall not apply to:

- I. Cutting by any owner or tenant of any forest product for his own use;
- II. Clearing land for building or cultivation;

III. Cutting products for sale by any owner to an amount not exceeding 40,000 board feet of lumber and 100 cords of wood in any calendar year;

IV. Cutting in pastures; and

V. Cutting for clearance, rights-of-way and similar requirements.

Sec. 94. Penalty. If any timber or woodlot owner or operator is not exempt as provided in section 93 and fails to give notice of intent to cut as provided in section 92, he shall be assessed a fine of not more than \$25 unless such notice is waived.

Sec. 95. State forester to consult boards; annual report. The state forester and his staff shall consult with the district boards and shall keep the state forest commission advised in connection with the administration of sections 88 to 97, inclusive, and also make an annual report to the state forest commission in connection therewith.

Sec. 96. Miscellaneous provisions.

I. Intent. It is the intent that all forest land cut after the effective date of sections 88 to 97, inclusive, shall be so managed that

A. it remains continually productive of usable timber products adequate each year in amount and located to meet current needs, and with sufficient reserves to be drawn upon for national defense or other emergencies;

B. watersheds be permanently protected by vegetative cover against soil erosion, floods, and, insofar as possible, drying of streams during drought;

C. our rich wildlife resources be maintained and enhanced and other recreational features of our forest be perpetuated.

II. Young growth. So far as is practicable, all desirable seedlings and saplings shall be protected during logging operations. Except as unavoidable in logging, immature trees shall not be cut for any purpose except to improve the forest in spacing, quality, composition, or condition for restocking or to obtain timber or wood for home use.

III. Restocking land after cutting. It shall be minimum standard practice to leave trees of desirable species of suitable size singly or in groups, well distributed, and in such numbers as to secure restocking. Except that where satisfactory and well-distributed young growth of desirable species is present and can be preserved, or where immediate planting is feasible, clear cutting may be permitted.

IV. Partial cutting or selective logging. Since maintenance of adequate growing stock can best be attained by general adoption of partial cutting or selective logging, there shall be determined by regions or forest types the extent to which merchantable sizes of timber may wisely be left as part of the forest growing stock, and rules of the state forest commission shall define standards of forest practice to obtain this objective.

V. Individual management plans. Any owner or operator may inaugurate on his own property standards and methods he considers best suited thereto, provided he carries out under competent supervision a plan of management which shall be as effective of the purpose of sections 88 to 97, inclusive, as the general standards herein specify, and which has previously been submitted to the district board for recommendation and approved by the state forest commission. These management plans shall be in a form prescribed by the state forest commission.

Sec. 97. Appeal. Any person aggrieved by any decision of the state forestry commission may appeal therefrom to the superior court in the county where the land lies or in the county where the person aggrieved resides.