

# MAINE STATE LEGISLATURE

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**LAWS**  
OF THE  
**STATE OF MAINE**

AS PASSED BY THE

ONE HUNDRED AND TWELFTH LEGISLATURE

**FIRST REGULAR SESSION**

December 5, 1984 to June 20, 1985  
Chapters 384-End

AND AT THE

**FIRST SPECIAL SESSION**

November 13, 1985

PUBLISHED BY THE DIRECTOR OF REVISOR OF STATUTES IN  
ACCORDANCE WITH MAINE REVISED STATUTES ANNOTATED,  
TITLE 3, SECTION 163-A, SUBSECTION 4.

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J.S. McCarthy Co., Inc.  
Augusta, Maine  
1985

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**PUBLIC LAWS**  
OF THE  
**STATE OF MAINE**

AS PASSED AT THE  
FIRST REGULAR SESSION  
CONTINUED

and

FIRST SPECIAL SESSION

of the

ONE HUNDRED AND TWELFTH LEGISLATURE

1985

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## CHAPTER 488

H.P. 1069 - L.D. 1550

AN ACT Concerning the Forest Resources of  
Maine.

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

Sec. 1. 5 MRSA §12004, sub-§10, ¶A, sub-¶(18-A) is enacted to read:

(18-A) Environment Citizens' Forestry \$25/day 12 MRSA  
Forestry Advisory Council §5101-B

Sec. 2. 12 MRSA §4812-C, sub-§3, ¶C, as enacted by PL 1983, c. 796, §4, is amended to read:

C. Keep a complete record of all essential transactions of the office, including applications submitted, permits granted or denied, variances granted or denied, revocation actions, revocation of permits, appeals, court actions, violations investigated, violations found and fees collected. On an annual basis, a summary of this record shall be submitted to the Director of the Bureau of Land Quality Control and Department of Environmental Protection; and

Sec. 3. 12 MRSA §4812-D is enacted to read:

§4812-D. Shoreland zoning report to Legislature

The Commissioner of Environmental Protection shall biennially report to the Legislature on the implementation and impact of local shoreland zoning ordinances. The report shall include:

1. Department assistance. A description of the assistance and supervision that the Department of Environmental Protection has provided to the municipalities in carrying out their shoreland zoning responsibilities;

2. Summary of violations. A summary of the shoreland zoning violations investigated by municipal code enforcement officers and related court actions; and

3. Recommendations. Where appropriate, any recommendations for legislation relating to shoreland zoning.

Sec. 4. 12 MRSA §5101, as enacted by PL 1979, c. 414, is repealed and the following enacted in its place:

§5101. Maine's forests

The Legislature finds that the State's economy and the well being of its citizens is founded on the State's natural resources, especially its forests. The forest resource, under proper management, provides a continuous stream of benefits enjoyed by the people of the State, including, a supply of wood products and fiber for industrial manufacturing, fuel for domestic and commercial applications, habitat for numerous species of game and nongame wildlife, recreational opportunities for residents and out-of-state tourists and supplies of high quality water for human use and fisheries habitat.

The Legislature further finds that the forests of Maine are subject to increased demand for all of its products and that it has been subject to significantly increased natural mortality losses in the past decade.

The Legislature also finds that the vast majority of the forest resource in Maine is under private ownership and that the State's role should be to serve as a catalyst to encourage and promote sustained yield management and use of the forest and its related resources. This role is best realized if state actions in the forestry sector manifest a consistent and comprehensive perspective of how the forest resources can best serve the continuous need of the people of Maine.

The Legislature further finds that the long-term needs of the State and its citizens may be threatened by uncoordinated and shortsighted decisions in the public and private sectors, including economic development, environmental protection, tax policy and other related items.

In view of these findings, it is essential that the State have the capability to study changing trends in supply and demand for forest resources in Maine. The State must also establish clear goals for the management of the forest resource and a stable, comprehensive framework and implementation schedule for state actions.

Sec. 5. 12 MRSA §5101-A is enacted to read:

§5101-A. Maine Forests for the Future Program

There is established in the Department of Conservation a Maine Forests for the Future Program. The purpose of this program shall be to:

1. Current status. Assess the current status of forest resources, including, but not limited to, timber, fiber, recreation, water, wildlife and soil;

2. Future demand. Project future demand for these resources based on a common economic forecast developed by the State Planning Office;

3. Trends. Identify trends in resource utilization and forecast supply available to meet the projected demand;

4. Potential shortfalls. Identify potential shortfalls in forest resources and the management actions necessary in the public and private sector to avoid shortfalls; and

5. Recommendations. Recommend to the Governor and the Legislature the administrative and legislative policies or actions needed to refine or redirect state agency programs and to stimulate or remove obstacles to private sector action in a manner that contributes to an adequate supply of natural resources.

The Commissioner of Conservation shall establish and consult with a technical working group composed of members of the existing staff of the department and other persons knowledgeable in the areas referenced in subsection 1 and related fields to carry out the purposes of this chapter. The working group shall have expertise in forest management, forest utilization, recreation management, land use regulation, wildlife and fisheries management, watershed management and other areas as appropriate.

The Commissioner of Conservation shall coordinate the efforts of this program fully with ongoing departmental and federal forestry program planning efforts.

Sec. 6. 12 MRSA §5101-B is enacted to read:

§5101-B. Review and coordination

Review and coordination of the Maine Forests for the Future Program shall be undertaken through the following mechanisms.

1. Citizens' Forestry Advisory Council. The Citizens' Forestry Advisory Council, as established by Title 5, section 12004, subsection 10, and in this

chapter called the "council" shall advise the Commissioner of Conservation on all aspects of the program and shall review all interim and final products and documents produced by the program.

A. The council shall consist of 7 members, appointed by the Governor, subject to review by the joint standing committee of the Legislature having jurisdiction over natural resources and to confirmation by the Legislature. Members of the council shall be chosen to represent the broadest possible interest and experience which can be brought to bear in the implementation of this chapter.

B. The members shall be appointed for a term of 5 years and until their successors are appointed and qualified, except that at the time of the first appointments, 2 shall be appointed for a term of 3 years, 2 for a term of 4 years and 3 for a term of 5 years. The council shall select its chairman from its own members.

C. The council shall report annually to the Legislature and the Governor on its activities, including any comments it may have on the reports issued under section 5103 and on any recommendations it may have for legislative actions needed to achieve the purposes of this chapter.

D. The council shall meet at least twice per year.

E. No more than 2 members of the council may be an employee of a corporation, firm, partnership or other organization with financial or other interest in the forest resource.

2. Coordination by State Planning Office. The State Planning Office shall coordinate the review by all appropriate agencies of any reports issued by the Maine Forests for the Future Program under section 5103. The reviewing agencies shall adopt rules and policies, subject to the provisions of the Maine Administrative Procedure Act, Title 5, chapter 375, which collectively comprise an intergrated approach that fully addresses the needs indentified by the program. The commissioner shall request the assistance of all appropriate state agencies, including, but not limited to, the State Planning Office, the Department of Environmental Protection, the Department of Inland Fisheries and Wildlife and the Department of Agriculture, Food and Rural Resources in the conduct of studies, analyses, surveys or other activities necessary to carry out the purposes of this chapter.

Sec. 7. 12 MRSA §5103, as enacted by PL 1979, c. 414, is repealed and the following enacted in its place:

§5103. Reports

The commissioner shall prepare a series of reports which provide:

1. Current and projected needs. An assessment of current and projected supply and demand for forest and related resources in the State:

A. Based on these projections, the assessment shall include goals for the supply of forest resources, including, but not limited to, timber, fiber, recreation, water and wildlife; and

B. The assessment shall be prepared on a 10-year cycle with the first report due no later than January 1, 1988, and subsequent reports to coincide with the availability of inventory data from the decennial United States Forest Service survey of the State;

C. The United States Forest Service has conducted several decennial forest surveys in this State. The Department of Conservation is further directed to supplement these surveys with mid-cycle forest inventories in order to more accurately assess the changes and trends occurring in forests of this State. Initial emphasis should be given to a mid-cycle survey in the spruce-fir resource. The director shall delineate the area of the forest resource for which updated inventory information is critically needed and shall be responsible for the conduct of the inventories.

2. Recommendations. Recommendations for state and private actions designed to address the needs identified in the assessment:

A. State action recommendations shall be defined in terms of necessary policies, programs, staff and budgetary requirements to achieve specific goals;

B. Recommendations for actions on privately held forest lands shall be developed separately for large, industrial ownerships and small, nonindustrial ownerships. These recommendations shall be defined in terms of actions needed to achieve specific goals; and

C. This report shall be prepared on a 5-year cy-



cle with the first report due no later than January 1, 1988; and

3. Annual progress report. An annual progress report on implementation of the program and its recommendations along with recommendations for administrative or legislative actions needed during the current 5-year cycle. The progress report shall be due on January 1st.

The commissioner shall obtain meaningful public input during the preparation of these reports by means of public hearings and other methods as appropriate. All reports prepared under this section shall be submitted for review to the joint standing committee of the Legislature having jurisdiction over natural resources by the dates specified in this section.

Sec. 8. 12 MRSA §5104, as enacted by PL 1979, c. 414, is repealed.

Sec. 9. 12 MRSA §8604, first ¶, as enacted by PL 1979, c. 545, §3, is amended to read:

Any owner of forest land who sells stumpage during a calendar year shall render an annual report to the director during the month of January of the following year, stating the species, volume and stumpage price per unit of measure for each transaction and the municipality or township where the stumpage was located. Any owner of forest land who cuts stumpage for his own business use during a calendar year shall render an annual report to the director during the month of January of the following year, stating the species and volume per unit of measure for each municipality or township where the stumpage was located. Any owner of forest land who has sold stumpage or cut wood for his own business use within the past 5 years shall report on any thinning operations, whether chemical or mechanical, planting, stand conversion or other precommercial silvicultural activities not including road building. The director may, by rule, prescribe definitions of the activities mentioned in this section and any others he deems necessary to carry out the purposes of Title 5, chapter 429. Forms for this report shall be provided by the director. Information contained in the reports shall not be made public but shall except that summary reports may be published that use aggregated data that do not reveal the activities of an individual person or firm. These forms shall be available for the use of the State Tax Assessor pursuant to Title 36, chapter 105, subchapter II-A, and chapter 803, subchapter IV.

The director shall, utilizing a sample of the forest landowner reports and any other appropriate survey methods, conduct a biannual survey of the methods of harvesting and the harvest practices employed. The information on harvesting shall include, but not be limited to, the silvicultural prescriptions employed, the estimated acreage of various harvest methods including clear cutting, and the extent of whole-tree harvesting of both solid and chipped wood.

Sec. 10. 30 MRSA §4162, sub-§1, as repealed and replaced by PL 1973, c. 628, §14, is amended to read:

1. Purpose. The Legislature finds that it is in the public interest and for the general benefit of the people of this State that title, possession and the responsibility for the management of the public reserved lands contained within the unincorporated areas of the State be vested and established in an agent of the State acting on behalf of all of the people of the State. The Legislature further finds that it is in the public interest that the public reserved lands be managed under the principles of multiple use and to produce a sustained yield of products and services and that such management should be effected by the use of both prudent business practices and the principles of sound planning. The Legislature further finds that it is in the public interest that the lands be managed to demonstrate exemplary land management practices, including silvicultural wildlife and recreation management practices, as a demonstration of state policies governing management of forested and related types of lands.

Sec. 11. 30 MRSA §4162, sub-§3, as amended by PL 1973, c. 788, §141, is further amended to read:

3. Responsibility. The Commissioner of the Department of Conservation shall have the care, custody, control and the responsibility for the management of the public reserved lands in the unincorporated areas of the State. He shall, beginning promptly after October 3, 1973, prepare, revise from time to time and maintain a comprehensive management plan for the management of the public reserved lands in accordance with the guidelines set forth. The management plan shall provide for a flexible and practical approach to the coordinated management of the public reserved lands. In preparing, revising and maintaining such management plan, the Commissioner of the Department of Conservation shall, to the extent practicable, compile and maintain an adequate inventory of the public reserved lands, including not only the timber thereon but the other multiple use values for

which the public reserved lands are managed. In addition, all criteria listed in section 4161-A for the location of public reserved lands shall be considered in developing the management plan. The Commissioner of the Department of Conservation shall be entitled to the full cooperation of the Maine Mining Bureau, Department of Inland Fisheries and Game, Bureau of Parks and Recreation, Land Use Regulation Commission and State Planning Office in compiling and maintaining the inventory of the public reserved lands and shall consult with those agencies as well as other appropriate state agencies in the preparation and maintenance of the comprehensive management plan for the public reserved lands. This plan shall provide for the demonstration of appropriate management practices that will enhance the timber, wildlife, recreation, economic and other values of the lands. As and when prepared, all management of the public reserved lands shall, to the extent practicable, be in accordance with said management plan.

Within the context of the comprehensive management plan, the commissioner shall, after adequate opportunity for public review and comment, adopt specific action plans for each of the units of the public reserved lands system. Each action plan shall include consideration of the related systems of silviculture and regeneration of forest resources and shall provide for outdoor recreation, including remote, undeveloped areas, timber, watershed protection, wildlife and fish. The commissioner shall complete the action plans no later than December 31, 1989, and shall revise them from time to time as necessary. The commissioner shall provide adequate opportunity for public review and comment on any substantial revision of an action plan. Management of the public reserved lands prior to the completion of the action plans shall be in accordance with all other provisions of this section.

Sec. 12. Appropriation. The following funds are appropriated from the General Fund to carry out the purposes of this Act.

	<u>1985-86</u>	<u>1986-87</u>
<u>CONSERVATION, DEPARTMENT OF</u>		
Positions	(2)	(2)
Personal Services	\$ 56,638	\$56,638
All Other	43,362	43,362
Total	<u>\$100,000</u>	<u>\$100,000</u>

ENVIRONMENTAL PROTECTION,  
DEPARTMENT OF1985-861986-87

All Other

\$1,750

Effective September 19, 1985.

**CHAPTER 489**

S.P. 297 - L.D. 786

**AN ACT to Clarify the General Assistance Law.**

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

Sec. 1. 22 MRSA §4301, sub-§7, as enacted by PL 1983, c. 577, §1, is amended to read:

7. Income. "Income" means any form of income in cash or in kind received by the household, including net remuneration for services performed, any payments received as an annuity, retirement or disability benefits, veterans' pensions, workers' compensation, unemployment benefits, benefits under any state or federal categorical assistance program, supplemental security income, social security and any other payments from governmental sources, unless specifically prohibited by any law or regulation, court ordered support payments, income from pension or trust funds and household income from any other source, including relatives or unrelated household members.

The following items are not available within the meaning of this subsection and subsection 10:

A. Income property, tools of trade, governmental entitlement specifically treated as exempt assets by state or federal law;

B. Actual work-related expenses, whether itemized or by standard deduction, such as taxes, retirement fund contributions, union dues, transportation costs to and from work, special equipment costs and child care expenses; or

C. Income of children below the age of 18 years who are full-time students and who are not working full time.

In determining need, income shall be considered available for the week, weeks, month or months it was