

# MAINE STATE LEGISLATURE

The following document is provided by the  
**LAW AND LEGISLATIVE DIGITAL LIBRARY**  
at the Maine State Law and Legislative Reference Library  
<http://legislature.maine.gov/lawlib>



Reproduced from electronic originals  
(may include minor formatting differences from printed original)

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

**AS PASSED BY THE**

**ONE HUNDRED AND TWENTIETH LEGISLATURE**

**SECOND REGULAR SESSION**  
**January 2, 2002 to April 25, 2002**

**THE GENERAL EFFECTIVE DATE FOR**  
**SECOND REGULAR SESSION**  
**NON-EMERGENCY LAWS IS**  
**JULY 25, 2002**

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

---

---

**J.S. McCarthy Company**  
**Augusta, Maine**  
**2002**

## CHAPTER 100

H.P. 1625 - L.D. 2125

**Resolve, Regarding Legislative  
Review of Chapter 50: Variance  
From Educational Qualifications for  
Issuance of an Interim Forester  
License, a Major Substantive Rule of  
the Department of Professional and  
Financial Regulation, Office of  
Licensing and Regulation**

**Emergency preamble.** Whereas, Acts and resolves of the Legislature do not become effective until 90 days after adjournment unless enacted as emergencies; and

**Whereas**, the Maine Revised Statutes, Title 5, chapter 375, subchapter II-A requires legislative authorization before major substantive agency rules may be finally adopted by the agency; and

**Whereas**, the above-named major substantive rule has been submitted to the Legislature for review; and

**Whereas**, immediate enactment of this resolve is necessary to record the Legislature's position on final adoption of the rule; and

**Whereas**, in the judgment of the Legislature, these facts create an emergency within the meaning of the Constitution of Maine and require the following legislation as immediately necessary for the preservation of the public peace, health and safety; now, therefore, be it

**Sec. 1. Adoption. Resolved:** That final adoption of Chapter 50: Variance From Educational Qualifications for Issuance of an Interim Forester License, a provisionally adopted major substantive rule of the Department of Professional and Financial Regulation, that has been submitted to the Legislature for review pursuant to the Maine Revised Statutes, Title 5, chapter 375, subchapter II-A is authorized.

**Emergency clause.** In view of the emergency cited in the preamble, this resolve takes effect when approved.

Effective April 3, 2002.

---

## CHAPTER 101

H.P. 1632 - L.D. 2135

**Resolve, Regarding Legislative  
Review of Chapter 21: Statewide  
Standards for Timber Harvesting in  
Shoreland Areas, a Major  
Substantive Rule of the Department  
of Conservation**

**Emergency preamble.** Whereas, Acts and resolves of the Legislature do not become effective until 90 days after adjournment unless enacted as emergencies; and

**Whereas**, the Maine Revised Statutes, Title 5, chapter 375, subchapter II-A requires legislative authorization before major substantive agency rules may be finally adopted by the agency; and

**Whereas**, the above-named major substantive rule has been submitted to the Legislature for review; and

**Whereas**, immediate action on this resolve is necessary to record the Legislature's position on final adoption of the rule; and

**Whereas**, regulatory consistency continues to be an important public policy goal for the health of Maine's forest economy and natural resources; and

**Whereas**, in the judgment of the Legislature, these facts create an emergency within the meaning of the Constitution of Maine and require the following legislation as immediately necessary for the preservation of the public peace, health and safety; now, therefore, be it

**Sec. 1. Adoption not authorized. Resolved:** That final adoption of Chapter 21: Statewide Standards for Timber Harvesting in Shoreland Areas, 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 II-A is not authorized; and be it further

**Sec. 2. Report. Resolved:** That the Commissioner of Conservation, no later than January 2, 2003, shall report back to the joint standing committee of the Legislature having jurisdiction over forestry matters with recommendations for a regulatory framework and an implementation plan for the Maine Forest Service to assume existing responsibilities of the Department of Environmental Protection and the Maine Land Use Regulation Commission for timber

harvesting in shoreland areas. The regulatory framework and implementation plan must allow municipalities to voluntarily accept the Maine Forest Service's authority for enforcement of timber harvesting standards in shoreland areas. The recommendations must be based on the purposes of the Maine Revised Statutes, Title 12, chapter 206-A and Title 38, chapter 3, and the sustainability standards established under Title 12, section 8876-A. The commissioner shall review the provisionally adopted rule submitted to the Legislature on February 15, 2002 and use that proposed rule as a starting point for conferring with interested parties and determining which provisions to recommend for implementation. The primary objectives of the review are to reduce inconsistencies in existing state laws and rules and to consider a regulatory framework that is less prescriptive and more results-oriented when appropriate and that is balanced with existing environmental, land use and forest practices laws.

In conducting the review, the commissioner shall solicit input from representatives of the forestry industry, state agencies, municipalities, nonindustrial landowners, environmental groups, legislators and members of the public and shall provide ongoing public forums to discuss and receive input on the elements of the review and plan. The commissioner shall involve municipalities concerning their interests in developing and accepting greater statewide consistency of laws governing timber harvesting in shoreland areas. The commissioner shall notify the joint standing committee of the Legislature having jurisdiction over forestry matters of the public forums and shall provide interim reports to the committee throughout the review period. The interim reports must include information on the provisions that the department believes can be implemented based on discussions with the interested parties and provisions that require further discussion or guidance before implementation.

The final report must include proposed changes to existing laws and rules necessary to implement the regulatory framework and implementation plan; and be it further

**Sec. 3. Legislation authorized. Resolved:** That the joint standing committee of the Legislature having jurisdiction over forestry matters may report out a bill to the First Regular Session of the 121st Legislature to implement any or all of the provisions of the plan recommended under section 2 or revisions to the plan approved by the committee.

**Emergency clause.** In view of the emergency cited in the preamble, this resolve takes effect when approved.

Effective April 3, 2002.

---

## CHAPTER 102

### H.P. 1636 - L.D. 2139

#### **Resolve, Regarding Legislative Review of Chapter 90: Registration of Foresters for Supervision of Unlicensed Personnel, a Major Substantive Rule of the Department of Professional and Financial Regulation, Office of Licensing and Regulation**

**Emergency preamble.** Whereas, Acts and resolves of the Legislature do not become effective until 90 days after adjournment unless enacted as emergencies; and

**Whereas,** the Maine Revised Statutes, Title 5, chapter 375, subchapter II-A requires legislative authorization before major substantive agency rules may be finally adopted by the agency; and

**Whereas,** the above-named major substantive rule has been submitted to the Legislature for review; and

**Whereas,** immediate enactment of this resolve is necessary to record the Legislature's position on final adoption of the rule; and

**Whereas,** in the judgment of the Legislature, these facts create an emergency within the meaning of the Constitution of Maine and require the following legislation as immediately necessary for the preservation of the public peace, health and safety; now, therefore, be it

**Sec. 1. Adoption. Resolved:** That final adoption of Chapter 90: Registration of Foresters for Supervision of Unlicensed Personnel, a provisionally adopted major substantive rule of the Department of Professional and Financial Regulation, Office of Licensing and Regulation, that has been submitted to the Legislature for review pursuant to the Maine Revised Statutes, Title 5, chapter 375, subchapter II-A is authorized.

**Emergency clause.** In view of the emergency cited in the preamble, this resolve takes effect when approved.

Effective April 3, 2002.

---