

# MAINE STATE LEGISLATURE

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STATE OF MAINE  
114TH LEGISLATURE  
FIRST REGULAR SESSION



BILL SUMMARY  
JOINT STANDING COMMITTEE  
ON  
ENERGY AND NATURAL RESOURCES

JULY 1989

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Sen. Margaret G. Ludwig

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\* Denotes Chair

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ONE HUNDRED AND FOURTEENTH LEGISLATURE  
FIRST REGULAR SESSION

JOINT STANDING COMMITTEE  
BILL SUMMARIES  
AUGUST 1989

This document is a compilation of the bill summaries prepared by this office for the Joint Standing Committees and Joint Select Committees of the Maine Legislature. The summaries are arranged by LD number for each committee.

All Adopted Amendments are listed, by paper number (e.g., H-584 or S-222), together with the sponsor for floor amendments. Final action is listed to the right of the title. If final House and Senate action differ, both are listed. Committee Reports and Floor Action are abbreviated as follows:

OTP	Ought to Pass
OTP-ND	Ought to Pass in New Draft
OTP-ND-NT	Ought to Pass in New Draft, New Title
OTP-A	Ought to Pass as Amended
ONTP	Ought Not to Pass
LVWD	Leave to Withdraw
INDEF PP	Indefinitely Postponed

Each individual summary was prepared by the analyst assigned, as noted for each committee. But, this document was produced by the efforts of all the office staff, including Research Assistant Barbara McGinn, and secretaries: Charlene Brann, and Valarie Parlin, and especially Laurette Knox who coordinated preparation of the overall document.

Please give us your suggestions and comments on these summaries and tell us of any inaccuracies.

**LD 351 An Act to Prohibit the Use of Plastic Beverage Stirrers in State Facilities**

**PUBLIC 38**

<u>SPONSOR(S)</u>	<u>COMMITTEE REPORT</u>	<u>AMENDMENTS ADOPTED</u>
TRACY	OTP-AM	H-17
BURKE		H-22 TAMMARO
KANY		
LUDWIG		

SUMMARY

This bill, as amended (H-17 and H-22), prohibits the use of plastic beverage stirrers in state facilities, at a state function or at any function of any political subdivision of the state. The effective date of this prohibition is January 1, 1990.

**LD 424 An Act to Provide Free Noncommercial Use of Public Reserved Lands and Lands for Maine's Future**

**ONTP**

<u>SPONSOR(S)</u>	<u>COMMITTEE REPORT</u>	<u>AMENDMENTS ADOPTED</u>
CLARK H	ONTP	
DUFFY		
HUSSEY		
PRAY		

SUMMARY

This bill proposed to ensure free, noncommercial public access to public reserved lands and lands acquired under the Lands for Maine's Future Fund. The Department of Conservation opposed the bill on the grounds that it needs to charge reasonable user fees to ensure maintenance and to provide adequate campsites, boat sites and solid waste disposal.

**LD 429 An Act to Implement Sound Forest Practices**

**PUBLIC 555**

<u>SPONSOR(S)</u>	<u>COMMITTEE REPORT</u>	<u>AMENDMENTS ADOPTED</u>
MICHAUD	OTP-AM	H-635
MARTIN J		S-440
LORD		
PEARSON		

SUMMARY

This amendment replaces the original bill and incorporates several proposals from LD 639. To allow landowners, resource managers and regulators to plan for and manage healthy, productive forest lands, the amendment directs the Maine Forests for the Future Program to track the forest land base; provides for technical assistance for forest landowners and wood processors; establishes regulation of forest harvesting practices; requires accurate reporting of forest management, harvesting and processing activities; and creates landowner incentives to protect the forest land base and to actively manage forest lands.

Sections 1 to 5 of the amendment require the Maine Forests for the Future Program to track changes to the forest land base as part of their overall assessment of forest lands.

Section 9 of the amendment enacts a strong technical assistance program for forest landowners and wood processors, including a forest management information clearinghouse, a natural resource educator and a strengthened field forester program to provide outreach services and referrals.

Section 10 of the amendment requires the Commissioner of Conservation to develop rules for regeneration requirements, clear-cutting practices, forest management plans and a variance procedure from these requirements.

Section 10 of the amendment also requires regeneration of commercial tree species on a clear-cut site within 5 years of a clear-cut, except when destroyed by a natural disaster. Forest management plans for clear-cuts over 50 acres in size are required to assure that environmental concerns are addressed in large harvests.

Finally, in recognition of the difficulty in having a variety of municipal ordinances regulating timber harvesting in Maine, section 10 of the amendment requires municipalities to use consistent terms in their ordinances, file their ordinances with the Bureau of Forestry and notify the Bureau of Forestry before any new ordinances are adopted.

Sections 13, 14 and 15 of the amendment strengthen forest landowner and wood processor reporting requirements. While much of the proposed new subchapter is reallocated from existing law, this amendment requires preliminary notification of timber harvesting. Penalty provisions for notification and reporting under this subchapter are strengthened.

Section 17 of the bill changes the requirements for eligibility for tree growth tax consideration to require a forest management plan for the parcel.

Section 20 removes a loophole created last year for the transfer of land from tree growth tax status to the open space program and returns the withdrawal penalty to the level of the tree growth tax program.

Section 23 phases down the commercial forestry excise tax from 50% to 25% of the program costs by 1996.

This bill also was referred to the Joint Standing Committee on Taxation which passed out an amendment (H-635) that was in concurrence with the Energy and Natural Resource's Committee recommendations. The amendment was further amended by the Appropriations Committee (S-440) to reduce the fiscal note.

**LD 453      An Act Regarding Replanting of Woodlots**

**ONTP**

SPONSOR(S)

HUSSEY  
GOULD R A  
DEXTER

COMMITTEE REPORT

ONTP

AMENDMENTS ADOPTED

SUMMARY

This bill would have required landowners to ensure that their lands have adequate regeneration following clear-cut harvesting operations. Landowners would have been required to notify the Bureau of Forestry prior to harvesting, secure a surety bond of \$200 per acre harvested and have a regeneration and management plan developed for the site. At least 2-1/2 years after the harvest, the landowner would have had to certify that regeneration has occurred and would then have been released from the bond requirement. The Attorney General would have been given authority to initiate injunctive proceedings to stop a landowner from violating these requirements. The notification and regeneration and management plan requirements were incorporated into LD 429.