



# 125th MAINE LEGISLATURE

## SECOND REGULAR SESSION-2012

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Legislative Document

No. 1739

S.P. 596

In Senate, January 4, 2012

### An Act To Change Regulation of Forestry Activities

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Submitted by the Department of Conservation pursuant to Joint Rule 204.

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

*Joseph G. Carleton Jr.*

JOSEPH G. CARLETON, JR.  
Secretary of the Senate

Presented by Senator SHERMAN of Aroostook.

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

2 **Sec. 1. 12 MRSA §8867-A**, as enacted by PL 1997, c. 720, §2, is repealed.

3 **Sec. 2. 12 MRSA §8867-B**, as amended by PL 2003, c. 335, §2, is repealed and  
4 the following enacted in its place:

5 **§8867-B. Rulemaking to establish performance standards**

6 In accordance with the purposes of chapter 206-A and Title 38, chapter 3 and no later  
7 than November 1, 2012, the Commissioner of Conservation shall adopt rules in  
8 accordance with Title 5, chapter 375 to establish performance standards for:

9 **1. Timber harvesting activities in shoreland areas.** Timber harvesting activities in  
10 areas adjacent to rivers, streams, ponds, wetlands and tidal waters;

11 **2. Enhancement of brook trout habitat.** Enhancement of brook trout habitat,  
12 specifically the placement of wood in stream channels; and

13 **3. Timber harvesting activities in protection districts.** Timber harvesting  
14 activities in protection districts designated by the Maine Land Use Regulation  
15 Commission.

16 The rules must provide the maximum opportunity for flexibility that achieves the  
17 goal of protecting public trust resources while minimizing the impact on private  
18 resources. The initial rules adopted pursuant to this section no later than November 1,  
19 2012 are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A.  
20 Subsequent amendments to those rules are major substantive rules as defined in Title 5,  
21 chapter 375, subchapter 2-A.

22 The Commissioner of Conservation shall consult with the Commissioner of  
23 Environmental Protection and the Commissioner of Inland Fisheries and Wildlife to  
24 ensure that bureau rules are consistent with wildlife habitat and environmental protection.

25 **Sec. 3. 12 MRSA §8869, sub-§2-A**, as amended by PL 1999, c. 361, §2, is  
26 further amended to read:

27 **2-A. Separation zones.** A clear-cut must be separated from any other clear-cut by at  
28 least 250 feet except where a property line is closer than 250 feet from the edge of the  
29 clear-cut. Unless an exemption is provided in rules adopted pursuant to section ~~8867-A~~  
30 8867-B, a separation zone must be equal to or greater than the area clear-cut.

31 **SUMMARY**

32 This bill changes regulation of forestry activities in shoreland areas by transferring  
33 authority for rulemaking regarding timber harvesting activities in protection districts in  
34 the unorganized territory from the Maine Land Use Regulation Commission to the  
35 Department of Conservation, Maine Forest Service and authorizing rulemaking at the  
36 Maine Forest Service regarding the enhancement of brook trout habitat, specifically the

1 placement of wood in stream channels. The bill provides that the initial rules adopted are  
2 routine technical rules and amendments to these rules are major substantive rules.