

# MAINE STATE LEGISLATURE

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SEVENTY-NINTH LEGISLATURE

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HOUSE

NO. 20

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House of Representatives, Jan. 22, 1919.

Referred to Committee on State Lands and Forest Preservation and 500 copies ordered printed. Sent up for concurrence.

CLYDE R. CHAPMAN, Clerk.

Presented by Mr. Granville of Parsonsfield.

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STATE OF MAINE

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IN THE YEAR OF OUR LORD ONE THOUSAND  
NINE HUNDRED AND NINETEEN

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AN ACT for the Preservation, Perpetuation and Increase of  
the Forests of the State of Maine.

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

Section 1. The state land agent shall have full charge  
2 of all state forests, as the same are hereinafter defined,  
3 including the power to reforest and regulate cutting on the  
4 same, and the authority to provide young trees to com-  
5 panies, firms, and individuals for planting at cost to the  
6 state of producing the same, and shall have charge of  
7 enforcing all laws enacted to regulate the cutting on aux-  
8 iliary state forests, as hereinafter defined; and he may,  
9 from time to time, as may be found necessary in carrying

10 out the provisions of this act, appoint additional assistants,  
11 not exceeding five.

Sect. 2. State forests shall include all areas now owned  
2 or hereafter acquired by the state which are now covered  
3 with trees or which shall hereafter be planted to trees by  
4 the state excepting the land owned by the state in the city  
5 of Augusta.

Sect. 3. The state land agent shall, from time to time,  
2 recommend to the governor and council such tracts of land,  
3 the acquirement of which will, in his judgment, be most  
4 advantageous to the state in preserving existing forests,  
5 in reforesting barren areas and protecting the natural water  
6 supply of the rivers of the state. At such times as there  
7 shall be appropriations therefor, the governor, with the  
8 consent of the council, shall take, in the name of the state,  
9 in the manner herein provided, any of the land so recom-  
10 mended by the state land agent, to be held as a part of the  
11 state forests. When any land shall be so taken, the gov-  
12 ernor shall cause the same to be surveyed, located and  
13 described, so that the same can be identified, and plans and  
14 descriptions thereof with copies of the order in the coun-  
15 cil shall be filed in the registry of deeds of the county  
16 where such land is located and there recorded, and copies  
17 of the said plans and description shall be filed in the office  
18 of the state land agent. The filing and recording of the  
19 order of the council with plans and descriptions of the land  
20 so taken in the registry of deeds as herein provided, shall

21 vest the title to such land in the state of Maine, to be held  
22 as part of the state forests during the pleasure of the state.

Sec. 4. The owner of any land so taken, shall have full  
2 and just compensation therefor, to be ascertained and de-  
3 termined in the same manner as, and by proceedings similar  
4 to those provided for fixing damages in locating highways  
5 in chapter 23 of the revised statutes of Maine.

Sect. 5. Auxiliary state forests shall include all areas  
2 owned by corporations, firms or individuals, now covered  
3 by trees or which shall be planted to trees for use as fuel,  
4 manufacture or sale, the owner of which, shall in cities and  
5 unorganized townships have filed with the assessors, and  
6 in unorganized townships with the state land agent, plans  
7 or description of such tracts, with a request that the same  
8 be included as a part of the auxiliary forests of the state.

Sect. 6. Owners of auxiliary state forests proposing to  
2 cut, or permit cutting, on such forest lands, trees for mar-  
3 ket or manufacture, shall by themselves, or by their agents  
4 file an application in duplicate with the state land agent,  
5 on blanks furnished by said agent, stating the location of  
6 the tracts proposed to be cut, with the names and addresses  
7 of the permittees, if any, the stumpage price per thousand  
8 feet, or per cord if the same be sold by the thousand feet,  
9 or cord, or, if the standing timber on a given tract be sold  
10 for a gross sum, then the location and bounds of such  
11 tract, and the gross sum for which the same is sold. On  
12 receipt of the aforesaid application, license to cut from

13 such tract, or tracts in accordance with the cutting rules  
14 hereinafter stated, shall issue to such owner or permittee  
15 within one week thereafter, which license shall remain in  
16 force for one year from the date of the said license, unless  
17 sooner revoked by the said land agent for failure of the  
18 said owner, his agents, or permittees to conform to law in  
19 cutting such forests.

Sect. 7. No person desiring to clear land for agricultural  
2 purposes for buildings, or for highways, or to cut trees  
3 for use in building camps, dams or the construction of  
4 ways, or for use as fuel in the course of lumbering opera-  
5 tions for from his own land for use upon his farm in the  
6 ordinary course of good husbandry, shall, for the purposes  
7 aforesaid, be required to comply with section six of this  
8 act unless the wood so cut is to be sold for fuel or sold or  
9 used for manufacture.

Sect. 8. No white pine trees under twelve inches in diam-  
2 eter, at one foot from ground, shall be cut from the state  
3 forests or from auxiliary state forests, except when such  
4 cutting be necessary in the clearing of roads or yards dur-  
5 ing the operation or from localities in which trees are un-  
6 duly exposed to destruction from wind, or too thick for  
7 profitable growth.

Sect. 9. Any plans for the cutting or cultivation of for-  
2 ests prepared by the owners thereof and approved by the  
3 state land agent, may be pursued by the owner of such  
4 forests, instead of conforming to section eight of this act.

Sect. 10. All growing trees on auxiliary state forests  
2 within the state are exempt from taxation, and state as-  
3 sessors, town and plantation assessors, shall, for the pur-  
4 poses of taxation, appraise the land only, in all auxiliary  
5 forests by them assessed, independent from the value of  
6 the growth thereon, and also independent of any great pond  
7 therein, and assess upon such soil, a tax in the same man-  
8 ner, and at the same rate as other property is by them  
9 assessed.

Sect. 11. All persons, firms or corporations owning aux-  
2 iliary state forests, and who are engaged in the business  
3 of cutting trees therefrom for market, or manufacture or  
4 the permittees owning the stumpage upon such forests so  
5 engaged in cutting, shall pay, after joining the auxiliary  
6 forest to the state treasurer for the use of the state, when  
7 the land from which said trees so cut is located in unin-  
8 corporated places, and to tax collectors of the various  
9 cities, towns, or plantations, where the land from which  
10 said trees so cut is located, an excise tax of one-half per  
11 cent if cut during first year, one per cent for second year,  
12 one and one-half per cent for third year, two per cent for  
13 fourth year, two and one-half per cent for fifth year, three  
14 per cent for the sixth year, three and one-half per cent for  
15 the seventh year, four per cent for the eighth year, four  
16 and one-half per cent for the ninth year and five per cent  
17 for the tenth year and thereafter upon the stumpage value  
18 of all trees so cut and during the year ending the first day

19 of April; the value of the stumpage so cut to be deter-  
20 mined by the assessors who assess the land on which the  
21 said trees are cut, and as an aid thereto, the state land  
22 agent shall furnish to the said assessors duplicate copies  
23 of all applications, licenses, permits and returns as shall be  
24 on file in his office on the fifteenth day of April. And such  
25 logs or lumber so cut shall be subject to a lien enforceable  
26 within six months in favor of the town in which the logs  
27 were cut to be enforced by the assessors of the town where  
28 the tax is due.

Sect. 12. If any owner or permittee fails to make the  
2 returns of the amount cut as herein provided, such fact shall  
3 be certified by the state land agent to the assessors, and  
4 thereupon the assessors shall ascertain, as nearly as may  
5 be, the amount so cut, and the amount so found shall be  
6 assessed, and the owner is thereby barred of his right of  
7 appeal, provided for by this act, unless he offers such re-  
8 turn with his appeal, and satisfies the court that he was  
9 unable to make such returns within the time limited.

Sect. 13. The state shall credit to each county assessing  
2 the soil in tracts designated in section 40 of chapter 9  
3 of the revised statutes, with an amount which shall bear  
4 the same ratio to the amount of the excise tax received on  
5 stumpage from such tracts for the year prior to such credit,  
6 as the rate of the county tax bears to the rate of the state  
7 tax. This amount is to be credited in addition to the credit  
8 to be given under section 4 of chapter 150 of the laws of

9 1905, and shall be certified to the county treasurer at the  
10 time and in the manner provided in said section 4.

Sect. 14. Every person, firm or corporation to whom  
2 license is granted under the provisions of this act to cut  
3 from any of the auxiliary state forests shall make a return  
4 in duplicate to the state land agent, not later than the fif-  
5 teenth day of April of each year of the amount of each  
6 kind of logs cut, or, if it has been cut into four-foot  
7 lengths, of the number of cords of each kind of wood cut,  
8 all hardwoods being designated under the general heading  
9 "hard-woods," under such license for the year ending April  
10 first, and shall make oath that such return is a true and  
11 correct statement of the amount so cut according to their  
12 best knowledge and belief.

Sect. 15. If any person, firm or corporation to whom  
2 license may be granted under the provisions of this act  
3 shall fail to make the returns provided herein within the  
4 time limited for the making of such returns, no further  
5 license shall be granted to such persons, firm or corporation  
6 until such return be made.

Sect. 16. Any person, firm or corporation refusing or  
2 neglecting to make the returns required by this act within  
3 the time limited herein or any person who shall knowingly  
4 or wilfully make a false return of the quantity of logs cut  
5 or the number of cords of wood cut, during any season, or  
6 who shall cut any trees from the auxiliary state forests  
7 contrary to the provisions of this act, shall be punished



8 by a fine not exceeding one thousand dollars.

Sect. 17. The sum of five thousand dollars is hereby ap-  
2 propriated for the year 1919 and a like sum for the year  
3 1920, for the purpose of carrying out the provisions of this  
4 act, except that no part thereof shall be expended for the  
5 purchase of land.

Sect. 18. All acts and parts of acts, inconsistent with this  
2 act are hereby repealed.