

MAINE STATE LEGISLATURE

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EIGHTIETH LEGISLATURE

HOUSE

NO. 83

House of Representatives, Feb. 9, 1921.

Referred to Committee on State Lands and Forest Preservation, and 1000 copies of the report and bill ordered printed. Sent up for concurrence.

CLYDE R. CHAPMAN, Clerk.

STATE OF MAINE

IN THE YEAR OF OUR LORD ONE THOUSAND
NINE HUNDRED AND TWENTY-ONE

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

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

Section 1. The state land agent shall have full charge of
2 all state forests, as the same are hereinafter defined, includ-
3 ing the power to reforest and regulate cutting on the same,
4 and the authority to provide young trees to companies, firms,
5 and individuals for planting at cost to the state of producing
6 the same, and shall have charge of enforcing all laws en-
7 acted to regulate the cutting on auxiliary state forests, as
8 hereinafter defined; and he may, from time to time, as may

9 be found necessary in carrying out the provisions of this
10 act, appoint additional assistants, 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, in
5 reforesting barren areas and protecting the natural water
6 supply of the rivers of the state and at such times as there
7 shall be appropriations therefor, the governor, with the con-
8 sent of the council, shall purchase the same in the name of
9 the state.

Sect. 4. 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 organized townships have filed with the assessors, and in
6 unorganized townships with the state land agent, plans or
7 description of such tracts, with a request that the same be
8 included as a part of the auxiliary forests of the state.

Sect. 5. Owners of auxiliary state forests proposing to
2 cut, or permit cutting, on such forest lands, trees for market
3 or manufacture, shall by themselves, or by their agents, file

4 an application in duplicate with the state land agent, on
5 blanks furnished by said agent, stating the location of the
6 tracts proposed to be cut, with the names and addresses of
7 the permittees, if any, the stumpage price per thousand feet,
8 or per cord if the same be sold by the thousand feet, or
9 cord, or, if the standing timber on a given tract be sold for
10 a gross sum, then the location and bounds of such tract, and
11 the gross sum for which the same is sold. On receipt of
12 the aforesaid application, license to cut from such tract or
13 tracts in accordance with the cutting rules hereinafter stated,
14 shall issue to such owner or permittee within one week
15 thereafter, which license shall remain in force for one year
16 from the date of the said license, unless sooner revoked by
17 the said land agent for failure of the said owner, his agents,
18 or permittees to conform to law in cutting such forests.

Sect. 6. 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 ways,
4 or for use as fuel in the course of lumbering operations for
5 from his own land for use upon his farm in the ordinary
6 course of good husbandry, shall, for the purposes afore-
7 said, be required to comply with section five of this act
8 unless the wood so cut is to be sold for fuel or sold or used
9 for manufacture.

Sect. 7. No white pine trees under ten inches in diameter,
2 at four feet from the 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 operations or from localities in which trees are
6 unduly exposed to destruction from wind, or too thick for
7 profitable growth. At least three pine seed trees shall be
8 left on each acre.

Sect. 8. 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 forest, instead of conforming to section seven of this act.

Sect. 9. All pine trees sixteen inches, hemlock, spruce and
2 cedar trees twelve inches or less in diameter measured four
3 feet from the ground on auxiliary state forests within the
4 state are exempt from taxation, and state assessors, town
5 and plantation assessors, shall, for the purposes of taxation,
6 appraise the land only, in all auxiliary forests by them as-
7 sessed, independent from the value of the growth thereon,
8 and also independent of any great pond therein, and assess
9 upon such soil upon a valuation not to exceed five dollars
10 per acre, a tax in the same manner, and at the same rate
11 as other property is by them assessed.

Sect. 10. All persons, firms or corporations owning aux-
2 iliary state forests, and who are engaged in the business of
3 cutting trees therefrom for market, or manufacture, or the
4 permittees owning the stumpage upon such forests so en-
5 gaged in cutting, shall pay, after joining the auxiliary for-
6 est, to the state treasurer for the use of the state, when the
7 land from which said trees so cut is located in unincorpo-

8 rated places, and to tax collectors of the various cities,
9 towns, or plantations, where the land from which said trees
10 so cut is located, a tax of one-half of one per cent, if cut
11 during the first year, one per cent for the second year, and
12 one and one-half per cent the third year, two per cent the
13 fourth year, two and a half per cent the fifth year, three
14 per cent the sixth year, three and a half per cent the sev-
15 enth year, four per cent the eighth year, four and a half
16 per cent for the ninth year, and five per cent for the tenth
17 year, and thereafter upon the stumpage value of all trees
18 so cut and during the year ending the first day of April the
19 value of the stumpage so cut to be determined by the as-
20 sessors who assess the land on which said trees are cut,
21 and as an aid thereto, the state land agent shall furnish
22 to the said assessors duplicate copies of all applications,
23 licenses, permits and returns as shall be on file in his office
24 on the fifteenth day of April. And such logs or lumber so
25 cut shall be subject to a lien enforceable within six months
26 in favor of the town in which the logs were cut, to be en-
27 forced by the assessors of the town where the tax is due.

Sect. 11. If any owner or permittee fails to make the
2 returns of the amount cut as herein provided, such fact
3 shall be certified by the state land agent to the assessors,
4 and thereupon the assessors shall ascertain, as nearly as
5 may be, the amount so cut, and the amount so found shall
6 be assessed, and the owner is thereby barred of his right
7 of appeal, provided for by this act, unless he offers such

8 return with his appeal, and satisfies the court that he was
9 unable to make such returns within the time limited.

Sect. 12. The state shall credit to each county assessing
2 the soil in tracts designated in section forty of chapter nine
3 of the revised statutes, with an amount which shall bear
4 the same ratio to the amount of the tax received on stump-
5 age from such tracts for the year prior to such credit, as
6 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 four of chapter one hundred and
9 fifty of the laws of nineteen hundred and five, and shall be
10 certified to the county treasurer at the time and in the man-
11 ner provided in said section four.

Sect. 13. 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, if it has been cut into four-foot lengths,
7 of the number of cords of each kind of wood cut, all hard-
8 woods being designated under the general heading "hard-
9 woods," under such license for the year ending April first,
10 and shall make oath that such return is a true and correct
11 statement of the amount so cut according to their best
12 knowledge and belief.

Sect. 14. If any person, firm, or corporation to whom
2 license may be granted under the provisions of this act shall

3 fail to make the returns provided herein within the time
4 limited for the making of such returns, no further license
5 shall be granted to such person, firm or corporation until
6 such return be made.

Sect. 15. 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,
6 or who shall cut any trees from the auxiliary state forests
7 contrary to the provisions of this act, shall be punished by
8 a fine not exceeding one thousand dollars.

Sect. 16. The sum of five thousand dollars is hereby ap-
2 propriated for the year nineteen hundred and twenty-one
3 and a like sum for the year nineteen hundred and twenty-
4 two, for the purpose of carrying out the provisions of this
5 act, except that no part thereof shall be expended for the
6 purchase of land.

Sect. 17. Provided that all or any part of any land in-
2 cluded in the auxiliary state forest may be withdrawn when
3 for any reason it becomes more valuable for other purposes,
4 by filing with the forest commissioner description of such
5 land and the payment of the tax on full value of trees there-
6 on, together with all expenses incurred by administration
7 on same.

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