

MAINE STATE LEGISLATURE

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EMERGENCY
SECOND REGULAR SESSION

ONE HUNDRED AND EIGHTH LEGISLATURE

Legislative Document

No. 2095

S. P. 678

In Senate, January 20, 1978

Governor's Bill. The Committee on Natural Resources suggested.

MAY M. ROSS, Secretary

Presented by Mr. Redmond of Somerset.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
SEVENTY-EIGHT

AN ACT to Facilitate the Operation of the Spruce Budworm Suppression Act.

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

Whereas, fair and proper administration of the program created by the Spruce Budworm Suppression Act require prompt enactment of this legislation; and

Whereas, certain areas within the Spruce Fir Forest Protection District are not, in the judgment of the Bureau of Forestry, suitable for controlling budworm by aerial spraying and should therefore be deleted from the district; and

Whereas, landowners affected by the deletion will become liable for payment of the 1978 budworm excise tax unless the area covered by the district is promptly altered by the Legislature; 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 enacted by the People of the State of Maine, as follows:

Sec. 1. 12 MRSA § 1012, sub-§ 7, as enacted by PL 1975, c. 764, § 3, is amended to read:

7. Person. “Person” means any individual, partnership, joint venture, corporation or other legal entity, **or any group of persons which acts as a tenancy in common or joint tenancy for the purpose of ownership of real estate**, except any government or any agency, bureau or commission thereof.

Sec. 2. 12 MRSA § 1013, as enacted by PL 1975, c. 764, § 3, is repealed and the following enacted in its place:

§ 1013. Spruce Fir Forest Protection District

There is established a Spruce Fir Forest Protection District consisting of each of the municipalities and townships within the State in which the softwood forest cover is to a substantial extent composed of species of spruce and fir trees and wherein the spruce and fir is now, or may reasonably be expected to become, subject to infestation and destruction by spruce budworm insects. The district shall consist of the following municipalities and townships:

Aroostook County. All municipalities and townships except Oakfield, New Limerick, Houlton, Littleton, Mars Hill, Easton, Presque Isle, Fort Fairfield, Mapleton, Washburn, Woodland, New Sweden, Caribou, Limestone, Madawaska, Fort Kent and Frenchville;

Franklin County. The following municipalities and townships:

Rangeley, Dallas, Lang, Coplin, Eustis, Jim Pond, Alder Stream, Chain of Ponds and Coburn Gore;

Hancock County. All municipalities and townships north of a line formed by the southern boundaries of the Townships of Mariaville, Waltham, Franklin and T16 MD;

Penobscot County. All municipalities and townships north of a line formed by the southern and western boundaries of the Townships of Langrange, Alton, Milford and Bradley;

Piscataquis County. All municipalities and townships except Atkinson, Sebec, Orneville, Dover-Foxcroft, Guilford, Sangerville, Monson, Abbot, Parkman, Kingsbury Plantation and Wellington;

Somerset County. All municipalities and townships north of a line formed by the southern boundaries of the townships of Mayfield, Moscow, Pleasant Ridge Plantation and Highland Plantation; and

Washington County. All municipalities and townships except Steuben, Milbridge, Harrington, Addison, Beals, Jonesport, Roque Bluffs, Machias, Machiasport, Cutler, Trescott, Lubec and Eastport.

Sec. 3. 12 MRSA § 1017, sub-§§ 1 and 2, as enacted by PL 1975, c. 764, § 3, are amended to read:

1. **Conditions.** Any person owning, or claiming rights in timber or land within the Spruce Fir Forest Protection District and subject to taxation hereunder may, ~~by April 25, 1976, for the 1976 spray project, and within 30 days after publication of notice as provided for by section 1016, subsection 2 in each of the years thereafter~~ **November 15th of each year**, apply in writing to the State Entomologist for the withdrawal of not less than 500 acres nor more than 1,000 acres. ~~Each owner or claimant shall be entitled to but one withdrawal pursuant to this section and all acres withdrawn shall be contiguous.~~ **Each person who is an owner or claimant of real estate shall be entitled to only one withdrawal pursuant to this section and all acres withdrawn shall be contiguous.**

2. **Consent.** Applications made pursuant to subsection 1 shall be granted by the State Entomologist **or his designee** when he is satisfied that the information contained in the application is complete, truthful and accurate. In the event that he is not so satisfied within 30 days after submission of an application, it shall be deemed denied, and the State Entomologist **or his designee** shall state his reason for denial in writing to the applicant. Upon the granting of an application, the State Entomologist **or his designee** shall notify the State Tax Assessor.

Sec. 4. 12 MRSA § 1018, sub-§ 1, 1st sentence, as enacted by PL 1975, c. 764, § 3, is amended to read:

Any person owning or claiming rights in timber on land within the Spruce Fir Forest Protection District and subject to taxation hereunder may, ~~by April 25, 1976, and not later than September 16, 1976, and on the anniversary date thereof in each of the years thereafter~~ **November 15th of each year**, apply in writing to the Director of the Bureau of Forestry for designation of contiguous parcels of land of not less than 500 acres as silvicultural treatment areas.

Sec. 5. 12 MRSA § 1019, as enacted by PL 1975, c. 764, § 3, is repealed.

Sec. 6. 12 MRSA § 1020, sub-§ 1, ¶ E, as enacted by PL 1975, c. 764, § 3, is amended to read:

E. ~~Written~~ **Subject to the provisions of paragraph G, written** authorization from each owner of, or claimant to, an interest therein, other than owners of ~~utility rights of way easements and mortgages;~~

Sec. 7. 12 MRSA § 1020, sub-§ 5, is enacted to read:

5. **Written notification.** Owners of tracts under silvicultural or automatic withdrawals shall send written notification to the Director of the Bureau of Forestry within 30 days of any transfer of any interest, other than an easement or mortgage, in those tracts.

Sec. 8. 12 MRSA § 1024, sub-§ 1, as enacted by PL 1975, c. 764, § 3, is amended by adding at the end a new sentence to read:

The Forest Insect Manager shall also be known as the coordinator of the spruce budworm program.

Emergency clause. In view of the emergency cited in the preamble, this Act shall take effect when approved.

STATEMENT OF FACT

The purpose of this bill is to revise the boundary of the Spruce Fir Forest Protection District and to make certain minor corrections and additions to the 1976 Spruce Budworm Suppression Act.

The Maine Bureau of Forestry recommends that spraying for budworm control is not an appropriate management practice in 114 townships. Many landowners in this area desire to be removed from the district so that they will not be liable for the budworm excise tax, which is expected to be 70¢ per acre of softwood in 1978. Passage of this bill would declare a state policy that spraying is not to be considered in the areas affected and would reduce the financial burden of the tax on owners.