

MAINE STATE LEGISLATURE

The following document is provided by the
LAW AND LEGISLATIVE DIGITAL LIBRARY
at the Maine State Law and Legislative Reference Library
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied
(searchable text may contain some errors and/or omissions)

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30

STATE OF MAINE
HOUSE OF REPRESENTATIVES
113TH LEGISLATURE
SECOND REGULAR SESSION

HOUSE AMENDMENT "A" to S.P. 297, L.D. 847, Bill,
"AN ACT Concerning Access Fees."

Amend the bill by striking out everything after
the enacting clause and inserting in its place the
following:

'Sec. 1. 36 MRSA §573, sub-§3, as amended by PL
1981, c. 711, §§3 and 4, is further amended to read:

3. Forest land. "Forest land" means land used
primarily for growth of trees to be harvested for
commercial use, but does not include ledge, marsh,
open swamp, bog, water and similar areas, which are
unsuitable for growing a forest product or for
harvesting for commercial use even though these areas
may exist within forest lands. Forest land does not
include any parcel or contiguous parcels of land which
total 100 acres or more and which are subject to an
agreement granting, for compensation, to a person
other than the owner, an exclusive and private right
to hunt, fish or otherwise use the parcel for
recreational purposes.

Land which would otherwise be included within this
definition shall not be excluded because of:

- A. Multiple use for public recreation;
- B. Statutory or governmental restrictions which

HOUSE AMENDMENT "A" to S.P. 297, L.D. 847

1 prevent commercial harvesting of trees or require
2 a primary use of the land other than commercial
3 harvesting;

4 C. Deed restrictions, restrictive covenants or
5 organizational charters which prevent commercial
6 harvesting of trees or require a primary use of
7 land other than commercial harvesting and which
8 were effective prior to January 1, 1982;

9 D. If the parcel is less than 100 acres, the sole
10 use of the land is harvesting trees for personal
11 use; or

12 E. Past or present multiple use for mineral
13 exploration.

14 Sec. 2. Application. This Act applies to all
15 forest land classified under the Maine Revised
16 Statutes, Title 36, chapter 105, subchapter II-A, on
17 or after the effective date of the Act. A parcel of
18 land which on April 6, 1988, was subject to an
19 agreement described in section 1 of this Act and which
20 is classified under the Maine Tree Growth Tax Law on
21 the effective date of this Act and which becomes
22 ineligible for the program on that date solely as a
23 result of the operation of this Act shall not be
24 subject to any penalties for withdrawal from
25 classification.'

26 STATEMENT OF FACT

27 The purpose of this amendment is to limit the
28 eligibility for the tree growth tax program to those
29 forest land owners who do not lease their forest lands
30 for exclusive recreational use.

31 The intent of this amendment is to reestablish the
32 purpose of the Maine Tree Growth Tax Law as a state
33 incentive for commercial timber management and not as
34 a subsidy for other commercial activities based on
35 forest land such as recreational leasing.

36 5417040588