

MAINE STATE LEGISLATURE

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119th MAINE LEGISLATURE

FIRST REGULAR SESSION-1999

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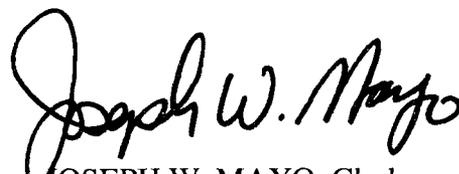
H.P. 647

House of Representatives, February 2, 1999

**An Act to Extend the Management Plan Requirement for Forest Owners
under the Maine Tree Growth Tax Law.**

(EMERGENCY)

Reference to the Committee on Taxation suggested and ordered printed.


JOSEPH W. MAYO, Clerk

Presented by Representative GOOLEY of Farmington.
Cosponsored by Senator MILLS of Somerset and
Representatives: BROOKS of Winterport, CARR of Lincoln, GILLIS of Danforth, MURPHY
of Kennebunk, WHEELER of Bridgewater, WILLIAMS of Orono, Senators: KILKELLY of
Lincoln, LIBBY of York.

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

4 Whereas, the current deadline to provide a forest management
6 and harvest plan is April 1, 1999; and

8 Whereas, more time is needed by landowners to adequately and
properly prepare the plan; and

10 Whereas, in the judgment of the Legislature, these facts
12 create an emergency within the meaning of the Constitution of
Maine and require the following legislation as immediately
14 necessary for the preservation of the public peace, health and
safety; now, therefore,

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

18 **Sec. 1. 36 MRSA §574-B, sub-§1**, as amended by PL 1995, c. 236,
20 §§4 and 5, is further amended to read:

22 **1. Forest management and harvest plan.** A forest management
and harvest plan has been prepared for the parcel and updated
24 every 10 years. The landowner shall file a sworn statement with
the municipal assessor in a municipality or the State Tax
26 Assessor for parcels in the unorganized territory that a
management plan has been prepared for the parcel. A landowner
28 with a parcel taxed pursuant to this subchapter on September 30,
1989 has until ~~April 1~~ December 31, 1999 to comply with this
30 requirement and until the plan is prepared or ~~April 1~~ December
31, 1999, whichever is earlier, is subject to the applicability
32 provisions under this section as it existed on April 1, 1982.

34 A landowner with a parcel taxed pursuant to this subchapter for a
property tax year beginning before April 1, 1996 when the parcel
36 was less than 100 acres and the sole use of the land was
harvesting of trees for personal use shall:

38 A. By ~~April 1~~ December 31, 1999, file a sworn statement
40 that a revised management plan has been prepared for the
parcel of forest land;

42 B. Apply for classification under the open space laws
44 pursuant to section 1106-A; or

46 C. Notwithstanding section 581, withdraw from tree growth
classification pursuant to this paragraph for the 1996 tax
48 year.

50 For withdrawal from tree growth classification under this

2 paragraph, the entire parcel subject to that classification
3 in 1993 must be withdrawn from classification for the 1996
4 tax year. Persons electing to withdraw under this paragraph
5 shall notify the assessor before April 1, 1996 and pay a
6 penalty equal to the taxes that would have been assessed on
7 the first day of April for the 5 tax years, or any lesser
8 number of tax years starting with the year in which the
9 property was first classified, preceding that withdrawal had
10 the real estate been assessed in each of those years at its
11 fair market value on the date of withdrawal less all taxes
12 paid on that real estate over the preceding 5 years and
13 interest at the legal rate from the date or dates on which
14 those amounts would have been payable. Persons electing to
15 withdraw under this paragraph may pay the penalty owed in 5
16 equal annual installments with interest at the legal rate to
17 begin 60 days after the date of assessment. Notwithstanding
18 section 943, the period during which the tax lien mortgage,
19 including interest and costs, must be paid to avoid
20 foreclosure and expiration of the right of redemption is 48
21 months instead of 18 months. The procedure for withdrawal
22 provided in this paragraph is intended to be an alternative
23 to the procedure in section 581;

24 **Emergency clause.** In view of the emergency cited in the
25 preamble, this Act takes effect when approved.
26

28 SUMMARY

30 This bill extends the date by which an owner of land used
31 for growth of trees for commercial harvesting is required to
32 prepare a forest management and harvest plan from April 1, 1999
to December 31, 1999.