

MAINE STATE LEGISLATURE

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120th MAINE LEGISLATURE

SECOND REGULAR SESSION-2002

Legislative Document

No. 2097

H.P. 1594

House of Representatives, February 1, 2002

**An Act to Implement the Recommendations of the Committee to Study
Access to Private and Public Lands in Maine.**

(EMERGENCY)

Reported by Representative McGLOCKLIN for the Committee to Study Access to Private and Public Lands in Maine pursuant to Joint Order 2001, H.P. 1387.

Reference to the Joint Standing Committee on Agriculture, Conservation and Forestry suggested and printing ordered under Joint Rule 218.

Millicent M. MacFarland

MILLICENT M. MacFARLAND, Clerk

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

4 **Whereas,** changes in land ownership have been occurring at an
6 unprecedented rate; and

8 **Whereas,** it is in the interest of the State to monitor these
changes; and

10 **Whereas,** changes regarding classification of land for
12 taxation purposes are submitted on or before April 1st; and

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

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

22 **Sec. 1. 5 MRSA §6207, sub-§5** is enacted to read:

24 5. Estimation of monitoring and management costs. Prior to
final approval of a project under this chapter, a person
26 submitting a proposal to acquire property or an interest in
property with funding from the Land for Maine's Future Fund or
28 the Public Access to Maine Waters Fund shall provide:

30 A. A description of the management envisioned for the
property. When the application proposes acquiring an
32 interest in property, the application must provide a
description of the anticipated management responsibilities
34 retained by the landowner and those to be assumed by the
State or a cooperating entity;

36 B. Preliminary estimates of the costs to the State or a
cooperating entity of managing the land for the uses
38 proposed in the application; and

40 C. Preliminary estimates of the costs associated with
monitoring compliance with an easement when an interest in
42 land is acquired.

44 **Sec. 2. 12 MRSA §8879, sub-§1-A** is enacted to read:

46 1-A. Report on changes in ownership of forest land. Using
48 information received under Title 36, section 581-E, the director
shall monitor changes in ownership of parcels of forest land that
50 are 1,000 acres or greater in area within the municipalities of

2 the State and classified under the Maine Tree Growth Tax Law.
3 Using information received under Title 36, sections 581-E and
4 581-F, the director shall monitor the number of parcels
5 classified under the Maine Tree Growth Tax Law and the
6 distribution of parcels by size. The biennial report must
7 include information on the number of parcels, classified by size
8 categories, for the organized and unorganized territories of the
9 State. The information must be presented in a manner that
10 facilitates comparison from year to year.

11 In assessing changes in forest land ownership, the director shall
12 also consider information reported pursuant to Title 36, sections
13 305 and 2728. The director shall provide a summary of changes in
14 ownership of forest land in the biennial report.

15 **Sec. 3. 36 MRSA §305, sub-§5,** as enacted by PL 1973, c. 620,
16 §10, is amended to read:

17 **5. Rules and regulations.** Promulgate, after appropriate
18 notice and hearing, all rules and regulations necessary to carry
19 into effect any of its duties and responsibilities; and

20 **Sec. 4. 36 MRSA §305, sub-§6** is enacted to read:

21 **6. Report on changes in land ownership.** On or before
22 September 1st of each year, report to the Commissioner of
23 Conservation, the Commissioner of Inland Fisheries and Wildlife,
24 the Director of the State Planning Office within the Executive
25 Department and the joint standing committee of the Legislature
26 having jurisdiction over public lands on the transfer in
27 ownership of parcels of land 10,000 acres or greater within the
28 unorganized territory of the State. Using information maintained
29 by the State Tax Assessor under section 1602 and section 4641-D,
30 the bureau shall provide information for each transfer that
31 includes:

32 A. Name of the seller;

33 B. Name of the buyer;

34 C. Number of acres transferred;

35 D. Classification of land;

36 E. Location by township and county;

37 F. Sale price; and

38 G. A brief description of the property.

2 **Sec. 5. 36 MRSA §581-F** is enacted to read:

4 **§581-F. Report to the Bureau of Forestry on land in unorganized**
6 **territory**

8 On or before September 1st of each year, the State Tax
10 Assessor shall provide to the Department of Conservation, Bureau
12 of Forestry information on land within the unorganized territory
14 taxed according to this subchapter. The information must include
 the number of parcels enrolled, classified by parcel size
 categories. The State Tax Assessor shall consult with the
 Director of the Bureau of Forestry in determining the parcel size
 categories and shall provide the information in a consistent
 format to facilitate comparison from year to year.

16 **Sec. 6. 36 MRSA §1102, sub-§6**, as amended by PL 1989, c. 748,
18 §1, is further amended to read:

20 **6. Open space land.** "Open For land first classified under
22 this subchapter on or before April 1, 2002, "open space land"
24 means any area of land, including state wildlife and management
 areas, sanctuaries and preserves designated as such in Title 12,
 the preservation or restriction of the use of which provides a
 public benefit in any of the following areas:

- 26 A. Conserving scenic resources;
- 28 B. Enhancing public recreation opportunities;
- 30 C. Promoting game management; or
- 32 D. Preserving wildlife or wildlife habitat.

34 Open space land first subject to classification under this
36 subchapter after April 1, 2002, in addition to meeting the other
38 requirements of this subsection, must be open to the public
40 without charge for year-round, nonmotorized recreation, including
42 fishing, hunting, cross-country skiing, hiking and nature
44 observation. Land is not disqualified from classification as
46 open space land if the landowner imposes temporary or localized
 public access restrictions to protect active habitat of
 endangered species listed under Title 12, chapter 713, subchapter
 V; prevent destruction or harm to fragile protected natural
 resources under Title 38, chapter 3, subchapter I, article 5-A;
 or protect the recreational user from any hazardous area.

48 **Sec. 7. 36 MRSA §1106-A, sub-§4** is enacted to read:

50 **4. Percentage reduction for land first classified after**
 April 1, 2002. All land first classified as open space land

2 after April 1, 2002 is entitled to the reduction provided in
3 subsection 2, paragraph D.

4 **Sec. 8. 36 MRS §2728** is enacted to read:

6 **§2728. Report on ownership of commercial forest land by size of**
7 **ownership**

8
9 On or before September 1st of each year, the State Tax
10 Assessor shall provide the Director of the Bureau of Forestry
11 within the Department of Conservation with information on the
12 number of landowners filing tax returns in accordance with this
13 chapter, including a breakdown of the number of landowners by
14 acreage categories. The State Tax Assessor shall consult with
15 the Director of the Bureau of Forestry in determining the acreage
16 categories and shall provide the information in a consistent
17 format to facilitate comparison from year to year.

18
19 **Emergency clause.** In view of the emergency cited in the
20 preamble, this Act takes effect when approved.

22
23 **SUMMARY**

24
25 This bill requires a person submitting a proposal for
26 funding from the Land for Maine's Future Fund or the Public
27 Access to Maine Waters Fund to provide information on the
28 anticipated management of the property and costs associated with
29 the management of the property and monitoring for compliance with
30 easements acquired.

31 It requires the Director of the Bureau of Forestry within
32 the Department of Conservation to include information on changes
33 in ownership of forest land and parcel size in the biennial state
34 of the forest report using information currently available from
35 the Department of Administrative and Financial Services, Bureau
36 of Revenue Services and information reported to the bureau by
37 municipalities.

38
39 It requires the Bureau of Revenue Services to report on land
40 transfers of parcels 10,000 acres and greater in the unorganized
41 territory.

42
43 It requires the State Tax Assessor to report annually to the
44 Bureau of Forestry on the number of parcels in the unorganized
45 territory taxed under the Maine Tree Growth Tax Law with a
46 breakdown by parcel size categories.

2 It requires land initially enrolled as open space land after
April 1, 2002 to be open to the public for nonmotorized
recreation.

4

6 It requires the State Tax Assessor to report annually on the
number of landowners owning 500 acres or more of commercial
forest land, including a breakdown of the number of landowners by
8 acreage categories.