

MAINE STATE LEGISLATURE

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SEVENTY-SIXTH LEGISLATURE

SENATE

NO. 492

In Senate, March 14, 1918.

*Reported by Senator Colby from Committee on State Lands
and Forest Preservation and ordered recommitted to committee.*

W. E. LAWRY, Secretary.

STATE OF MAINE

IN THE YEAR OF OUR LORD ONE THOUSAND NINE
HUNDRED AND THIRTEEN.

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
2 of all State forests, as the same are hereinafter defined, in-
3 cluding the power to reforest and regulate cutting on the
4 same, and the authority to provide young trees to companies,
5 firms and individuals for planting at cost to the State of pro-
6 ducing the same, and shall have charge of enforcing all laws
7 enacted to regulate the cutting on Auxiliary State Forests,
8 as hereinafter defined; and he may, from time to time, as
9 may be found necessary in carrying out the provisions of

10 this act, appoint additional assistants, not exceeding five, at
11 a salary of one thousand dollars per year and travelling ex-
12 penses.

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 the
4 State, excepting the land owned by the State in the city of
5 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. At such times as there
7 shall be appropriations therefor, the Governor, with the con-
8 sent of the Council, shall take, in the name of the State, in
9 the manner herein provided, any land so recommended by the
10 State Land Agent, to be held as a part of the State Forests.
11 When any land shall be so taken, the Governor shall cause
12 the same to be surveyed, located and described so that the
13 same can be identified, and plans and descriptions thereof
14 with copies of the order in the Council shall be filed in the
15 Registry of Deeds of the county where such land is located
16 and there recorded, and copies of the said plans and descrip-
17 tions shall be filed in the office of the State Land Agent.
18 The filing and recording of the order of the Council with
19 plans and descriptions of the land so taken in the Registry

20 of Deeds as herein provided, shall vest the title to such land
21 in the State of Maine, to be held as part of the state forests
22 during the pleasure of the State.

Sect. 4. The owner of any land so taken, shall have full
2 and just compensation therefor, to be ascertained and deter-
3 mined in the same manner as, and by proceedings similar to
4 those provided for fixing damages in locating highways in
5 Chapter 23 of the Revised Statutes of Maine.

Sect. 5. Auxiliary State Forests shall include all areas
2 owned by corporations, firms or individuals, now covered by
3 trees or which shall be planted to trees for use as fuel, man-
4 ufacture or sale, the owner of which, shall in cities and or-
5 ganized townships have filed with the assessors, and in un-
6 organized 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. 6. Owners of auxiliary State forests proposing to
2 cut, or permit cutting, on such forests, trees for market or
3 manufacture, shall by themselves, or by their agents, file an
4 application in duplicate with the State Land Agent, on blanks
5 furnished by said agent, stating the location of the tracts
6 proposed to be cut, with the names and addresses of the
7 permittees, if any, the stumpage price per thousand feet, or
8 per cord if the same be sold by the thousand feet, or cord, or,
9 if the standing timber on a given tract be sold for a gross
10 sum, then the location and bounds of such tract, and the
11 gross sum for which the same is sold. On the 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 there-
15 after, which license shall remain in force for one year from
16 the date of the said license, unless sooner revoked by the
17 said land agent for failure of the said owner, his agents or
18 permittees to conform to law in cutting such forests.

Sect. 7. No person desiring to clear land for agricultural
2 purposes, for buildings, or for highways, unless the wood
3 so cut is to be sold for fuel or sold or used for manufacture,
4 or to cut trees for use in building camps, dams or the con-
5 struction of ways, or for use as fuel in the course of lum-
6 bering operations or from his own land for use upon his
7 farm in the ordinary course of good husbandry, shall, for
8 the purposes aforesaid, be required to comply with section
9 six of this act.

Sect. 8. No pine or spruce trees under twelve inches in
2 diameter, at the point of cutting, shall be cut from the State
3 Forests or the Auxiliary State Forests, except when such
4 cutting be necessary in the clearing of roads or yards during
5 the operation or from localities in which trees are unduly
6 exposed to destruction from wind, and neither of these
7 woods shall be cut or used for camps, bridges, roads, cord-
8 ury or road skids. All trees shall be sawed down as near
9 the ground as the swell of the roots will permit.

Sect. 9. Exceptions to the rules as set forth in section eight
2 may be made under written authority from the land agent

3 upon written recommendation of the assessors of the town
4 or city in which the land is located.

Sect. 10. At least three pine or at least three spruce seed
2 bearing trees shall be left standing on each acre of land from
3 which pin or spruce growth is cut.

Sect. 11. 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 sections eight and ten of
5 this act.

Sect. 12. All growing trees on auxiliary State Forests
2 within the State are exempt from taxation and State assess-
3 ors, town and plantation assessors, shall, for the purposes of
4 taxation, appraise the land only in all auxiliary forests by
5 them to be assessed, independent from the value of the
6 growth thereon, and also independent of any great pond
7 therein, and assess upon such soil, a tax in the same man-
8 ner, and at the same rate as other property is by them as-
9 sessed.

Sect. 13. 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 to the state treasurer for the use
6 of the state, when the land from which said trees so cut is
7 located in unincorporated places, and to tax collectors of the
8 various cities, towns, or plantations, where the land from

9 which said trees so cut is located, an excise tax of five per
10 cent. upon stumpage value of all trees so cut during the year
11 ending the first day of April; the value of the stumpage so
12 cut to be determined by the assessors who assess the land
13 on which the said trees are cut, and as an aid thereto, the
14 State Land Agent shall furnish to the said assessors dupli-
15 cate copies of all applications, licenses, permits and returns
16 as shall be on file in his office on the fifteenth day of April.

Sect. 14. If any owner or permittee fails to make the re-
2 turns of the amount cut as herein provided, such fact shall
3 be certified by the State Land Agent to the assessors, and
4 thereupon the assessors shall ascertain, as nearly as may be,
5 the amount so cut, and the amount so found shall be assessed,
6 and the owner is thereby barred of his right of appeal, pro-
7 vided for by this act, unless he offers such return with his
8 appeal, and satisfies the court that he was unable to make
9 such return within the time limited.

Sect. 15. The State shall credit to each county assessing
2 the soil in tracts designated in Section 40 of Chapter 9 of
3 the Revised Statutes, with an amount which shall bear the
4 same ratio to the amount of the excise tax received on
5 stumpage from such tracts for the year prior to such credit,
6 as 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 4 of Chapter 150 of the Laws of
9 1905, and shall be certified to the county treasurer at the
10 time and in the manner provided in said Section 4.

Sect. 16. The state, city, town and plantation assessors
2 for the time being, on written application, stating the ground
3 therefor, within two years from the assessment, may make
4 such reasonable abatement as they think proper. They shall
5 keep in a suitable book a record of such abatements with
6 the reasons for each and report the same in their annual re-
7 ports.

Sect. 17. They shall give to any person applying to them
2 for abatement of taxes, notice in writing of their decision
3 upon such application within ten days after they take final
4 action thereon.

Sect. 18. If they refuse to make an abatement asked for,
2 the applicant shall have the right to appeal direct to the Su-
3 preme Judicial Court for the county in which the property is
4 situated where said appeal shall be tried, heard and deter-
5 mined in the same manner and by proceedings similar to
6 those provided for by sections 79, 80, 81, 82 and 83 of chap-
7 ter 9 of the Revised Statutes.

Sect. 19. Every person, firm or corporation to whom li-
2 cense is granted under provisions of this act to cut from any
3 of the auxiliary State forests shall make a return in dupli-
4 cate to the State Land Agent, not later than the fifteenth
5 day of April of each year of the amount of each kind of
6 logs, cut, or, if it has been cut into four foot lengths, of the
7 number of cords of each kind of wood cut, all hardwoods
8 being designated under the general heading "hardwoods",
9 under such license for the year ending April first and shall

10 make oath that such return is a true and correct statement
11 of the amount so cut according to their best knowledge and
12 belief.

Sect. 20. If any person, firm or corporation to whom li-
2 cense 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. 21. 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, or
6 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. 22. The sum of ten thousand dollars is hereby ap-
2 propriated for the year 1913, and a like sum for the year
3 1914 for the purpose of carrying out the provisions of this
4 act, except that no part thereof shall be expended for the
5 purchase of land.

Sect. 23. All acts and parts of acts, inconsistent with this
2 act are hereby repealed.