

MAINE STATE LEGISLATURE

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SEVENTY-SEVENTH LEGISLATURE

SENATE

NO. 99

In Senate, Feb. 12, 1915.

Ordered, That five hundred copies be printed and that the same be referred to the Committee on State Lands and Forest Preservation.

Committee on Reference.

Presented by Mr. Clark of York.

STATE OF MAINE

IN THE YEAR OF OUR LORD ONE THOUSAND NINE
HUNDRED AND FIFTEEN

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,
3 including the power to reforest and regulate cutting on the
4 same, and the authority to provide young trees to com-
5 panies, firms and individuals for planting at cost to the
6 state of producing the same, and shall have charge of en-
7 forcing all laws enacted to regulate the cutting on auxiliary
8 state forests, as hereinafter defined; and he may, from
9 time to time, as may be found necessary in carrying out

10 the provisions of this act, appoint additional assistants, not
11 exceeding five, at a salary of one thousand dollars per year
12 and traveling expenses.

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
4 the state, excepting the land owned by the state in the city
5 of 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,
5 in 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
8 consent of the council, shall take, in the name of the state,
9 in the manner herein provided, any of the land so recom-
10 mended by the state land agent, to be held as a part of the
11 state forests. When any land shall be so taken, the gov-
12 ernor shall cause the same to be surveyed, located and de-
13 scribed, so that the same can be identified, and plans and
14 descriptions thereof with copies of the order in the council
15 shall be filed in the registry of deeds of the county where
16 such land is located and there recorded, and copies of the
17 said plans and description shall be filed in the office of the
18 state land agent. The filing and recording of the order
19 of the council with plans and descriptions of the land so
20 taken in the registry of deeds as herein provided, shall

21 vest the title to such land in the state of Maine, to be held
22 as part of the state forests 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 de-
3 termined in the same manner as, and by proceedings simi-
4 lar to those provided for fixing damages in locating high-
5 ways in 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
3 by trees or which shall be planted to trees for use as fuel,
4 manufacture or sale, the owner of which, shall in cities and
5 organized townships have filed with the assessors, and in
6 unorganized townships with the state land agent, plans or
7 description of such tracts, with a request that the same
8 be 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
3 or manufacture, shall by themselves, or by their agents,
4 file an application in duplicate with the state land agent,
5 on blanks furnished by said agent, stating the location of
6 the tracts proposed to be cut, with the names and addresses
7 of the permittees, if any, the stumpage price per thousand
8 feet, or per cord if the same be sold by the thousand feet.
9 or cord, or, if the standing timber on a given tract be sold
10 for a gross sum, then the location and bounds of such
11 tract, and the gross sum for which the same is sold. On
12 receipt of the aforesaid application, license to cut from
13 such tract, or tracts, in accordance with the cutting rules

14 hereinafter stated, shall issue to such owner or permittee
15 within one week thereafter, which license shall remain in
16 force for one year from the date of the said license, unless
17 sooner revoked by the said land agent for failure of the
18 said owner, his agents or permittees to conform to law in
19 cutting such forests.

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

Sect. 8. No pine or trees under twelve inches in diameter,
2 at one foot from ground, shall be cut from the state for-
3 ests or the auxiliary state forests, except when such cut-
4 ting 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.

Sect. 9. At least three pine or at least three spruce seed-
2 bearing trees shall be left standing on each acre of land
3 from which pine or spruce growth is cut.

Sect. 10. Any plans for the cutting or cultivation of
2 forests prepared by the owners thereof and approved by
3 the state land agent, may be pursued by the owner of such

4 forest, instead of conforming to sections eight and nine
5 of this act.

Sect. 11. 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
4 of taxation, appraise the land only in all auxiliary forests
5 by 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
9 assessed.

Sect. 12. All persons, firms or corporations owning aux-
2 iliary state forests, and who are engaged in the business
3 of cutting trees therefrom for market, or manufacture or
4 the permittees owning the stumpage upon such forests so
5 engaged in cutting, shall pay to the state treasurer for the
6 use of the state, when the land from which said trees so
7 cut is located in unincorporated places, and to tax col-
8 lectors of the various cities, towns, or plantations, where
9 the land from which said trees so cut is located, an excise
10 tax of one-half per cent for the year 1916, one per cent
11 for the year 1917, one and one-half per cent for the year
12 1918, two per cent for the year 1919, two and one-half
13 per cent for the year 1920, three per cent for the year
14 1921, three and one-half per cent for the year 1922, four
15 per cent for the year 1923, four and one-half per cent for
16 the year 1924 and five per cent thereon upon the stumpage
17 value of all trees so cut during the year ending the first

18 day of April; the value of the stumpage so cut to be de-
19 termined by the assessors who assess the land on which
20 the said trees are cut, and as an aid thereto, the state land
21 agent shall furnish to the said assessors duplicate copies
22 of all applications, licenses, permits and returns as shall
23 be on file in his office on the fifteenth day of April. And
24 such logs or lumber so cut shall be subject to a lien en-
25 forceable within six months in favor of the town in which
26 the logs were cut to be enforced by the assessors of the
27 town the tax is due.

Sect. 13. If any owner or permittee fails to make the
2 returns of the amount cut as herein provided, such fact
3 shall be certified by the state land agent to the assessors,
4 and thereupon the assessors shall ascertain, as nearly as
5 may be, the amount so cut, and the amount so found shall
6 be assessed, and the owner is thereby barred of his right
7 of appeal, provided for by this act, unless he offers such
8 return with his appeal, and satisfies the court that he was
19 unable to make such return within the time limited.

Sect. 14. 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. 15. 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
5 shall keep in a suitable book a record of such abatements
6 with the reasons for each and report the same in their
7 annual reports.

Sect. 16. 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. 17. If they refuse to make the abatement asked
2 for, the applicant shall have the right to appeal direct to
3 the supreme judicial court for the county in which the
4 property is situated, where said appeal shall be tried, heard
5 and determined in the same manner and by proceedings
6 similar to those provided for by sections 79, 80, 81, 82 and
7 83 of chapter 9 of the revised statutes.

Sect. 18. Every person, firm or corporation to whom
2 license is granted under the provisions of this act to cut
3 from any of the auxiliary state forests shall make a return
4 in duplicate to the state land agent, not later than the
5 fifteenth day of April of each year of the amount of each
6 kind of logs cut, or, if it has been cut into four-foot lengths,
7 of the number of cords of each kind of wood cut, all hard-
8 woods being designated under the general heading "hard-

9 woods," under such license for the year ending April first,
10 and shall make oath that such return is a true and correct
11 statement of the amount so cut according to their best
12 knowledge and belief.

Sect. 19. If any person, firm or corporation to whom
2 license may be granted under the provisions of this act
3 shall fail to make the returns provided herein within the
4 time limited for the making of such returns, no further
5 license shall be granted to such person, firm or corporation
6 until such return be made.

Sect. 20. 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. 21. The sum of ten thousand dollars is hereby
2 appropriated for the year 1915, and a like sum for the year
3 1916, for the purpose of carrying out the provisions of
4 this act, except that no part thereof shall be expended for
5 the purchase of land.

Sect. 22. All acts and parts of acts, inconsistent with this
2 act, are hereby repealed.