

# MAINE STATE LEGISLATURE

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NEW DRAFT.

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SEVENTY-EIGHTH LEGISLATURE

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SENATE

NO. 37

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*In Senate, Jan. 25, 1917.*

*Reported by the Committee on Preservation, Perpetuation and Increase of Forests of Maine and ordered printed on motion by Mr. Hastings of Androscoggin, and one thousand copies ordered printed.*

*W. E. LAWRY, Secretary.*

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STATE OF MAINE

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

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AN ACT for the Preservation, Perpetuation and Increase of  
the Forests of the State of Maine.

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

Section 1. The state land agent shall have full charge of  
2 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 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 time  
9 to time, as may be found necessary in carrying out the  
10 provisions of this act, appoint additional assistants, not ex-  
11 ceeding five.

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, 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 of the land so recommended  
10 by the state land agent, to be held as a part of the state  
11 forests. When any land shall be so taken, the governor  
12 shall cause the same to be surveyed, located and described,  
13 so that the same can be identified, and plans and descrip-  
14 tions thereof with copies of the order in the council shall  
15 be filed in the registry of deeds of the county where such  
16 land is located and there recorded, and copies of the said  
17 plans and description shall be filed in the office of the state

18 land agent. The filing and recording of the order of the  
19 council with plans and descriptions of the land so taken in  
20 the registry of deeds as herein provided, shall vest the title  
21 to such land in the state of Maine, to be held as part of  
22 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 therefore, to be ascertained and de-  
3 termined in the same manner as, and by proceedings similar  
4 to those provided for fixing damages in locating highways  
5 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 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 forest lands, trees for mar-  
3 ket 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 such  
13 tract, or tracts, in accordance with the cutting rules here-  
14 inafter stated, shall issue to such owner or permittee within  
15 one week thereafter, which license shall remain in force  
16 for one year from the date of the said license, unless sooner  
17 revoked by the said land agent for failure of the said owner,  
18 his agents or permittees to conform to law in cutting such  
19 forests.

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

Sect. 8. No white pine trees under twelve inches in diam-  
2 eter, at one foot from ground, shall be cut from the state  
3 forests or from the auxiliary state forests, except when  
4 such cutting be necessary in the clearing of roads or yards  
5 during the operation or from localities in which trees are  
6 unduly exposed to destruction from wind, or too thick for  
7 profitable growth.

Sect. 9. 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 section eight of this act.

Sect. 10. All growing trees on auxiliary state forests with-  
2 in the state are exempt from taxation, and state assessors,  
3 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 manner,  
8 and at the same rate as other property is by them assessed.

Sect. 11. 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, after joining the auxiliary  
6 forest to the state treasurer for the use of the state, when  
7 the land from which said trees so cut is located in unin-  
8 corporated places, and to tax collectors of the various cities,  
9 towns, or plantations, where the land from which said trees  
10 so cut is located, an excise tax of one-half per cent if cut  
11 during first year, one per cent for second year, one and one-  
12 half per cent for third year, two per cent for fourth year,  
13 two and one-half per cent for fifth year, three per cent for  
14 the sixth year, three and one-half per cent for the seventh  
15 year, four per cent for the eighth year, four and one-half  
16 per cent for the ninth year and five per cent for the tenth

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

Sect. 12. 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  
9 unable to make such return within the time limited.

Sect. 13. 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. 14. 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 fif-  
5 teenth 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. 15. If any person, firm or corporation to whom  
2 license 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. 16. 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 woods cut, during any season,



6 or 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. 17. The sum of five thousand dollars is hereby ap-  
2 propriated for the year 1915, and a like sum for the year  
3 1916, 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. 18. All acts and parts of acts, inconsistent with this  
2 act, are hereby repealed.