

MAINE STATE LEGISLATURE

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NEW DRAFT

SEVENTY-NINTH LEGISLATURE

HOUSE

NO. 514

House of Representatives, March 28, 1919.

Majority report (O. N. T. P.) minority report (O. T. P. N. D.) of Committee on Sea and Shore Fisheries. On motion by Mr. Granville of Parsonsfield both reports were tabled pending acceptance of either report and new draft ordered printed.

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CLYDE R. CHAPMAN, Clerk.

STATE OF MAINE

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

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 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
7 enforcing all laws enacted to regulate the cutting on auxili-
8 ary state forests, as hereinafter defined; and he may, from
9 time to time, as may be found necessary in carrying out the
10 provisions of this act, appoint additional assistance, not
11 exceeding 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,
5 in reforesting barren areas and protecting the natural water
6 supply of the rivers of the state and at such times as there
7 shall be appropriations therefor, the governor, with the
8 consent of the council, shall purchase the same in the name
9 of the state.

Sect. 4. 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
5 and unorganized townships have filed with the assessors, and
6 in unorganized townships with the state land agent, plans
7 or description of such tracts, with a request that the same

8 be included as a part of the auxiliary forests of the state.

Sect. 5. 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 ad-
7 dresses of the permittees, if any, the stumpage price per
8 thousand feet, or per cord if the same be sold by the thou-
9 sand feet, or cord, or, if the standing timber on a given
10 tract be sold for a gross sum, then the location and bounds
11 of such tract, and the gross sum for which the same is
12 sold. On receipt of the aforesaid application, license to
13 cut from such tract, or tracts in accordance with the cut-
14 ting rules hereinafter stated, shall issue to such owner or
15 permittee within one week thereafter, which license shall
16 remain in force for one year from the date of the said li-
17 cense, unless sooner revoked by the said land agent for
18 failure of the said owner, his agents, or permittees to con-
19 form to law in cutting such forests.

Sect. 6. 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 for 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 five of this

8 act unless the wood so cut is to be sold for fuel or sold
9 or used for manufacture.

Sect. 7. No white pine trees under ten inches in diameter,
2 at four feet from ground, shall be cut from the state for-
3 ests or from 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, or too thick for profit-
7 able growth.

Sect. 8. Any plans for the cutting or cultivation of forests
2 prepared by the owners thereof and approved by the state
3 land agent, may be pursued by the owner of such forest,
4 instead of conforming to section seven of this act.

Sect. 9. All pine trees sixteen inches, hemlock and spruce
2 trees twelve inches or less in diameter measured four feet
3 from ground on auxiliary state forests within the state are
4 exempt from taxation, and state assessors, town and plan-
5 tation assessors, shall, for the purposes of taxation, ap-
6 praise the land only, in all auxiliary forests by them as-
7 sessed, independent from the value of the growth thereon,
8 and also independent of any great pond therein, and assess
9 upon such soil upon a valuation not to exceed five dollars
10 per acre, a tax in the same manner, and at the same rate as
11 other property is by them assessed.

Sect. 10. 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 unincor-
8 porated 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, a tax of one-half of one per cent. if cut
11 during the first year, one per cent. for second year, one
12 and one-half per cent. the third year, two per cent. the
13 fourth year, two and a half per cent. the fifth year, three
14 per cent. the sixth year, three and a half per cent. the sev-
15 enth year, four per cent. the eighth year, four and a 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 and 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 said trees are cut, and
21 as an aid thereto, the state land agent shall furnish to the
22 said assessors duplicate copies of all applications, licenses,
23 permits and returns as shall be on file in his office on the
24 fifteenth day of April. And such logs or lumber so cut
25 shall be subject to a lien enforceable within six months in
26 favor of the town in which the logs were cut to be en-
27 forced by the assessors of the town where the tax is due.

Sect. 11. 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
5 be, the amount so cut, and the amount so found shall be
6 assessed, and the owner is thereby barred of his right of
7 appeal, provided for by this act, unless he offers such re-
8 turn with his appeal, and satisfies the court that he was
9 unable to make such returns within the time limited.

Sect. 12. 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 tax received on stumpage
5 from such tracts for the year prior to such credit, as the
6 rate of the county tax bears to the rate of the state tax.
7 This amount is to be credited in addition to the credit to
8 be given under section 4 of chapter 150 of the laws of 1905,
9 and shall be certified to the county treasurer at the time
10 and in the manner provided in said section 4.

Sect. 13. Every person, firm or corporation to whom li-
2 cense is granted under the provisions of this act to cut
3 from any of the auxiliary state forests shall make a re-
4 turn in duplicate to the state land agent, not later than
5 the fifteenth day of April of each year of the amount of
6 each kind of logs cut, of, if it has been cut into four-foot
7 lengths, of the number of cords of each kind of wood cut,
8 all hardwoods being designated under the general heading
9 "hard-woods," under such license for the year ending April
10 first, and shall make oath that such return is a true and
11 correct statement of the amount so cut according to their
12 best knowledge and belief.

Sect. 14. 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 li-
5 cense shall be granted to such person, firm or corporation
6 until such return be made.

Sect. 15. Any person, firm or corporation refusing or neg-
2 lecting 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
8 by a fine not exceeding one thousand dollars.

Sect. 16. The sum of five thousand dollars is hereby
2 appropriated for the year 1919 and a like sum for the year
3 1920, 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. 17. Provided that all or any part of any land in-
2 cluded in the auxiliary state forest may be withdrawn when
3 for any reason it becomes more valuable for other pur-
4 poses, by filing with the forest commissioner description
5 of such land and the payment of the tax on full value of
6 trees thereon.

Sect. 18. All acts and parts of acts, inconsistent with this
2 act are hereby repealed.