

# MAINE STATE LEGISLATURE

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NEW DRAFT

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**EIGHTIETH LEGISLATURE**

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**HOUSE**

**NO. 298**

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House of Representatives, March 14, 1921.

Reported by Mr. Viles from Committee on State Lands and Forest Preservation, and ordered printed under joint rules.

CLYDE R. CHAPMAN, Clerk.

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**STATE OF MAINE**

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**IN THE YEAR OF OUR LORD ONE THOUSAND  
NINE HUNDRED AND TWENTY-ONE**

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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, includ-  
3 ing the power to reforest and regulate cutting on the same,  
4 and the authority to provide young trees to companies, firms,  
5 and individuals for planting at cost to the state of producing  
6 the same, and shall have charge of enforcing all laws enacted  
7 to regulate the cutting on auxiliary state forests, as herein-  
8 after defined; and he may, from time to time, as may be

9 found necessary in carrying out the provisions of this act,  
10 appoint additional assistants, not 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, in  
5 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 con-  
8 sent of the council, shall purchase the same in the name of  
9 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 and  
5 organized townships have filed with the assessors and state  
6 land agent, and in unorganized townships with the state land  
7 agent, plans or description of such tracts with a request that  
8 the same be included as a part of the auxiliary forests of  
9 the state.

Sect. 5. Owners of auxiliary state forests proposing to  
2 cut, or permit cutting, on such forest lands, trees for market

3 or manufacture, shall by themselves, or by their agents, file  
4 an application in duplicate with the state land agent, on  
5 blanks furnished by said agent, stating the location of the  
6 tracts proposed to be cut, with the names and addresses of  
7 the permittees, if any, the stumpage price per thousand feet,  
8 or per cord if the same be sold by the thousand feet, or  
9 cord, or, if the standing timber on a given tract be sold for  
10 a gross sum, then the location and bounds of such tract and  
11 the gross sum for which the same is sold. On 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 date of the said license, unless sooner revoked by the said  
17 land agent for failure of the said owner, his agents, or  
18 permittees to conform to law in cutting such forests.

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

Sect. 7. No white pine trees under ten inches in diameter,  
2 at four feet from the ground, shall be cut from the state

3 forests or from auxiliary state forests, except when such  
4 cutting be necessary in the clearing of roads or yards dur-  
5 ing the operations or from localities in which trees are un-  
6 duly exposed to destruction from wind, or too thick for  
7 profitable growth. At least three pine seed trees shall be  
8 left on each acre.

Sect. 8. 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 for-  
4 est, instead of conforming to section seven of this act.

Sect. 9. All pine trees sixteen inches, hemlock, spruce and  
2 cedar trees twelve inches or less in diameter measured four  
3 feet from the ground on auxiliary state forests within the  
4 state are exempt from taxation, and state assessors, town  
5 and plantation assessors, shall, for the purposes of taxation,  
6 appraise 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 per  
10 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 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, after joining the auxiliary forest,  
6 to the state treasurer for the use of the state, when the land

7 from which said trees so cut is located in unincorporated  
8 places, and to treasurers of the various cities, towns, plan-  
9 tations, or incorporated places where the land from which  
10 said trees so cut is located, a tax of one-half of one per  
11 cent, if cut during the first year, one per cent for the second  
12 year, and one and one-half per cent for the third year, two  
13 per cent the fourth year, two and one-half per cent the fifth  
14 year, three per cent the sixth year, three and a half per cent  
15 the seventh year, four per cent the eighth year, four and  
16 a half per cent 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 state in unincorporated places or the town in  
27 incorporated places, where the logs were cut, to be enforced  
28 by the state land agent or assessors of the town where the  
29 tax is due.

Sect. 11. 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 returns within the time limited.

Sect. 12. The state shall credit to each county assessing  
2 the soil in tracts designated in section forty of chapter nine  
3 of the revised statutes, with an amount which shall bear  
4 the same ratio to the amount of the tax received on stump-  
5 age from such tracts for the year prior to such credit as  
6 the 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 four of chapter one hundred and  
9 fifty of the laws of nineteen hundred and five, and shall be  
10 certified to the county treasurer at the time and in the man-  
11 ner provided in said section four.

Sect. 13. 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, 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. 14. 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. 15. 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,  
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. 16. Provided, however, that not more than ten per  
2 cent of the area of a town can be admitted as a part of the  
3 auxiliary state forests of the state if the assessors of said  
4 town file a protest within ten days from the date of appli-  
5 cation for admission.

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 purposes,  
4 by filing with the forest commissioner description of such  
5 land and the payment of the tax on full value of trees there-



6 on, together with all expenses incurred by administration  
7 on same.

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