

MAINE STATE LEGISLATURE

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EIGHTY-FIFTH LEGISLATURE

Legislative Document

No. 645

S. P. 484

In Senate, Feb. 18, 1931.

Referred to Committee on State Lands and Forest Preservation and 500 copies ordered printed. Sent down for concurrence.

ROYDEN V. BROWN, Secretary.

Presented by Senator Page of Somerset.

STATE OF MAINE

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

AN ACT Relating to Auxiliary State Forests.

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

Section I. Section eighty-three of Chapter eleven of the Revised Statutes is hereby amended by striking out the whole section and inserting in place thereof the following:

'Sec. 83. Auxiliary State Forests, Method of Establishing. In order to encourage the preservation of forest lands, to discourage wasteful cutting of the timber thereon, and to promote the re-forestation and prudent management of cut-over lands, to the end that a continuous supply of timber may be available for the present and future inhabitants and industries of the State, that the water-supply in the forested areas of the watersheds of the State may be conserved and that the public health and safety be thereby protected, lands now covered by trees or which shall be planted to trees intended for use as fuel or in manufacture, or for sale, and which are capable of producing five thousand feet board measure of soft wood or three thousand feet board measure of hard wood, or four thousand feet board measure of hard and soft woods, per average acre, exclusive of ledges, swamps, bogs and ponds, may on application of the owner or owners thereof as hereinafter provided, be accepted by the Forest Com-

missioner in behalf of the State as auxiliary state forests, and shall after such acceptance be subject to the provisions of Sections eighty-two to eighty-nine inclusive of this Chapter eleven, which said provisions shall thereupon and thereafter in each case respectively constitute a contract between and bind the State and the owner or owners making the application hereunder, and the heirs, executors, administrators, successors, and assigns of said owner or owners in respect of the lands described in the application. Applications to have lands accepted as auxiliary state forests shall be made to the Forest Commissioner on or before the fifth day of January in any year, shall contain a description of such lands and shall be accompanied with a plan thereof and an affidavit that a copy of the application together with a copy of the plan has been filed with the assessors who lawfully assessed such lands for taxes during the preceding calendar year. The Forest Commissioner shall order a hearing upon the application within thirty days from the date of its receipt and give notice of the time and place of such hearing to the owner or owners, and to the said assessors, and shall make such investigation of the lands mentioned in the application as he may consider necessary. Within thirty days after said hearing, if in the judgment of the Forest Commissioner the lands are capable of producing timber in any of the amount above-mentioned, he shall accept the lands in behalf of the State as auxiliary state forests, and notify the owner, or owners, and the said assessors of the acceptance. The applicant shall pay the reasonable cost of the Forest Commissioner's investigation. The owner or owners of lands accepted as auxiliary state forests shall continue after acceptance thereof under the provisions of this section to have and enjoy, in each case respectively, all the rights of ownership in the lands so accepted that were vested in the said owner or owners prior to such acceptance, except as limited by the provisions of sections eighty-two to eighty-nine inclusive of this Chapter eleven.'

Sec. 2. Section eighty-four of Chapter eleven of the Revised Statutes is hereby amended by striking out the whole section and inserting in place thereof the following:

'Sec. 84. Appraisal of Land for Taxation. State, county, town and plantation assessors shall, in taxing auxiliary state

forests, appraise and tax only the land, which shall be appraised as stripped forest land without any growth; all growth thereon shall be exempt from taxation, except as provided in Section eighty-six and eighty-nine of this Chapter eleven.'

Sec. 3. Section eighty-six of Chapter eleven of the Revised Statutes is hereby amended by striking out the whole section and inserting in place thereof the following:

'Sec. 86. All persons, firms or corporations who own auxiliary state forests and who are engaged in the business of cutting trees therefrom for sale or for manufacture shall consult from time to time with the Forest Commissioner, when requested by him, as to methods of cutting the timber and wood on the auxiliary state forests and as to appropriate measures for fostering and preserving the forest growth thereon, and shall file within ten days after the commencement of any cutting or lumbering operation thereon a copy of the permit, if any, given to authorize such cutting or an outline of a plan for such cutting or lumbering operation. No tree measuring less than seven inches in diameter, (measured breast high), shall be cut in the auxiliary state forests, except for purposes of making roads, yards, camp-sites, or of building bridges, dams, camps, hovels or other structures, or for implements, stakes, skids or fuel to be used on the land, unless consent therefor has been previously obtained from the Forest Commissioner. For the privilege of cutting any timber or wood in any auxiliary state forest the owner or owners thereof shall pay annually on October first, except as provided in Section eighty-three, a tax of five percent of the stumpage value of all trees so cut during the year ending the first day of April then last past to the respective city, town or plantation in which the land from which said trees so cut is located, and in the case of lands located in unincorporated townships, to the Treasurer of the State. The owner or owners of every auxiliary state forest shall on July first of each year make a return to the assessors valuing the land thereof stating the amount of each kind of wood or timber cut during the year ending the first day of April then last past from each tract of land accepted as an auxiliary state forest respectively, together with the estimated stumpage value or the actual stumpage price received therefor.'

Sec. 4. Section eighty-eight of Chapter eleven of the Revised Statutes is hereby amended by striking out the whole section and inserting in place thereof the following:

'Sec. 88. Ten Percent of Town Area. Provided, however, that in any one calendar year no more than ten percent in area of all the lands in any organized town shall be accepted as auxiliary state forests, and if on the fifth day of January in any year applications covering more than ten percent in area of all the lands in any town shall have been received by the Forest Commissioner, he shall accept during that calendar year as auxiliary state forests, as provided in Section eighty-three, only such ratable proportion of the lands covered by each application as will in the aggregate make only ten percent in area of all the lands in said town.'

Sec. 5. Section eighty-nine of Chapter eleven of the Revised Statutes is hereby amended by striking out the whole section and inserting in place thereof the following:

'Sec. 89. All or any part of any land in any auxiliary state forest may be withdrawn by the owner or owners thereof by filing with the Forest Commissioner a notice of withdrawal containing a description of such land and by paying a tax of five percent of the full stumpage value of the trees thereon to the city, town or plantation in which the land lies or in the case of lands in unincorporated townships to the Treasurer of the State. The Forest Commissioner may after notice to the owner or owners and hearing exclude from the auxiliary state forests any land or lands previously accepted under the provisions of section eighty-three, if in his judgment they are not being cut in accordance with good forestry practice. On the withdrawal or exclusion of any land from the auxiliary state forests the provisions of sections eighty-two to eighty-nine inclusive shall cease to apply to such land unless and until a new application in respect of such lands or some part or parts thereof shall have been made under the provisions of section eighty-three. In making any decision or finding or in exercising any power conferred under the provisions of sections eighty-two to eighty-nine inclusive, the Forest Commissioner shall use his judgment as to what is best to insure an intelligent and complete exploitation of the lands and the present and future forest growth in the auxiliary state forests,

in each case respectively, and his decision, finding or exercise of any such power shall be final and binding on all persons and the state. Provided, however, that any owner or owners of any land affected by a decision, finding or any other act of the Forest Commissioner, or the municipal officers of any city, town or plantation in which such land is located, may, at any time within six months of the said decision, finding or other act, appeal therefrom to the superior court for the county in which the land is situated and the said court sitting without a jury shall hear the party or parties bringing the appeal and the Forest Commissioner, who shall be named as appellee and subject to the orders of the court, in the manner and with the rights provided by law and the rules of court for the trial of cases in equity without a jury, and shall make such findings, orders and decrees with respect to the matters complained of as justice shall require.'