

MAINE STATE LEGISLATURE

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ACTS AND RESOLVES

AS PASSED BY THE

Eightieth Legislature

OF THE

STATE OF MAINE

1921

Including Acts and Resolves of the Special Session held in 1920.

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PUBLIC LAWS
OF THE
STATE OF MAINE

As Passed by the Eightieth Legislature

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all available information bearing upon such violation to the proper prosecuting officer of the United States.

'Any justice of the supreme judicial court or of a superior court may by order, upon application of the attorney general, compel the attendance of witnesses, the production of books and papers, including correspondence, and the giving of testimony, before the attorney general in the same manner and to the same extent as before said courts; and any failure to obey such order may be punished by such court as a contempt thereof.'

Approved March 30, 1921.

Chapter 77.

An Act to Amend Section Ten of Chapter Forty-six of the Revised Statutes as Amended by Chapter Seventy-four of the Public Laws of Nineteen Hundred and Nineteen, Relating to the Weight and Sale of Coal.

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

R. S., c. 46, § 10; 1919, c. 74; relating to the weight of coal and how it shall be sold, amended. Section ten of chapter forty-six of the revised statutes as amended by chapter seventy-four of the public laws of nineteen hundred and nineteen is hereby further amended by inserting between the words "coal" and "shall" in the second line of said section, the words 'or coke'; and also be inserting between the words "coal" and "put" in the third line of said section, the words 'or coke'; so that said section, as amended, shall read as follows:

'**Sec. 10. Coke included.** Anthracite, bituminous and all mineral coal or coke shall be sold by weight and two thousand pounds shall constitute a ton. Coal or coke put up in bags or package form shall have marked on the bag in a plain and conspicuous manner the net weight. For each violation of this act there shall be a fine of not less than twenty-five nor more than one hundred dollars.'

Approved March 30, 1921.

Chapter 78.

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:

Sec. 1. Land agent to have charge of state forest and shall regulate cutting on auxiliary forests; may appoint assistants. The state land agent shall have full charge of all state forests, as the same are hereinafter defined, including the power to reforest and regulate cutting

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on the same, and the authority to provide young trees to companies, firms, and individuals for planting at cost to the state of producing the same, and shall have charge of enforcing all laws enacted to regulate the cutting on auxiliary state forests, as hereinafter defined; and he may, from time to time, as may be found necessary in carrying out the provisions of this act, appoint additional assistants, not exceeding five.

Sec. 2. State forests defined. State forests shall include all areas now owned or hereafter acquired by the state which are now covered with trees or which shall hereafter be planted to trees by the state excepting the land owned by the state in the City of Augusta.

Sec. 3. State may acquire additional tracts. The state land agent shall, from time to time, recommend to the governor and council such tracts of land, the acquirement of which will, in his judgment, be most advantageous to the state in preserving existing forests, in reforesting barren areas and protecting the natural water supply of the rivers of the state and at such times as there shall be appropriations therefor, the governor, with the consent of the council, shall purchase the same in the name of the state.

Sec. 4. Auxiliary state forests defined. Auxiliary state forests shall include all areas owned by corporations, firms, or individuals, now covered by trees or which shall be planted to trees for use as fuel, manufacture or sale, the owner of which, shall in cities and organized townships have filed with assessors and state land agent, and in unorganized townships with the state land agent, plans or description of such tracts with a request that the same be included as a part of the auxiliary forests of the state.

Sec. 5. Owners of auxiliary forests proposing to begin lumbering operations thereon must obtain a license from state land agent; license may be revoked for cause. Owners of auxiliary state forests proposing to cut, or permit cutting, on such forest lands, trees for market or manufacture, shall by themselves, or by their agents, file an application in duplicate with the state land agent, on blanks furnished by said agent, stating the location of the tracts proposed to be cut, with the names and addresses of the permittees, if any, the stumpage price per thousand feet, or per cord if the same be sold by the thousand feet, or cord, or, if the standing timber on a given tract be sold for a gross sum, then the location and bounds of such tract and the gross sum for which the same is sold. On receipt of the aforesaid application, license to cut from such tract or tracts in accordance with the cutting rules hereinafter stated, shall issue to such owner or permittee within one week thereafter, which license shall remain in

force for one year from date of the said license, unless sooner revoked by the said land agent for failure of the said owner, his agents, or permittees to conform to law in cutting such forests.

Sec. 6. No license required for operations on auxiliary state forests except when operations are solely for commercial purposes. No person desiring to clear land for agricultural purposes, for building, or for highways, or to cut trees for use in building camps, dams or the construction of ways, or for use as fuel in the course of lumbering operations, or from his own land for use upon his farm in the ordinary course of good husbandry, shall, for the purposes aforesaid, be required to comply with section five of this act unless the wood so cut is to be sold for fuel or sold or used for manufacture.

Sec. 7. White pines under 10 inches four feet from the ground to be left standing; three pine seed trees to be left on each acre. No white pine trees under ten inches in diameter, at four feet from the ground, shall be cut from the state forests or from auxiliary state forests, except when such cutting be necessary in the clearing of roads or yards during the operations or from localities in which trees are unduly exposed to destruction from wind, or too thick for profitable growth. At least three pine seed trees shall be left on each acre.

Sec. 8. Plans approved by land agent may be followed instead of provisions of preceding section. Any plans for the cutting or cultivation of forests prepared by the owners thereof and approved by the state land agent, may be pursued by the owner of such forest, instead of conforming to section seven of this act.

Sec. 9. Certain trees exempt from taxation; taxes to be assessed on land only at a valuation not to exceed \$5 per acre. All pine trees sixteen inches, hemlock, spruce and cedar trees twelve inches or less in diameter measured four feet from the ground on auxiliary state forests within the state are exempt from taxation, and state assessors, town and plantation assessors, shall, for the purposes of taxation, appraise the land only, in all auxiliary forests by them assessed, independent from the value of the growth thereon, and also independent of any great pond therein, and assess upon such soil upon a valuation not to exceed five dollars per acre, a tax in the same manner, and at the same rate as other property is by them assessed.

Sec. 10. Municipalities to receive tax when trees are cut; tax to be paid state in unincorporated places. All persons, firms or corporations owning auxiliary state forests, and who are engaged in the business of cutting trees therefrom for market, or manufacture, or the permit-

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tees owning the stumpage upon such forests so engaged in cutting, shall pay, after joining the auxiliary forest, to the state treasurer for the use of the state, when the land from which said trees so cut is located in unincorporated places, and to treasurers of the various cities, towns, plantations, or incorporated places where the land from which said trees so cut is located, a tax of one-half of one per cent, if cut during the first year, one per cent for the second year, and one and one-half per cent for the third year, two per cent the fourth year, two and one-half per cent the fifth year, three per cent the sixth year, three and a half per cent the seventh year, four per cent the eighth year, four and a half per cent the ninth year and five per cent for the tenth year, and thereafter upon the stumpage value of all trees so cut and during the year ending the first day of April the value of the stumpage so cut to be determined by the assessors who assess the land on which said trees are cut, and as an aid thereto the state land agent shall furnish to the said assessors duplicate copies of all applications, licenses, permits and returns as shall be on file in his office on the fifteenth day of April. And such logs or lumber so cut shall be subject to a lien enforceable within six months in favor of the state in unincorporated places, or the town in incorporated places, where the logs were cut, to be enforced by the state land agent or assessors of the town where the tax is due.

Sec. 11. When no return of amount cut is made to land agent state assessors shall ascertain amount as near as may be and assess same; appeal of owners. If any owner or permittee fails to make the returns of the amount cut as herein provided, such fact shall be certified by the state land agent to the assessors, and thereupon the assessors shall ascertain, as nearly as may be, the amount so cut, and the amount so found shall be assessed, and the owner is thereby barred of his right of appeal, provided for by this act, unless he offers such return with his appeal and satisfies the court that he was unable to make such returns within the time limited.

Sec. 12. Credits to be allowed counties; how computed. The state shall credit to each county assessing the soil in tracts designated in section forty-one of chapter ten of the revised statutes, with an amount which shall bear the same ratio to the amount of the tax received on stumpage from such tracts for the year prior to such credit as the rate of the county tax bears to the rate of the state tax. This amount is to be credited in addition to the credit to be given under section forty-three of chapter ten of the revised statutes, and shall be certified to the county treasurer at the time and in the manner provided in said section four.

Sec. 13. Return of all logs cut to be made in duplicate to land agent annually. Every person, firm or corporation to whom license

is granted under the provisions of this act to cut from any of the auxiliary state forests shall make a return in duplicate to the state land agent, not later than the fifteenth day of April of each year of the amount of each kind of logs cut, if it has been cut into four-foot lengths, of the number of cords of each kind of wood cut, all hardwoods being designated under the general heading "hardwoods," under such license for the year ending April first, and shall make oath that such return is a true and correct statement of the amount so cut according to their best knowledge and belief.

Sec. 14. When no return is made no further license shall be issued. If any person, firm, or corporation to whom license may be granted under the provisions of this act shall fail to make the returns provided herein within the time limited for the making of such returns, no further license shall be granted to such person, firm or corporation until such return be made.

Sec. 15. Penalty for refusing or neglecting to make returns, for false returns or for operating contrary to provisions of this act. Any person, firm or corporation refusing or neglecting to make the returns required by this act within the time limited herein or any person who shall knowingly or wilfully make a false return of the quantity of logs cut or the number of cords of wood cut, during any season, or who shall cut any trees from the auxiliary state forests contrary to the provisions of this act shall be punished by a fine not exceeding one thousand dollars.

Sec. 16. When protest is made by local assessors area of any town to be set aside as auxiliary forest not to exceed one tenth of total. Provided, however, that in any one year not more than ten per cent of the area of a town can be admitted as a part of the auxiliary state forests of the state if the assessors of said town file a protest with the land agent within ten days from the date of application for admission.

Sec. 17. Any part or all of auxiliary forest may be withdrawn on payment of taxes and expense of administration. Provided that all or any part of any land included in the auxiliary state forest may be withdrawn when for any reason it becomes more valuable for other purposes, by filing with the forest commissioner description of such land and the payment of the tax on full value of trees thereon, together with all expenses incurred by administration on same.

Sec. 18. Inconsistent statutes repealed. All acts and parts of acts, inconsistent with this act, are hereby repealed.