

MAINE STATE LEGISLATURE

The following document is provided by the
LAW AND LEGISLATIVE DIGITAL LIBRARY
at the Maine State Law and Legislative Reference Library
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied
(searchable text may contain some errors and/or omissions)

ACTS AND RESOLVES

AS PASSED BY THE

One Hundred and Second Legislature

OF THE

STATE OF MAINE

Published by the Director of Legislative Research in accordance with
the Revised Statutes of 1964, Title 3, Section 164, Subsection 6.

KENNEBEC JOURNAL

AUGUSTA, MAINE

1965

PUBLIC LAWS
OF THE
STATE OF MAINE
AS PASSED BY THE
One Hundred and Second Legislature
1965

Chapter 426

AN ACT to Encourage Conservation of Forest Resources Through Uniformity of Tax Assessment.

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

Sec. 1. R. S., T. 36, § 565, additional. Title 36 of the Revised Statutes is amended by adding a new section 565, to read as follows:

§ 565. Forestry Appeal Board

To further implement sections 563 and 564, there shall be created a Forestry Appeal Board, composed of 3 members; one selected by the aggrieved owner, one selected by the assessors of the municipality wherein the land lies, and one shall be the Forest Commissioner or a person designated by him; all such members to be designated from among persons deemed by the appointing authority to be knowledgeable in forest land values. The board shall elect a chairman. Each member shall be compensated for time spent in service on the board and actual expenses incurred from funds available representing his agency or aggrieved landowner. Prior to any hearing, such owner shall pay to the Forest Commissioner a sum of \$25 to assure his appearance at such hearing, which sum shall be refunded to the owner upon his appearance. The municipality shall pay its share of the costs upon notification of the amount by the Forest Commissioner following the conclusion of the activities of the board. Any amount remaining unpaid may be added to the next state tax levied against such municipality or may be recovered in a civil action brought in the name of the Treasurer of State.'

Sec. 2. R. S., T. 36, §§ 843-A - 843-B, additional. Title 36 of the Revised Statutes is amended by adding 2 new sections to be numbered 843-A and 843-B, to read as follows:

§ 843-A. To Forestry Appeal Board

Where the property subject to tax is forest land, as defined in section 564, if the assessors refuse to make the abatement asked for, the applicant may apply in writing to the Forestry Appeal Board within 90 days after notice of the decision from which such appeal is being taken or after the application shall be deemed to have been denied, and if the board thinks he is overassessed, he shall be granted such reasonable abatement as they think proper, and if he has paid the tax he shall be reimbursed out of the municipal treasury, if there are funds available and if not, payment shall be made in the following tax year.

The application to the Forestry Appeal Board shall be filed with the Forest Commissioner, with a copy to the assessors of the municipality concerned, and shall include the name and address of the Forestry Appeal Board member selected by the applicant. Either party may appeal from the decision of said board to the Superior Court, under the conditions provided for in section 846.

§ 843-B. Hearing

On receipt of an application for review by the Forestry Appeal Board, the Forest Commissioner shall notify the applicant of the review and shall secure the designation of the 2 other members of the board for the case in question, and with the approval of the board members, designate a time and place for hearing and make such other arrangements for such hearing as may be necessary.

The board may summons witnesses, administer oaths, order the production of books, records, papers and instruments and direct the production of any evidence it deems necessary in order to make a decision. The technical rules of evidence shall not apply at such hearings. The decision of the board shall be filed with the Forest Commissioner who shall notify the county commissioners and the assessors of the municipality in question. The assessors of such municipality, upon receipt of such decision, shall record the same and make such abatement or refund, if any, as may be required thereby.'

Effective September 3, 1965

Chapter 427

AN ACT Relating to Testamentary Shares of Omitted Children.

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

Sec. 1. R. S., T. 18, § 1004, amended. The first sentence of section 1004 of Title 18 of the Revised Statutes is amended to read as follows:

'A child of the testator, born after his death and not provided for in his will, takes the same share of his estate as he would if his father had died intestate, unless it appears from the will that the omission to provide for such child was expressly intended by the testator.'

Sec. 2. R. S., T. 18, § 1005, amended. The first paragraph of section 1005 of Title 18 of the Revised Statutes is amended by adding at the end the following:

'The absence of a devise to a child, or the issue of a deceased child, named in the will, shall be regarded as conclusive that the absence of the devise was intentional.'

Effective September 3, 1965

Chapter 428

AN ACT Relating to Fees for Fishing and Hunting Licenses.

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

Sec. 1. R. S., T. 12, § 2401, sub-§ 2, amended. Subsection 2 of section 2401 of Title 12 of the Revised Statutes is amended to read as follows:

'2. **Resident license.** Any resident over ~~16~~ 10 years of age may hunt wild birds and animals provided he has first procured from the commissioner or his authorized agent a written license which shall be kept on the person while hunting or transporting birds, or parts thereof, and animals, or parts thereof, and which shall be exhibited to any warden, employee of the department or guide, upon request.'

Sec. 2. R. S., T. 12, § 2401, sub-§ 3, amended. The 2nd and 3rd paragraphs of subsection 3 of section 2401 of Title 12 of the Revised Statutes are amended to read as follows: