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**AGRICULTURE, CONSERVATION AND FORESTRY**

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**STATE OF MAINE**

**SENATE**

**128TH LEGISLATURE**

**SECOND REGULAR SESSION**

COMMITTEE AMENDMENT “ ” to S.P. 698, L.D. 1844, Bill, “An Act To Provide the State the Right of First Refusal for the Purchase of Certain Land on Which a Subsidy Has Been Paid”

Amend the bill by striking out everything after the enacting clause and before the summary and inserting the following:

**'Sec. 1. 36 MRSA §581-H** is enacted to read:

**§581-H. Right of first refusal**

In accordance with this section, the State has a right of first refusal on the sale of significant forest land. The right of first refusal under this section is a right to purchase the significant forest land on the same terms and conditions as offered by a purchaser.

**1. Purpose.** It is the intent of the Legislature to further the purpose of this subchapter by acquiring, so far as is practicable and appropriate, significant forest land that is being sold, to ensure the protection of this economic and recreational state resource.

**2. Definitions.** As used in this section, unless the context otherwise indicates, the following terms have the following meanings.

A. "Department" means the Department of Agriculture, Conservation and Forestry.

B. "Purchaser" means a person that has offered to purchase significant forest land. "Purchaser" does not include the owner of the significant forest land's spouse, parent, grandparent, child, grandchild, sibling, half-sibling, stepparent, stepgrandparent, stepchild, stepgrandchild, stepsibling, mother-in-law, father-in-law, brother-in-law, sister-in-law, son-in-law, daughter-in-law, guardian, former guardian, domestic partner, the half-sibling of a person's spouse or the spouse of a person's half-sibling.

C. "Significant forest land" means forest land in this State held by any landowner other than the State, or any political subdivision of the State, that:

(1) Exceeds 5,000 acres;

**COMMITTEE AMENDMENT**



1 more than 5,000 acres, subject to the Maine Tree Growth Tax Law program and not  
2 owned by or held in trust for a federally recognized Indian tribe in this State. The right of  
3 first refusal does not apply if the purchaser is an immediate family member. An owner  
4 who receives an offer must notify the Department of Agriculture, Conservation and  
5 Forestry of the proposed sale and provide information including the terms and conditions  
6 of the sale. The department may notify the Governor and the Legislative Council. The  
7 department has 10 business days to obtain funds to make the purchase. If the State  
8 exercises its right of first refusal, the property is nonreserved public land subject to the  
9 requirements of the Maine Revised Statutes, Title 12, chapter 220, subchapter 3 and does  
10 not change its classification under the Maine Tree Growth Tax Law. The Bureau of  
11 Parks and Lands within the department must manage the property in accordance with the  
12 Maine Tree Growth Tax Law and, using funds appropriated for that purpose by the  
13 Legislature, must make payments in lieu of taxes in an amount equal to the amount that  
14 would be paid by a private landowner to the assessing authority. If the State does not  
15 exercise its right of first refusal, the owner may sell the property to any purchaser but at  
16 no less than the price provided to the department pursuant to Title 36, section 581-H,  
17 subsection 3; if owner decreases the price, the owner must resubmit the information in  
18 accordance with subsection 3. The department is required to adopt major substantive  
19 rules to implement these provisions.