



128th MAINE LEGISLATURE

SECOND REGULAR SESSION-2018

Legislative Document

No. 1844

S.P. 698

In Senate, February 27, 2018

**An Act To Provide the State the Right of First Refusal for the
Purchase of Certain Land on Which a Subsidy Has Been Paid**

(AFTER DEADLINE)

Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 205.

Reference to the Committee on Taxation suggested and ordered printed.

A handwritten signature in cursive script, reading "Heather J.R. Priest".

HEATHER J.R. PRIEST
Secretary of the Senate

Presented by Senator JACKSON of Aroostook.
Cosponsored by Representative MARTIN of Eagle Lake and
Senators: CARPENTER of Aroostook, DAVIS of Piscataquis, DILL of Penobscot,
SAVIELLO of Franklin, Representatives: DUNPHY of Old Town, FREDETTE of Newport,
GOLDEN of Lewiston, TIMBERLAKE of Turner.

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

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

3 **§581-H. Right of first refusal**

4 If the owner of a parcel of forest land of at least 2,500 acres subject to taxation under
5 this subchapter intends to sell that parcel, the owner, prior to accepting an offer from a
6 person who is not a resident of the United States to buy that parcel, shall offer the State
7 the opportunity to purchase that parcel at the price offered by the person who is not a
8 resident of the United States. The owner of the parcel shall notify the State of the
9 location and size of the parcel being offered for sale and the offered purchase price. If the
10 State does not exercise its right to purchase the parcel within 30 days of notice of the
11 prospective sale by the owner, the owner may sell the parcel to any other person but at no
12 less than the price provided in the notice to the State. If the State exercises its right to
13 purchase the property, notwithstanding any provision of law to the contrary, the State
14 shall pay the taxes assessed on that property to the assessing authority.

15 **Sec. 2. 36 MRSA §1115-A** is enacted to read:

16 **§1115-A. Right of first refusal**

17 If the owner of a parcel of open space land or farmland of at least 2,500 acres subject
18 to taxation under this subchapter intends to sell that parcel, the owner, prior to accepting
19 an offer from a person who is not a resident of the United States to buy that parcel, shall
20 offer the State the opportunity to purchase that parcel at the price offered by the person
21 who is not a resident of the United States. The owner of the parcel shall notify the State
22 of the location and size of the parcel being offered for sale and the offered purchase price.
23 If the State does not exercise its right to purchase the parcel within 30 days of notice of
24 the prospective sale by the owner, the owner may sell the parcel to any other person but at
25 no less than the price provided in the notice to the State. If the State exercises its right to
26 purchase the property, notwithstanding any provision of law to the contrary, the State
27 shall pay the taxes assessed on that property to the assessing authority.

28 **SUMMARY**

29 This bill requires the owner of a parcel of land that is at least 2,500 acres and that is
30 enrolled in the Maine Tree Growth Tax Law program or is subject to the farm and open
31 space tax law who receives an offer from a person who is not a resident of the United
32 States to buy that parcel of land, prior to accepting the offer, to provide the State with
33 notice of the offer. The State has 30 days to purchase the parcel of land at the price
34 offered to the owner. If the State does not exercise its right to purchase the parcel of land,
35 the owner may sell the parcel of land but at no less than the price offered to the State. If
36 the State exercises its right to purchase the property, notwithstanding any provision of
37 law to the contrary, the State is required to pay the taxes assessed on that property to the
38 assessing authority.