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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;

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1 first refusal does not apply if the purchaser is an immediate family member. An owner
2 who receives an offer must notify the Department of Agriculture, Conservation and
3 Forestry of the proposed sale and the terms and conditions of the sale. The department
4 may notify the Governor and the Legislative Council. The department has 10 business
5 days to obtain funds to make the purchase. If the State exercises its right of first refusal,
6 the property is nonreserved public land subject to the requirements of the Maine Revised
7 Statutes, Title 12, chapter 220, subchapter 3 and does not change its classification under
8 the Maine Tree Growth Tax Law. The Bureau of Parks and Lands within the department
9 must manage the property in accordance with the Maine Tree Growth Tax Law and,
10 using funds appropriated for that purpose by the Legislature, must make payments in lieu
11 of taxes in an amount equal to the amount that would be paid by a private landowner to
12 the assessing authority. If the State does not exercise its right of first refusal, the owner
13 may sell the property to any purchaser. The department is required to adopt major
14 substantive rules to implement these provisions.