§ 480. Forest and reforested lands. 1. In view of the benefits to the state and the municipal corporations therein which will accrue through the reforestation of idle lands, eligible tracts of forest land may be granted an exemption from taxation as hereinafter provided.

2. As used in this section:

(a) "Eligible tract" means a tract of forest land of at least fifteen acres which has been planted with an average of not less than eight hundred trees per acre, or which has been underplanted with an average of not less than three hundred trees per acre, or upon which the majority of the mature timber has been removed in such a manner as to insure a crop of merchantable timber or pulpwood or upon which, at the time of classification, there is an immature stand sufficient to produce such a crop within thirty years. Any part of such tract covered by water, or consisting of a bog or ledge, or otherwise unsuitable for planting or underplanting, shall be excluded in determining the average number of trees planted or underplanted per acre.

(b) "Forest land" includes not only lands on which there is tree growth, but also lands which are best adapted to tree growth.

(c) "Planted" means the setting of suitable forest tree species.

(d) "Underplanted" means the setting of suitable forest tree species upon land that at the time of planting has some natural forest growth.

(e) "Immature stand" means trees which are left primarily for forest crop production after the removal of a majority of the mature stand.

3. (a) Eligible tracts shall be separately assessed for purposes of taxation upon the basis of the value of the land, including the value of any buildings or structures thereon, but excluding the value of such planted or underplanted trees or natural reproduction. The assessment of an eligible tract shall be no higher than the valuation of similar lands without substantial forest growth situated in the same town and at no time shall it exceed the valuation fixed at the time the application for classification is filed as hereinafter provided, except that such assessment may be increased or decreased without regard to the provisions of this subdivision to reflect a change in level of assessment on the assessment roll of the assessing unit, as provided in title two of article twelve of this chapter.

(b) The commissioner shall certify a change in level of assessment factor subject to the provisions of title two of article twelve of this chapter.

(c) Such land shall be so assessed so long as the forest growth shall remain uncut. Upon the removal of the forest growth, it shall be assessed without regard to the provisions of this section.

4. The owner of an eligible tract may file with the assessors of the town in which such tract is located a verified application for classification under this section. Application shall be made in duplicate on forms furnished by the conservation department, which shall contain a description of the land sufficient to identify the tract and the necessary information as to the planting or underplanting or natural reproduction. Upon the filing of such application, the assessors shall send a copy thereof to the conservation department for its approval or disapproval. If the conservation department approves the application, it shall file certificates of approval, classifying such tract as forested or reforested land, with the assessors and with the county clerk of the county in which the tract is situated. The county clerk shall record such certificates in the book of miscellaneous records. All tracts so classified shall be subject to the provisions of this section and the obligations thereof shall devolve upon and the benefits thereof inure to the owner, his successors or assigns. The state and its political subdivisions shall also be bound thereby.

5. Whenever any cutting of the forest growth on any such tract of forest land is proposed, the owner shall give not less than thirty days' notice to the assessors and shall pay as a tax to the supervisor of the town in which such land is situated, six per centum of the stumpage value of the timber when cut, which shall be assessed by the assessors within such thirty-day period. Except as otherwise provided herein, such assessment and tax shall be treated in all respects the same as an assessment and tax on the land and such tax shall be paid before the removal of such timber from the premises so classified. Such tax shall be a lien upon the cut timber and upon the lands so classified until paid and may be enforced by an action in the name of the town in any court of competent jurisdiction. It shall be a misdemeanor for any

person to remove the timber from such premises before the tax is paid. Notwithstanding the foregoing provisions of this subdivision, the owner of any land so classified may annually cut for his own use, free of tax, wood or timber from such land to a stumpage value not in excess of twenty-five dollars and may also, with the approval of the conservation department, make thinnings for the improvement of the forest growth.

6. Two-thirds of any tax received pursuant to this section shall be distributed to the town and one-third to the school district or districts, or portions thereof, within the town in which such tract is situated. If such tract is situated in more than one school district, wholly or partly within such town, the several school districts or portions thereof within the town shall share in the amount allocated to the school districts in the proportion that the number of acres in each such school district or portion thereof within the town bears to the aggregate number of acres in all of such school districts or portions thereof within the town. The amount allocated to the town shall be retained by the supervisor for general town purposes and the amount allocated for school district purposes shall forthwith be paid by the supervisor to the proper fiscal officer of the school district or districts.

7. An owner may withdraw his tract from such classification at any time by payment of the tax of six per centum of the value of the standing timber. If an owner desires to withdraw his tract from classification he may agree with the assessors and supervisor as to the stumpage value of the forest growth. In case of dispute as to the stumpage value of wood or timber so classified and withdrawn from classification, the six per centum value of the standing timber so withdrawn, shall be assessed by the assessors within thirty days from the time they are required so to do by the owner. Such assessment and tax shall be treated in all respects the same as an assessment and tax on the land, except as otherwise herein provided. The supervisor of the town may maintain an action in any court of competent jurisdiction against the owner of the land for the recovery of any tax due and unpaid under this section.

8. When in the judgment of the conservation department any such classified tract contains on the average forty thousand board feet of merchantable soft wood per acre, or twenty thousand board feet of merchantable hard wood per acre (or in case of mixtures of the two kinds of woods, the relative percentages of such amounts), the department may notify the owner that two years from the date of service of the notice, the tax of six per centum of the stumpage value of the forest growth will be due and that the tract will thereupon be withdrawn from classification under this section. The conservation department shall notify the supervisor to proceed to collect such tax when due, which collection may be enforced by action or foreclosure of lien as herein provided. The six per centum value of the timber contained on such tract shall be assessed by the assessors within thirty days from the time they are required so to do by the conservation department. Such assessment and tax shall be treated in all respects the same as an assessment and tax on the tract except that if such owner, within the two-year period, cuts such timber as directed by the conservation department according to the principles of practical forest management, the tax on the uncut forest growth shall not become due and the tract shall not be withdrawn from classification as long as the owner thereof shall continue to manage the same in the manner prescribed by the conservation department.

9. No lands shall be classified pursuant to this section after September first, nineteen hundred seventy-four. As to lands classified pursuant to this section prior to such date, the owner thereof may elect to continue to have such lands so classified, subject to all the duties, responsibilities and privileges under this section, or he may elect to make application for certification pursuant to section four hundred eighty-a hereof.