

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)

STATE OF MAINE
HOUSE OF REPRESENTATIVES
110TH LEGISLATURE
FIRST REGULAR SESSION

(Filing No. H-354)

COMMITTEE AMENDMENT "A" to H.P. 144, L.D. 170, Bill, "AN ACT Concerning the Taking of Wood without Permission of the owner."

Amend the bill in that part designated "§2510" by striking out all of subsection 1 and inserting in its place the following:

'1. Unlawful cutting. Any person who intentionally, knowingly, recklessly or negligently cuts down or fells any tree without the consent of the owner of the property on which the tree stands commits a civil violation for which the forfeitures provided in this section may be adjudged, except that the cutting down or felling of any tree by the following are exempt from this section:

A. The Department of Transportation in the performance of activities under Title 23, section 701;

B. ~~Public Utilities~~ in maintaining adequate facilities in emergencies in compliance with Title 35, section 51;

C. ~~L~~icensed arborists in removing street trees or property line trees under contract with a municipality or private individual, or in removing blowdown trees in emergencies; and

D. An abutter, personally or by his agent, involved in a boundary dispute with another abutter.'

Statement of Fact

This amendment provides exemptions from the proposed forfeitures for cutting or felling another's tree for certain groups. The Department of Transportation is exempted in laying out, constructing and maintaining state and state aid highways. Public utilities are exempted in maintaining facilities in emergency situations. Licensed arborists are exempted in performing certain contract work or removing blowdowns in emergencies. Finally, abutters are exempted when they cut down trees about which there is a disagreement as to which side of a property line the trees are on. This last exemption avoids the possibility of the State having to be involved in settling a boundary dispute and leaves the abutters with remedies available in a civil action under Title 14, sections 7552 and 7552-A.

Reported by the Minority of the Committee on Judiciary.
Reproduced and distributed under the direction of the Clerk of the House.

5/11/81

(Filing No. H-354)