

MAINE STATE LEGISLATURE

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Maine
REVISED STATUTES
1964

*Prepared Under the Supervision
of the
Committee on Revision of Statutes*

Being the Tenth Revision of the
Revised Statutes of the State
of Maine, 1964

Volume 5
Titles 26 to 32



Boston, Mass.
Boston Law Book Co.

Orford, N. H.
Equity Publishing Corporation

St. Paul, Minn.
West Publishing Co.

Text of Revised Statutes

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CHAPTER 67

TRANSPORTATION OR CUTTING OF
CHRISTMAS TREES

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SUBCHAPTER I

GENERAL PROVISIONS

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§ 4401. Definitions

For the purpose of this chapter:

1. **Christmas tree.** "Christmas tree" means any evergreen tree severed from the stump and includes fir, hemlock, spruce, cedar and pine, cut for commercial purposes as a Christmas tree.

1961, c. 375, § 2.

2. **Evergreen boughs.** "Evergreen boughs" mean boughs or tips of all species of coniferous trees cut for commercial purposes.

1961, c. 375, § 2.

3. **Roadside.** "Roadside" is defined as the nearest public way accessible to the cutting area or initial loading point. (1961, c. 375, § 2.)

1959, c. 283; 1961, c. 375, § 2.

§ 4402. Owner's permission required

It shall be unlawful for any person, firm, corporation or partnership to cut Christmas trees or evergreen boughs on land of

another without first securing written permission from the owner of the land or the owner of the growth thereon, or their authorized agents. Only one permit is needed for men working in crews. Any officer authorized to make inspections and investigations under this chapter may require of each person, firm, corporation or partnership to show on request:

1. **Cutting.** When cutting: A current written owner permit when cutting on land or growth of another;

2. **Transit.** In transit: A current landowner permit or owner of growth thereon permit or other written proof of ownership and state Christmas tree registration when transporting trees loosely or in bundles, or boughs, loosely or baled, and in the case of over the highway transportation, each driver must carry such permit and registration on person or in vehicle. Dealers using more than one truck may obtain duplicate copies, at a charge of 25¢ each, of their registration for use by the drivers. In the case of railroad shipment or transportation of Christmas trees, loosely or in bundles, or boughs, loosely or baled, a certificate of shipment must be posted on both doors or both sides of each railroad car. (1961, c. 375, § 3.)

1959, c. 283; 1961, c. 375, § 3.

§ 4403. Forgery

Every permit, registration or affidavit specified in this chapter shall be deemed to be a written instrument subject to the laws relating to forgery.

1959, c. 283.

§ 4404. Seizure or attachment

Any officer authorized to make inspections, investigations and arrests under this chapter may seize and hold Christmas trees or evergreen boughs until written proof of ownership permission and state registration has been established, and if no written proof of ownership permission and state registration has been established, then said officer shall try to determine where such trees or boughs were cut and notify the landowner. In case the owner does not want the trees or boughs, the State may then dispose of them, and any moneys derived from the disposition of said trees and boughs shall be paid over to the landowner if his identity can be established, otherwise to the Treasurer of State and credited to the General Fund.

1959, c. 283; 1961, c. 375, § 5.

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§ 4405. Federal quarantine regulations

Under this chapter, no person, firm, corporation or partnership issued such registration is in any way relieved or exempt of legal responsibility of complying with the federal regulations concerning Gypsy Moth Quarantine Law.

1959, c. 283.

§ 4406. Trees from out of State

When Christmas trees and evergreen boughs harvested in any Canadian Province or neighboring state are transported over the highways in this State to points outside the State, some proof of ownership will be required such as customs clearance at points of entry or landowner permit.

1959, c. 283.

§ 4407. Annual reports

On a voluntary basis, without penalty, every person, firm, corporation, partnership or agent shipping or transporting Christmas trees, evergreen boughs, wreaths or tips, shall render a yearly written report to the Forest Commissioner not later than January 31st of each calendar year, giving the amount of Christmas trees, evergreen boughs, wreaths and tips, shipped or transported during the preceding calendar year; location of area cut; and the places within and outside the State to which the trees, boughs and tips were shipped. Forms for this report shall be provided by the commissioner. Information obtained from these reports shall be confidential. The commissioner shall prepare a summary of these reports and copies shall be sent to registered Christmas tree dealers and shippers.

1959, c. 283.

§ 4408. Enforcement agencies

State Forestry Department personnel and all state, county and municipal law enforcement officers shall be authorized officers to make inspections, investigations and arrests under this chapter and shall report violations to the Forest Commissioner.

1959, c. 283; 1961, c. 375, § 6.

SUBCHAPTER II

REGISTRATION

Sec.

4451. Registration required.

4452. Revocation; appeals; penalties.

§ 4451. Registration required

It shall be unlawful for any person, firm, corporation or partnership, for commercial purposes, to transport Christmas trees or evergreen boughs from private, state or federal lands to any place or places within or outside this State without first registering with the Forestry Department or persons designated by the Forest Commissioner, but no registration will be required of landowners or holders of written permits from landowners for cutting or bundling or hauling such trees and boughs to roadside. Forms for registering shall be provided by the commissioner. The annual fee for such registration, when obtained from the Forestry Department, shall be \$1 payable to the Treasurer of State and credited to the General Fund; and if such registration is obtained from any town or city clerk, the annual fee shall be \$1.25, \$1 of which shall be payable to the Treasurer of State and credited to the General Fund, and 25¢ shall be retained by the town or city clerk for the service of issuing the certificates of registration. All such registrations shall expire on December 31st of the year issued. A proper record of all registrations issued shall be kept by the commissioner at his office and shall be open to inspection by any person during reasonable business hours.

1959, c. 283; 1961, c. 375, §§ 1, 1-A.

§ 4452. Revocation; appeals; penalties

The Forest Commissioner may at any time for sufficient cause suspend or revoke any registration for a period of not more than 2 years for any of the following violations of this chapter:

1. **Cutting without permission.** Cutting Christmas trees without permission of the landowner;

2. **Failure to pay.** Failure to pay for Christmas trees and evergreen bough stumpage;

3. **Proof of ownership required.** Buying, accepting or receiving Christmas trees and evergreen boughs from persons without proof of ownership.

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No registration shall be issued to any person, firm, corporation or partnership whose registration has been revoked.

Any person, firm, corporation or partnership aggrieved by a decision of the commissioner suspending or revoking a registration may, within 30 days after notice thereof from the commissioner, appeal therefrom to the Superior Court in any county where the appellant has a regular place of business or if the appellant has no such place of business within the State, to the Superior Court in Kennebec County. The appellant shall, when such appeal is taken, file an affidavit stating his reasons of appeal and serve a copy thereof on the commissioner, and in the hearing of the appeal shall be confined to the reasons of appeal set forth in such affidavit. Jurisdiction is granted to the Superior Court to hear and determine such appeals and to enter such order and decrees as the nature of the case may require. The decision of said court upon all questions of fact shall be final. Decisions shall be certified to the commissioner.

In addition to the penalty of a suspension or revocation of registration, any person, firm, corporation or partnership who violates any of the provisions mentioned in this section or who offers any resistance to carrying out this chapter shall be deemed guilty of a misdemeanor and if convicted thereof shall be punished by a fine of not less than \$25 nor more than \$100, or by imprisonment for not more than 3 months, or by both. After deductions of court costs such fines shall be credited to the General Fund.

1959, c. 283; 1961, c. 317, § 76; c. 375, § 4.