

MAINE STATE LEGISLATURE

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CHAPTER 7
FLOATING TIMBER

Sec.

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§ 971. Conversion

Whoever takes, carries away or otherwise converts to his own use, without the consent of the owner, any log suitable to be sawed or cut into the boards, clapboards, shingles, joists or other lumber, or any mast or spar the property of another, whether the owner is known or unknown, lying in any river, pond, bay, stream or inlet, or on or near the bank or shore thereof, or cuts out, alters or destroys any mark made thereon, without the consent of the owner and with intent to claim the same, forfeits for every such log, mast or spar, \$20, to be recovered on complaint; $\frac{1}{2}$ for the State and $\frac{1}{2}$ for the complainant.

R.S.1954, c. 142, § 1.

§ 972. Conversion as larceny

Whoever fraudulently and willfully takes and converts to his own use, either by himself or by another in his employment, any such log, mast or spar lying, as aforesaid, for the purpose of being driven to a market or place of manufacture is guilty of larceny and shall be punished accordingly.

R.S.1954, c. 142, § 2.

§ 973. Presumptions; double damages

In prosecutions under sections 971 and 972 if such log, mast or spar is found in the possession of the accused partly destroyed, partly sawed or manufactured, or with the marks cut out or altered, not being his property, it is presumptive evidence of his

guilt. The burden of proof is then on him. Whoever is guilty of the offense described in either section is liable to the owner, in a civil action, for double the value of the log, mast or spar so dealt with.

R.S.1954, c. 142, § 3; 1961, c. 317, § 477.

§ 974. Right of owner to search for lost logs

The owner of such logs, masts or spars may at any time, by himself or his agent, enter in a peaceable manner upon any mill, mill-brow, boom or raft of logs or other timber in search of such lost property. Whoever willfully prevents or obstructs such search forfeits for each offense not less than \$20 nor more than \$50, to the person by whom or on whose account such entry was claimed, to be recovered in a civil action.

R.S.1954, c. 142, § 4; 1961, c. 317, § 478.

§ 975. Intermixed logs and timber; lien for expenses; libel

Any person whose timber in any waters of the State is so intermixed with the logs, masts or spars of another that it cannot be conveniently separated for the purpose of being floated to the market or place of manufacture may drive all timber with which his own is so intermixed toward such market or place, when no special and different provision is made by law for driving it; and is entitled to a reasonable compensation from the owner, to be recovered after demand therefor on said owner or agent, if known, in a civil action. He has a prior lien thereon until 30 days after it arrives at its place of destination to enable him to attach it. If the owner cannot be ascertained, the property may be libeled according to law and enough of it disposed of to defray the expenses thereof, the amount to be determined by the court hearing the libel.

R.S.1954, c. 142, § 6; 1961, c. 317, § 480.

§ 976. Logs or timber lodged on banks; forfeiture; advertisement

Logs or other timber carried by freshets or otherwise lodged upon lands adjoining any waters are forfeited to the owner or occupant thereof, after they have so remained for 2 years, if such lands during that time were improved; otherwise, after 6 years; provided such owner or occupant, within one year after the same were found so lodged, advertises, as nearly as practicable, the number of pieces of timber, the time when lodged, together with

the marks thereon and the place where found, 3 weeks successively in some newspaper in the county, if any, otherwise in the state paper.

R.S.1954, c. 142, § 7.

§ 977. Owner may remove on tender of damages; damages for landowner

The owner of said timber may enter on said land and remove it at any time before forfeiture, having previously tendered to the owner or occupant thereof a reasonable compensation for all damages occasioned by the lodging, remaining or removal of said timber and the expense of advertising it; but if the timber is removed by the owner, or otherwise, without such tender, the owner of the land may recover, in a civil action, the damages aforesaid.

R.S.1954, c. 142, § 8; 1961, c. 317, § 481.

§ 978. Conversion of railroad sleepers, ship knees or cedar lumber; double damages

Whoever willfully and fraudulently takes, carries away or otherwise converts to his own use any railroad sleeper, knee or other ship timber or cedar for shingles or other purposes, the property of another, whether known or not, without his consent, lying in any river, stream, pond, bay or inlet, or on or near the shore thereof; or cuts out, alters or destroys any mark thereon, forfeits \$10 for each offense, to be recovered and appropriated as provided in section 971; and is liable to the owner in double the amount thereof in a civil action. Such owner has all the rights and is subject to all the liabilities provided for the owner of logs, masts and spars in sections 973 to 979.

R.S.1954, c. 142, § 9; 1961, c. 317, § 482.

§ 979. Saco River or tributaries

If any boom on the Saco River, or any of the waters connected therewith, is so placed or constructed as to prevent the free and usual passage of timber down the river, the owner or occupant thereof, at his own expense, shall release and turn out the timber so detained, when requested to do so by the owner thereof, if it can be done with safety. If, for 2 days after request, he neglects or refuses to do so, he is liable to the owner of the timber in a civil action for all damages by him sustained.

R.S.1954, c. 142, § 5; 1961, c. 317, § 479.