

MAINE STATE LEGISLATURE

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No ✓
December 1, 1965

Austin H. Wilkins, Commissioner

Forestry

Leon V. Walker, Jr., Assistant

Attorney General

Procedures for Enforcing Christmas Tree Law

In a memorandum to you from David Faber dated November 5, 1965, you were asked whether certain procedures were appropriate for enforcement of the Christmas Tree Law. You in turn have asked for an opinion from this office.

The outlined procedures conform to the law, but some suggestions are in order. It should be mentioned that Section 4402 requires that each driver must carry written proof of ownership, permission, and State registration on his person or in the vehicle. Section 4452 provides a penalty for any violation of this chapter except failure to pay. Thus, a driver could be charged for not having the required documents with him. This still does not alter the fact that to obtain a conviction there must be proof that the trees or boughs were intended for commercial use as Christmas trees. Before making an arrest, the officer should be sure to have enough proof that he would not be subject to an action for false arrest.

Mr. Faber's memo is returned herewith.

Leon V. Walker, Jr.
Assistant Attorney General

LWVJr:H
Enclosure