

MAINE STATE LEGISLATURE

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ONE - HUNDRETH LEGISLATURE

Legislative Document

No. 363

H. P. 249

House of Representatives, January 17, 1961

Referred to Committee on Judiciary. Sent up for concurrence and ordered printed.

HARVEY R. PEASE, Clerk

Presented by Mr. Haughn of Bridgton.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
SIXTY-ONE

AN ACT Relating to Destroying Timber, etc. on Land of Another.

Be it enacted by the People of the State of Maine, as follows:

Sec. 1. R. S., c. 124, § 9, amended. Section 9 of chapter 124 of the Revised Statutes is amended to read as follows:

'Sec. 9. Trespass on lands of another. Whoever ~~cuts down, destroys, injures or carries away any ornamental or fruit tree, timber, wood, underwood, stones, gravel, ore,~~ goods or property of any kind from land not his own, without license of the owner, or injures or throws down any fences, bars or gates, or leaves such gates open, or breaks glass in any building is liable in damages to the owner in ~~an~~ a civil action of trespass. If said acts are committed willfully or knowingly, the defendant is liable to the owner in double damages.'

Sec. 2. R. S., c. 124, § 9-A, additional. Chapter 124 of the Revised Statutes is amended by adding a new section to be numbered 9-A, to read as follows:

'Sec. 9-A. Cutting, destroying timber, etc. Whoever cuts down, destroys, injures or carries away any ornamental or fruit tree, timber, wood, underwood, stones, gravel or ore from land not his own, without license of the owner, is liable in damages to the owner in a civil action. If said acts are committed willfully or knowingly, the defendant is liable to the owner in double damages. Where the defendant alleged to have committed said acts willfully or knowingly has not caused a boundary line to have been established, either by mutual consent with adjacent owners or by a survey in the area where and prior to the time such acts are committed, proof that such boundary line was not so established will be prima facie evidence that such acts were committed willfully or knowingly.'