

MAINE STATE LEGISLATURE

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(New Title)
New Draft of H. P. 1074, L. D. 1296

ONE HUNDRED AND EIGHTH LEGISLATURE

Legislative Document

No. 1816

H. P. 1611

House of Representatives, May 27, 1977

Reported by Mr. Gauthier from Committee on Judiciary and printed under
Joint Rules No. 2.

EDWIN H. PERT, Clerk

Presented by Mr. Spencer of Standish.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
SEVENTY-SEVEN

AN ACT Relating to Actions in Trespass for Cutting Trees
on the Land of Another

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

Sec. 1. 14 MRSA § 7552, last sentence, is amended to read:

If ~~said~~ such an act or such acts are committed willfully or knowingly, the defendant is liable to the owner in ~~double~~ treble damages and, in addition, for the cost of any professional services necessary for the determination of damages, for attorney's fees, and for court costs.

Sec. 2. 14 MRSA § 7552-A, as enacted by PL 1975, c. 253, is repealed and the following enacted in its place:

§ 7552-A. Land on which 10 acres or more of wood is to be cut

Any person who authorizes the cutting of timber or wood on his own property, when the cutting involves an area of 10 or more acres, shall clearly mark any property lines which are within 200 feet of the area to be cut. If any such person fails to clearly mark such property lines and if the person or persons who are authorized to cut then cut timber or wood on abutting land without the authorization of the owner of that land, the person who failed to mark his property lines shall be liable in a civil action, in double damages, to that owner of the abutting land. Such damages shall be in addition to any damages to which the owner of the abutting land may be entitled to under section 7552.

STATEMENT OF FACT

This new draft clarifies the purpose of the original bill. It increases the damages for which the trespasser himself is liable, in section 1 of the new draft. Section 2 of the new draft clarifies the law with regard to the landowner who authorizes cutting but fails to mark his property lines, with the result that timber is cut on the abutting owner's land.