

# MAINE STATE LEGISLATURE

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1 FIRST REGULAR SESSION  
2

3 ONE HUNDRED AND ELEVENTH LEGISLATURE  
4

5 Legislative Document

No. 1101

6  
7 H.P. 851

House of Representatives, March 8, 1983

8 Submitted by the Department of Conservation pursuant to Joint Rule 24.  
9 Referred to the Committee on Agriculture. Sent up for concurrence and  
ordered printed.

10 EDWIN H. PERT, Clerk

Presented by Representative Hall of Sangerville.

11 Cosponsors: Representative Perkins of Brooksville and Senator Perkins of  
Hancock.

12 STATE OF MAINE  
13

14 IN THE YEAR OF OUR LORD  
15 NINETEEN HUNDRED AND EIGHTY-THREE  
16

17 AN ACT to Amend the Laws Relating to  
18 Transportation or Cutting of Christmas Trees.  
19

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

22 Sec. 1. 12 MRSA §8841, sub-§3, as enacted by PL  
23 1979, c. 545, §3, is repealed.

24 Sec. 2. 12 MRSA §§8842, 8843, 8844 and 8845, as  
25 enacted by PL 1979, c. 545, §3, are repealed and the  
26 following enacted in their place:

27 §8842. Owner's permission required

28 It is unlawful for any person, firm or corpora-  
29 tion to cut or transport Christmas trees or evergreen  
30 boughs on land of another without securing written  
31 permission or bill of sale from the owner or his  
32 authorized agents. In the case of cutting, only one

1 such permit is needed per work crew. Any officer  
2 authorized to make inspections and investigation  
3 under this Article may require of any person, firm or  
4 corporation engaged in cutting or transporting  
5 Christmas trees or evergreen boughs to show:

6 1. Cutting. If engaged in cutting, a current  
7 written permit or bill of sale from the owner when  
8 cutting growth of another; and

9 2. Transportation. If engaged in transporta-  
10 tion, a current written permit, bill of sale, port of  
11 entry statement or other written proof of ownership  
12 when transporting for commercial purposes trees,  
13 loose or in bundles, or boughs, loose or baled. A  
14 driver shall carry this permit on his person or in  
15 the vehicle.

16 §8843. Forgery

17 Every permit, bill of sale, port of entry state-  
18 ment, or other written document specified in this  
19 Article shall be deemed to be a written instrument  
20 subject to the laws relating to forgery.

21 §8844. Seizure or attachment

22 Any officer authorized to make inspections,  
23 investigations or arrests under this Article may  
24 seize and hold Christmas trees or evergreen boughs  
25 until proof of ownership has been established. If no  
26 proof of ownership has been established, the officer  
27 shall try to determine where those trees or boughs  
28 were cut and notify the landowner. If the owner does  
29 not want the trees or boughs, or ownership cannot be  
30 determined, the State may dispose of them and any  
31 money derived from the disposition of the trees and  
32 boughs shall be paid to the landowner, if his iden-  
33 tity can be established and, otherwise, to the Treas-  
34 urer of State to be credited to the General Fund.

35 §8845. Federal quarantine regulations

36 Compliance with this Article does not relieve or  
37 exempt from legal responsibility any person from com-  
38 pliance with the federal regulations concerning any  
39 quarantine law.

1           Sec. 3. 12 MRSA §8846, as enacted by PL 1979, c.  
2 545, §3, is repealed.

3           Sec. 4. 12 MRSA §8847, as enacted by PL 1979, c.  
4 545, §3, is repealed and the following enacted in its  
5 place:

6           §8847. Enforcement agencies

7           State police, county sheriffs and municipal law  
8 enforcement officers are authorized officers to make  
9 inspections, investigations, arrests and disposals of  
10 trees and boughs under this Article.

11          Sec. 5. 12 MRSA §8848, as enacted by PL 1979, c.  
12 545, §3, is repealed.

13          Sec. 6. 12 MRSA §8849, as enacted by PL 1979, c.  
14 545, §3, is repealed and the following enacted in its  
15 place:

16          §8849. Penalty

17          Violation of section 8842 shall be a theft, sub-  
18 ject to the penalties prescribed in Title 17-A,  
19 section 362. Prosecution under this section does not  
20 preclude the civil remedy available under Title 14,  
21 section 7552.

22          Sec. 7. 14 MRSA §7552, as amended by PL 1977, c.  
23 313, §1, is further amended to read:

24          §7552. Injury to lands or property

25          Whoever cuts down, destroys, injures or carries  
26 away any ornamental or fruit tree, Christmas tree,  
27 evergreen boughs, timber, wood, underwood, stones,  
28 gravel, ore, goods or property of any kind from land  
29 not his own, without license of the owner, or injures  
30 or throws down any fences, bars or gates, or leaves  
31 such gates open, or breaks glass in any building is  
32 liable in damages to the owner in a civil action. If  
33 such an act or such acts are ~~committeed~~ committed  
34 willfully or knowingly, the defendant is liable to  
35 the owner in treble damages and, in addition, for the  
36 cost of any professional services necessary for the  
37 determination of damages, for attorney's fees, and

1 for court costs. For purposes of this section,  
2 Christmas trees and evergreen boughs are defined in  
3 Title 12, section 8841.

4 STATEMENT OF FACT

5 This bill rewrites the law relating to trans-  
6 portation of Christmas trees to:

7 1. Place enforcement responsibilities in the  
8 sole jurisdiction of State Police and local law  
9 enforcement officers;

10 2. Relieve the marketers of boughs and trees of  
11 registration fees; and

12 3. Bring the language of this law into conform-  
13 ity with other provisions of Maine statutes.

14 In addition, section 7 makes it clear that  
15 Christmas trees and evergreen boughs are trees sub-  
16 ject to treble damages for taking.

17 This bill will remove the \$11 registration fees  
18 required for cutting or transporting trees. This  
19 will result in a decrease of \$8,000 to the General  
20 Fund. The money from these fees was to offset admin-  
21 istration and enforcement costs. These costs will  
22 be reduced because of the simplified requirements of  
23 this bill.

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