

# MAINE STATE LEGISLATURE

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L.D. 887

(Filing No. H- 288 )

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STATE OF MAINE  
HOUSE OF REPRESENTATIVES  
116TH LEGISLATURE  
FIRST REGULAR SESSION

COMMITTEE AMENDMENT "A" to H.P. 649, L.D. 887, Bill, "An Act to Permit Owners of Property to Seek Indemnification from Parties Responsible for Violations of Clear-cutting Laws"

Amend the bill by striking out everything after the enacting clause and before the statement of fact and inserting in its place the following:

'Sec. 1. 12 MRSA §8869, sub-§12 is enacted to read:

12. Right of action. A landowner found in violation of this section and penalized under section 9701 as a result of actions of a harvester has a right of action to recover the penalty against the harvester who undertook the harvest operation found in violation. In addition to all other defenses permitted by law, it is a defense that the harvester operated under the landowner's instructions. For the purposes of this subsection, the terms "harvester" and "harvest operation" have the same meanings as in section 8881.

FISCAL NOTE

The additional workload and administrative costs associated with the minimal number of new cases filed in the court system can be absorbed within the budgeted resources of the Judicial Department.'

STATEMENT OF FACT

This amendment provides that a landowner may recover from a harvester only when the violation is the result of actions of the harvester. It also creates a defense for the harvester whose actions were the result of instructions from the landowner. This amendment also adds a fiscal note to the bill.

Reported by the Committee on Judiciary  
Reproduced and distributed under the direction of the Clerk of the House

12/93

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**COMMITTEE AMENDMENT**