

MAINE STATE LEGISLATURE

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117th MAINE LEGISLATURE

FIRST REGULAR SESSION-1995

Legislative Document

No. 1500

H.P. 1065

House of Representatives, May 4, 1995

An Act to Reduce Theft in the Forest Products Industry.

Reference to the Committee on Judiciary suggested and ordered printed.

A handwritten signature in black ink that reads "Joseph W. Mayo".

JOSEPH W. MAYO, Clerk

Presented by Representative WHITCOMB of Waldo.
Cosponsored by Representatives: GOULD of Greenville, KNEELAND of Easton.

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

2
4 **Sec. 1. 14 MRSA §7552**, as amended by PL 1989, c. 555, §13, is further amended to read:

6 **§7552. Injury to lands or property**

8 Whoever cuts down, destroys, injures or carries away any
10 ornamental or fruit tree, Christmas tree, evergreen boughs,
12 agricultural product, timber, wood, underwood, stones, gravel,
14 ore, goods or property of any kind from land not that person's
16 own, without license of the owner, or injures or throws down any
18 fences, bars or gates, or leaves such gates open, or breaks glass
20 in any building is liable in damages to the owner in a civil
22 action. If such an act or such acts are committed willfully or
24 knowingly, the defendant is liable to the owner in 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. In addition, if the action includes the
 destruction, cutting or injury of any commercial forest trees,
 the defendant is responsible for regeneration of the stand in
 accordance with Title 12, section 8869. For purposes of this
 section, Christmas trees and evergreen boughs are defined in
 Title 12, section 8841, and agricultural product is defined in
 section 7551-A.

26 If a landowner brings a civil suit in accordance with this
28 section against a person who, without authority, willfully or
30 knowingly cuts down that landowner's timber valued in excess of
 \$1,000, the State shall participate as an interested party.

32 **Sec. 2. 14 MRSA §7552-B** is enacted to read:

34 **§7552-B. Civil action by State**

36 **1. Civil suit by State.** The State shall bring a civil
38 action against a person who willfully or knowingly cuts down
 timber, valued in excess of \$1,000, from land not that person's
 own without license of the owner.

40 **2. Damages.** The defendant is liable for treble damages
42 and, in addition, for the cost of any professional services
44 necessary to determine damages, for attorney's fees and for court
46 costs. The defendant is also responsible for regeneration of the
 stand in accordance with Title 12, section 8869. Any damages
 awarded under this section must be turned over to the landowner.

48 **Sec. 3. 17 MRSA §2511** is enacted to read:

2 §2511. Theft of timber; prosecution by Attorney General

4 The Attorney General shall prosecute allegations of theft of
6 timber if the value of the timber exceeds \$1,000, and shall seek
 restitution.

8

10 **STATEMENT OF FACT**

12 This bill provides that if a landowner brings a civil action
14 against a person who cuts down that landowner's timber, valued in
 excess of \$1,000, the State shall participate as an interested
 party.

16 The bill also requires the State to bring a civil action
18 against a person who cuts down another person's timber valued in
 excess of \$1,000 and provides that any damages recovered be
 turned over to the landowner.

20

22 The bill requires the Attorney General to prosecute
 allegations of theft of timber if the value of the timber exceeds
 \$1,000 and directs the Attorney General to seek restitution.