

MAINE STATE LEGISLATURE

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L.D. 1167

DATE: April 30, 1997

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JUDICIARY

Reported by: Senator Longley

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**STATE OF MAINE
SENATE
118TH LEGISLATURE
FIRST SPECIAL SESSION**

COMMITTEE AMENDMENT " A " to S.P. 348, L.D. 1167, Bill, "An Act to Clarify the Timber Trespass Laws"

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

'Sec. 1. 14 MRSA §7552, sub-§3, as amended by PL 1995, c. 585, §3, is further amended to read:

3. Measure of damages. This subsection governs the measurement of damages resulting from a violation of subsection 2.

A. When agricultural or forest products have been destroyed or carried away, the ~~owner's~~ owner may recover as damages ~~may-be-measured~~ either by the value of the lost products themselves or by the diminution in value of the real estate as a whole resulting from the violation, whichever is greater.

B. For lost trees, the owner may claim in lieu of market value the forfeiture amounts determined in Title 17, section 2510, ~~subsectien~~ subsections 2 and 3. In addition, the owner's damages may include the costs for regeneration of the stand in accordance with Title 12, section 8869.

C. When a monument or marker has been disturbed, removed or destroyed as prohibited in subsection 2, paragraph C, the owner's damages may include the cost of ~~replaeing~~

2 engineering and surveyor services necessary to reestablish a
3 monument or marker by--a--licensed--surveyor and its proper
4 location.'

6 **SUMMARY**

8 This amendment makes technical changes to include a
9 cross-reference to the method of measuring value contained in the
10 timber theft laws in the Maine Revised Statutes, Title 17 and
11 expands the damages that may be recovered for the replacement of
12 a monument or marker to include engineering and surveyor services.