

# MAINE STATE LEGISLATURE

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# 118th MAINE LEGISLATURE

## FIRST REGULAR SESSION-1997

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Legislative Document

No. 1405

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H.P. 1013

House of Representatives, March 11, 1997

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### **An Act to License Timber Harvesters and Deter Timber Trespassing.**

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Reference to the Committee on Agriculture, Conservation and Forestry suggested and ordered printed.

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

JOSEPH W. MAYO, Clerk

Presented by Representative DESMOND of Mapleton.  
Cosponsored by Representatives: CLARK of Millinocket, O'NEAL of Limestone, SIROIS of Caribou, WHEELER of Eliot.

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

Sec. 1. 12 MRSA c. 805, sub-c. VI is enacted to read:

SUBCHAPTER VI

LICENSING OF TIMBER HARVESTERS

§8891. Timber harvester license

1. License required. Except as provided in subsection 4, a person may not harvest forest products unless that person has a timber harvester's license issued in accordance with this section. For the purposes of this subchapter, "forest products" has the same meaning as in section 8881, subsection 3, and "harvest" means to sever or remove standing trees from the forest as a raw material for commercial purposes.

2. Application; fee. To obtain a timber harvester's license, a person must submit an application to the bureau on a form designed and provided by the bureau with an annual fee of \$25. A license expires one year from the date of issuance.

3. Issuance of license; bureau responsibilities. Upon determination that an application is complete, the bureau shall issue a timber harvester's license. The license must bear the name and address of the licensee, the assigned license number, the date of issuance and the date of expiration. The bureau shall maintain a register of licensed timber harvesters.

4. Exemptions. A timber harvester's license is not required when a person harvests forest products on land owned by that person.

A license is not required to engage in precommercial silvicultural activities as defined in section 8881, subsection 7.

5. Penalties. A person who violates this section commits a civil violation. The penalty for a first violation is a fine of \$1000. A person adjudicated for a violation of this section may not be issued a timber harvester's license for a period of one year from the date of adjudication. The penalty for a 2nd violation of this section is a fine of \$2,500. A person adjudicated of a 2nd violation under this section may not be issued a timber harvester's license for a period of 2 years from the date of adjudication. The penalty for a 3rd and subsequent violations is a fine of \$5,000. A person adjudicated

2 of a 3rd or subsequent violation under this section may not be  
3 issued a timber harvester's license for a period of 5 years from  
4 the date of adjudication.

6 **Sec. 2. 17 MRSA §2510, sub-§§4 and 5** are enacted to read:

8 **4. Person adjudicated not eligible for timber harvester's**  
9 **license.** A person adjudicated of a violation of this section is  
10 not eligible to obtain a timber harvester's license issued under  
11 Title 12, section 8891 for a period of 3 years from the date of  
12 adjudication. A timber harvester's license in effect at the time  
13 of adjudication is revoked and must be immediately surrendered to  
14 the Department of Conservation, Director of the Bureau of  
15 Forestry.

16 **5. Criminal offense.** A person who violates this section  
17 after that person's timber harvester's license has been revoked  
18 in accordance with subsection 4 commits a Class E crime.

## 20 SUMMARY

22 This bill requires timber harvesters to obtain a license  
23 from the Department of Conservation, Bureau of Forestry. It  
24 provides for the revocation of a license and makes a person  
25 ineligible for a license for a period of 3 years if that person  
26 unlawfully cuts trees on another person's land.  
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