

# MAINE STATE LEGISLATURE

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AGRICULTURE, CONSERVATION AND FORESTRY

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STATE OF MAINE  
SENATE  
121ST LEGISLATURE  
SECOND SPECIAL SESSION

COMMITTEE AMENDMENT "A" to S.P. 625, L.D. 1693, Bill, "An Act To Improve the Property Boundary Marking Laws for Purposes of Timber Harvesting"

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

'Sec. 1. 17 MRSA §2511 is enacted to read:

§2511. Harvesting timber near property line

1. Definitions. As used in this section, unless the context otherwise indicates, the following terms have the following meanings.

A. "Established property line" means a line demarcated by monuments, signs, markings, pins, reference points or other markers that denotes a change in ownership between abutting properties. These established property line markers must have been placed upon mutual agreement of the abutting landowners, based on historical physical evidence of a preexisting boundary line, or by a licensed professional surveyor pursuant to Title 32, chapter 121.

B. "Harvester" means a person, firm, company, corporation or other legal entity that harvests or contracts to harvest a forest product.

C. "Landowner representative" means a person, firm, company, corporation or other legal entity representing the landowner in timber sales or land management.

2        D. "Line tree" means a tree whose main stem or trunk  
       straddles an established property line and that is blazed or  
 4        painted to indicate the location of the established property  
       line.

6                   E. "Timber harvesting" means the cutting or removal of  
8                   timber for the primary purpose of selling or processing  
                  forest products.

2. Prohibitions. The following acts are prohibited.

A. A landowner or landowner representative who authorizes timber harvesting or a harvester who in fact harvests timber shall clearly mark with flagging or other temporary and visible means any established property lines that are within 200 feet of the area to be harvested. The marking of property lines must be completed prior to commencing timber harvesting. A person who fails to mark property lines in accordance with this paragraph commits a civil violation for which a fine of not less than \$250 nor more than \$1,000 may be adjudged.

24 B. A landowner, landowner representative or harvester who  
26 authorizes the timber harvesting or in fact harvests a line  
tree without first obtaining permission from the abutting  
28 landowner commits a civil violation for which a fine of not  
less than \$250 nor more than \$1,000 may be adjudged.

30 3. Exemptions. The following are exempt from this section:

32        A. The Department of Transportation in the performance of  
          activities under Title 23, section 701;

36 B. Public utilities engaged in maintaining adequate facilities in compliance with Title 35-A, section 301; and

38        C. Municipal employees, persons contracting with a  
40        municipality or other legitimate agents of a municipality  
42        acting within the course and scope of their employment or  
       performing volunteer work for the municipality by removing  
       trees obstructing a public way or fallen trees or in  
       emergencies.'

## 46 SUMMARY

48           This amendment changes the definition of "line tree." It  
also specifies penalties for the civil violations of failure to  
50   mark property lines prior to harvest and harvesting a line tree  
without the abutting landowner's permission.