

MAINE STATE LEGISLATURE

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121st MAINE LEGISLATURE

SECOND REGULAR SESSION-2004

Legislative Document

No. 1693

S.P. 625

In Senate, December 17, 2003

An Act To Improve the Property Boundary Marking Laws for Purposes of Timber Harvesting

Submitted by the Department of Conservation pursuant to Joint Rule 204.

Received by the Secretary of the Senate on December 16, 2003. Referred to the Committee on Agriculture, Conservation and Forestry pursuant to Joint Rule 308.2 and ordered printed pursuant to Joint Rule 401.

A handwritten signature in cursive script that reads "Joy J. O'Brien".

JOY J. O'BRIEN
Secretary of the Senate

Presented by Senator BRYANT of Oxford.
Cosponsored by Representative McKEE of Wayne and
Representatives: DUPLESSIE of Westbrook, GERZOFSKY of Brunswick, HONEY of
Boothbay, JACKSON of Fort Kent, PINGREE of North Haven, SMITH of Monmouth.

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

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

6 **§2511. Trees growing on boundary line**

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

10 **A. "Common property"** means anything with value that is
undivided and jointly owned by 2 or more people.

12 **B. "Cutting"** means cutting, chopping, sawing or felling.

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

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

28 **E. "Line tree"** means a tree whose main stem or trunk is
30 straddling the established property line dividing 2 or more
properties owned by different persons. A line tree growing
32 on an established property line is common property between
abutters.

34 **F. "Timber harvesting"** means the cutting or removal of
36 timber for the primary purpose of selling or processing
forest products.

38 **2. Prohibitions.** The following acts are prohibited.

40 **A.** A person who fails to mark property lines in accordance
42 with this paragraph commits a civil violation. A landowner,
landowner representative or designated agent who authorized
44 timber harvesting or in fact cuts or harvests timber shall
clearly mark any established property lines that are within
46 200 feet of the area to be cut. The marking of property
lines must be completed prior to commencing the cutting or
48 timber harvesting operations.

2 B. A landowner, landowner representative, designated agent
3 or harvester who authorizes or in fact cuts or harvests a
4 line tree without first obtaining permission from the
5 abutting owner commits a civil violation.

6 **3. Exemptions.** The following are exempt from this section:

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

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

13 C. Municipal employees, persons contracting with a
14 municipality or other legitimate agents of a municipality
15 acting within the course and scope of their employment or
16 performing volunteer work for the municipality by removing
17 trees obstructing a public way or fallen trees or in
18 emergencies.

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SUMMARY

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This bill:

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1. Requires persons cutting or harvesting trees near a
27 property boundary line to clearly mark the property boundary line;

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2. Prohibits the cutting or harvesting of trees growing on
a property boundary line unless prior approval is obtained from
31 owners of the abutting property; and

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3. Provides an exemption for tree cutting performed by the
Department of Transportation, public utilities or municipal
35 employees or agents.

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