



122nd MAINE LEGISLATURE

SECOND REGULAR SESSION-2006

Legislative Document	No. 1759

S.P. 676

In Senate, December 30, 2005

An Act To Strengthen Maine's Timber Theft Laws

Submitted by the Department of Conservation pursuant to Joint Rule 204. Received by the Secretary of the Senate on December 28, 2005. Referred to the Committee on Criminal Justice and Public Safety pursuant to Joint Rule 308.2 and ordered printed pursuant to Joint Rule 401.

JOY J. O'BRIEN Secretary of the Senate

Presented by Senator NUTTING of Androscoggin. Cosponsored by Senator: BRYANT of Oxford, Representative: BRYANT of Windham.

Be it enacted by the People of the State of Maine as follows:
Sec. 1. 17 MRSA §2512 is enacted to read:
§2512. Failure to pay for trees harvested
1. Definitions. As used in this section, unless the
context otherwise indicates, the following terms have the
following meanings.
A. "Forest products" means logs, pulpwood, veneer, bolt
wood, wood chips, stud wood, poles, pilings, biomass fuel
wood, fuel wood or other products commonly known as forest
products, but does not include Christmas trees, maple syrup,
nursery products used for ornamental purposes, wreaths,
bough material, cones or other seed crops.
B. "Handling or processing facility" means sawmills, bolter
mills, shingle mills, veneer mills, fence pole and piling
making operations, pulp and paper mills, wafer board,
particle board and plywood mills, whole tree chippers,
commercial fuel wood processors, custom processing mills of
these products and log yards established to accumulate logs
for transshipment to these facilities.
C. "Harvest operation" means the harvest of forest products
on land in a single municipality or township. Land harvested
need not be contiguous, and more than one harvester may work
<u>a harvest operation.</u>
2. Payment within 30 days required. A person conducting a
harvest operation shall pay the landowner for each truckload of
harvested forest products within 30 days of delivery to the
handling or processing facility.
A. In accordance with Title 10, section 2364-A, subsection
2-G, a copy of the measurement tally sheet or stumpage sheet
for each truckload of harvested forest products transported
to a handling or processing facility must be provided to the
landowner when the person conducting a harvest operation
pays the landowner. Full payment for each truckload of
harvested forest products transported to a handling or
processing facility must be made to the landowner within 30
days of delivery to the handling or processing facility.
B. A person that violates this section commits a civil
violation. The following minimum penalties apply:
(1) For the first offense, a fine of not less than
\$300; and

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2	(2) For subsequent offenses within 5 years of the date of conviction for the first violation, a fine of not
4	less than \$500.
6	C. A person that violates this section after having been adjudicated as having committed 2 or more civil violations
8	under this section within the previous 5-year period commits a Class E crime.
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12	D. In addition to the fines imposed in paragraph B, the court may order a person adjudicated to have violated this section to provide upon request to any forest ranger of the
14	Department of Conservation, Bureau of Forestry copies of measurement tally sheets for subsequent harvest operations
16	being conducted by the violator for a period not to exceed one year.
18	2 Example The following and example from this continue
20	3. Exemptions. The following are exempt from this section:
	A. The Department of Transportation in the performance of
22	activities under Title 23, section 701;
24	B. Public utilities in maintaining adequate facilities in emergencies in compliance with Title 35-A, section 301; and
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28	C. Municipal employees, persons contracting with a municipality or other legitimate agents of a municipality acting within the course and scope of their employment or
30	performing volunteer work for the municipality removing street trees or fallen trees or in emergencies.
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34	SUMMARY
36	This bill requires that a copy of the measurement tally
38	sheet or stumpage sheet for each truckload of harvested forest products transported to a handling or processing facility, in accordance with Title 10, section 2364-A, subsection 2-G, be
40	provided to the landowner when the person conducting a harvest
4.2	operation pays the landowner. Full payment for each truckload of
42	harvested forest products transported to a handling or processing facility must be made to the landowner within 30 days of delivery.
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A.C.	The bill establishes a penalty of not less than \$300 for the
46	first offense and a fine of \$500 for any subsequent offense within 5 years of the first offense. The bill also makes it a
48	Class E crime if a person violates the section 2 or more times within 5 years.

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