

# MAINE STATE LEGISLATURE

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# 129th MAINE LEGISLATURE

## FIRST REGULAR SESSION-2019

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Legislative Document

No. 595

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S.P. 182

In Senate, February 5, 2019

### **An Act To Amend the Laws Governing the Unlawful Cutting of Trees**

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Reference to the Committee on Judiciary suggested and ordered printed.

A handwritten signature in black ink, appearing to read 'D M Grant'.

DAREK M. GRANT  
Secretary of the Senate

Presented by Senator TIMBERLAKE of Androscoggin.  
Cosponsored by Representative MORRIS of Turner and  
Senator: DAVIS of Piscataquis.

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

2 **Sec. 1. 14 MRSA §7552, sub-§3, ¶B**, as repealed and replaced by PL 2015, c.  
3 241, §1, is amended to read:

4 B. ~~Except within areas that have been zoned for residential use, for~~ For lost trees the  
5 owner may choose to claim:

6 (1) The market value of the lost trees;

7 (2) The diminution in value of the real estate as a whole resulting from the  
8 violation;

9 (3) The forfeiture amounts determined in Title 17, section 2510, subsections 2  
10 and 3; or

11 (4) If the lost trees are ornamental or fruit trees, the costs of replacing, replanting  
12 and restoring the trees with trees of comparable size and the same or equivalent  
13 species and the actual costs for cleanup of damage caused during the cutting.

14 In addition, the owner's damages for lost trees that are not ornamental or fruit trees  
15 may include the costs for regeneration of the stand in accordance with Title 12,  
16 section 8869.

17 The court may reduce the damages awarded for good cause shown when the cutting  
18 of trees was done negligently or without fault.

19 Public utilities, as defined in Title 35-A, section 102, and contractors performing  
20 work for public utilities are not liable for damages under this paragraph for lost trees  
21 the trimming or removal of which is necessary to provide safe and reliable service to  
22 the customers of the public utilities.

23 **Sec. 2. 14 MRSA §7552, sub-§3, ¶B-1**, as enacted by PL 2015, c. 241, §2, is  
24 repealed.

25 **SUMMARY**

26 Current law governing the measurement of damages for trees that are unlawfully cut,  
27 damaged or destroyed allows an owner of property zoned for residential use to recover  
28 the costs of replacing, replanting or restoring any tree. This bill limits recovery of the  
29 costs of replacement to trees that are ornamental or fruit trees.