

MAINE STATE LEGISLATURE

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Sixty-Sixth Legislature.

SENATE.

No. 39.

STATE OF MAINE.

AMENDMENT TO SENATE DOCUMENT No. 14.

Strike out all after the enacting clause and substitute the following:

SECTION 1. When it is necessary during the lumber-
2 ing season for any person or persons, by themselves, men
3 or teams, to cross any tract of land not within any town,
4 for the purpose of hauling supplies, wood, bark, logs or
5 lumber, such person or persons shall not be liable in an
6 action of trespass therefor provided the bond is furnished
7 as provided in section two, but the person or persons,
8 carrying on said lumbering operation, shall be liable for
9 all the actual damage done to said land by said men and
10 teams so crossing said land.

SECT. 2. Should the person or persons carrying on
2 said lumbering operation, and the owners of said land,

3 be unable to agree upon said damages, such person or
4 persons before crossing said land for the purpose of haul-
5 ing supplies, wood, bark, logs or lumber, as provided
6 by this act, shall give bond to the owners of said land
7 with sufficient sureties, and in such sum as the county
8 commissioners in the county in which said land lies, shall
9 determine and approve, conditioned to pay such sum as
10 said owners of said land may recover as damages, and
11 costs as provided by this act.

SECT. 3. Should the person or persons carrying on
2 said lumbering operation, and the owners of said land be
3 unable to agree upon said damages, either party may
4 within twelve months from the time said bond is ap-
5 proved, apply to the county commissioners of the county
6 in which said land lies and cause said damages to be
7 ascertained and determined in the same manner and under
8 the same conditions and restrictions as are prescribed by
9 law in the laying out of railroads. Failure to apply for
10 damages within said one year, shall be held to be a
11 waiver of the same.

The person or persons liable for said damages may make
13 a tender to any land owner damaged under the provisions
14 of this act; and if such land owner recovers more dam-
15 ages than the amount tendered him for such, he shall
16 recover costs and the expenses of the county commissioners;
17 otherwise the person or persons liable for said damages
18 shall recover costs, and the expenses of the county com-

19 missionaries. A tender made to any person who owns an
20 undivided interest in land thus damaged shall be sufficient
21 under this act.

SECT. 4. This act shall take effect when approved.

STATE OF MAINE.

IN SENATE, February 9, 1893.

Offered by Mr. THATCHER of Penobscot, and laid on the table to be printed.

KENDALL M. DUNBAR, *Secretary.*