

MAINE STATE LEGISLATURE

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SEVENTY-THIRD LEGISLATURE

HOUSE.

No. 604

STATE OF MAINE.

IN THE YEAR OF OUR LORD ONE THOUSAND NINE
HUNDRED AND SEVEN.

AN ACT for the preservation of forests and water powers,

*Be it enacted by the Senate and House of Representatives in
Legislature assembled, as follows:*

Section 1. No person shall by himself, his servant or
2 agent, cut down, kill, destroy or injure any pine or hemlock
3 tree less than ten inches in thickness at the butt growing on
4 any uncultivated or wild land whether owned by him or by
5 another, nor permit or authorize any such tree growing on
6 his own uncultivated or wild land to be cut down, killed,
7 destroyed or injured. Whoever wilfully violates any of the
8 provisions of this section shall be fined one dollar for each
9 tree unlawfully cut down, killed, destroyed or injured or
10 unlawfully permitted to be cut down, killed, destroyed or
11 injured, and costs of prosecution.

Sect. 2. In all cases where a tree has been cut down the
2 thickness of the butt shall be deemed to mean the actual
3 thickness of the butt end of the log exclusive of the bark,
4 and in cases where the tree is injured or destroyed and left
5 standing the thickness of the butt shall be deemed to mean
6 the thickness of the trunk exclusive of bark measured above
7 the swell of the roots. A tree shall be deemed to be growing
8 within the meaning of this act if it is standing, alive and in
9 condition to grow.

Sect. 3. No person shall buy, sell or have in his posses-
2 sion any log cut from any tree which has been cut down,
3 injured or destroyed in violation of this act. Whoever vio-
4 lates this section shall be fined one dollar for each log ille-
5 gally bought, sold or had in possession, and costs of prosecu-
6 tion.

Sect. 4. The municipal officers of cities and incorporated
2 towns shall see that the provisions of this act are enforced
3 within their respective municipalities, investigate complaints
4 and prosecute or cause to be prosecuted all persons whom
5 they have reason to believe guilty of violating any provision
6 of this act within their respective municipalities, and imme-
7 diately report to the forest commissioner all complaints made
8 to them, the results of their investigations and all violations
9 or attempted violations of this act coming to their knowl-
10 edge. The forest commissioner, or his agent under his
11 direction, shall investigate all cases of suspected violation to
12 this act occurring on land not within any city or incorpo-

13 ratel town, and shall have general oversight of the enforce-
14 ment of this act throughout the State.

Sect. 5. This act does not apply to the cutting of trees
2 of any size under the conditions and for the purposes follow-
3 ing: (1) trees unavoidably cut, injured or destroyed as
4 incidental to conducting legitimate lumbering or logging
5 operations; (2) trees owned by a natural person growing on
6 his land cut for the construction or repair of his fences or
7 buildings or for his domestic use as fuel; (3) trees growing
8 on land suitable for tillage or pasture owned by any natural
9 person cut for the purpose of clearing such land for improve-
10 ment and use in agriculture; (4) trees necessarily cut to
11 clear or improve land for use and occupation in carrying on
12 any legitimate business, trade or occupation, the opening of
13 any road or way, or to provide a site for the erection of any
14 lawful building; (5) trees cut to prevent the same from
15 being blown down to the injury of other growing trees in
16 case of reasonable grounds for apprehension of such injury;
17 (6) trees cut in good faith for the proper thinning out, care
18 and promotion of forest growth which is too thick.

Sect. 6. This act shall not apply to the islands on the
2 coast of Maine, except the Island of Mount Desert in the
3 county of Hancock.

Sect. 7. Nothing in this act shall be construed to relieve
2 sheriffs, their reputies, or constables from the duty of
3 enforcing the provisions thereof.

STATE OF MAINE.

HOUSE OF REPRESENTATIVES,

Augusta, March 16, 1907.

Reported by a majority of the Committee on Forest Preservation and
Water Supply, and ordered printed on motion of Mr. HALL of Dover.

E. M. THOMPSON, *Clerk*