

MAINE STATE LEGISLATURE

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SEVENTY-THIRD LEGISLATURE

SENATE.

No. 17

STATE OF MAINE.

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

AN ACT to Preserve Trees abutting public ways and other
places.

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

Section 1. For the purpose of preserving and increasing
2 the growth of trees on land abutting any public way, or
3 located on uplands adjoining any navigable river or other
4 body of water, cities and towns and the municipal officers
5 thereof, acting pursuant to sections eighty-nine, ninety and
6 ninety-one of chapter four of the Revised Statutes, may set
7 aside and define such land, located as aforesaid, in width not
8 exceeding five rods; and all trees and shrubs growing on
9 said land shall be held as for park purposes, under the
10 exclusive care and control of park commissioners, chosen as

11 provided in section eighty-eight of said chapter, and it shall
12 be unlawful for the owner in fee of said land or any other
13 person to injure, remove or destroy the same, except as here-
14 inafter provided.

Sect. 2. This act shall not prevent the taking and clearing
2 of so much of said land as may be necessary for public ways,
3 nor abridge the right of the owner, or his tenant, to lay out
4 a private way across the same, or to clear and improve so
5 much thereof as may be necessary for actual building pur-
6 poses, provided the written consent of the municipal officers
7 to open such way or construct buildings thereon be first
8 obtained; nor except as provided in section one, shall this
9 act restrict the use and enjoyment of such land by the owner
10 thereof, or authorize any person to enter thereon, excepting
11 municipal officers and park commissioners, and their agents,
12 for the purposes of this act.

Said park commissioners may grant written license to the
14 owner to do such cutting and clearing on said land as is con-
15 sistent with the preservation and general improvement of the
16 growth thereon.

Whenever municipal officers refuse to give consent for lay-
18 ing out a private way or for cutting and clearing so much of
19 said land as is necessary for immediate building purposes,
20 when in writing requested so to do, such refusal shall be
21 ground for a further award of damages to the owner as
22 provided in this act.

Sect. 3. If any city or town, having taken over lands as
2 herein provided, fails to elect a board of park commissioners
3 the municipal officers shall have and exercise all the powers

4 and duties of such commissioners. Cities and towns may
5 appropriate money for the purposes of this act, and this act
6 shall apply to every town, although containing less than one
7 thousand inhabitants.

All proceedings relative to estimating and awarding
9 damages provided in sections eighty-nine, ninety, ninety-one
10 of chapter four of the Revised Statutes are hereby made
11 applicable to this act; and proceedings hereunder may also
12 be commenced upon petition in writing signed by at least
13 thirty taxpayers on real estate.

Sect. 4. Whoever violates the provisions of this act shall
2 be punished by a fine, not exceeding one hundred dollars, to
3 be recovered on complaint, and shall also be subject to an
4 action on the case, brought by the commissioners or by a tax-
5 payer, in the name and for the benefit of the town or city
6 wherein said offence is committed, for all damages sustained.

Sect. 5. This act shall take effect when approved, except
2 section four, which shall become effective in thirty days after
3 the recess of this legislature.

STATE OF MAINE.

IN SENATE, January 22, 1907.

Presented by Mr. SIMPSON of York, and on motion of same Senator
laid on table to be printed pending reference to Committee on Judiciary.

F. G. FARRINGTON, *Secretary*.