

MAINE STATE LEGISLATURE

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E I G H T Y - N I N T H L E G I S L A T U R E

Legislative Document

No. 583

S. P. 297

In Senate, February 9, 1939.

On motion by Senator Graves of Hancock referred to Committee on Judiciary. Sent down for concurrence and 500 copies ordered printed.

ROYDEN V. BROWN, Secretary.

Presented by Senator Graves of Hancock.

S T A T E O F M A I N E

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
THIRTY-NINE

AN ACT to Provide for the Protection and Preservation of Trees Growing and to be Grown upon the State and State Aid Highways Within the State of Maine.

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

P. L., 1933, c. 248, amended. Chapter 248 of the public laws of 1933 as amended by chapter 121 of the public laws of 1935 is hereby repealed and the following enacted in place thereof:

'Sec. 1. State highway commission may choose varieties of trees to be planted. The state highway commission shall have power over and jurisdiction to decide upon the variety, kind and character of trees, shrubs, vines and flowers that shall be planted and grown upon land within the limits of said highways; and to determine all questions respecting the pruning, cutting and removal of any trees or shrubs now growing or to be grown thereon and the necessity therefor and the extent and the manner in which said work shall be done; and to plant and properly care for such trees, shrubs, vines and flowers.

The authority of the state highway commission to plant such materials on projects which are not built with federal aid funds shall be limited to a cost of \$1500 per year; such cost to be paid for as part of the cost of construction and maintenance of highways.'

'Sec. 2. Care of trees, regulated. It shall be unlawful for any person, firm or corporation (except said highway commission, its engineers, employees or authorized agents and cities and towns as authorized by statutes) to trim, prune, cut, deface, destroy or remove any tree or shrub growing or to be grown upon land within the limits of any such highway, or to paint, place, attach to or put upon any such tree, or shrub, any sign, notice, advertisement or advertising device without the consent in writing of said commission first obtained, or to plant any tree, or shrub on land within the limits of any such highway without such written consent. Except as planted and grown thereon by the commission, trees and shrubs now growing or to be grown on land within the limits of said highways in compact or built up sections of cities or towns and on such land in front of and adjacent to dwelling houses shall be cared for by, or by authorization from, the abutting land owners.'

'Sec. 3. Limits of highways determined. Except in compact or built up sections of cities or towns and in front of and adjacent to dwelling houses the limits of said highways shall, where these limits are not known or clearly defined by stone walls, fences, property lines, stone or other bounds or by a row of trees, be for the administration of this act 33 feet from the center of the existing traveled way. The compact or built up section of any city or town shall be determined by the state highway commission.'

'Sec. 4. Penalty. Any person, firm or corporation violating any of the provisions of this act shall be guilty of a misdemeanor and shall be punished by a fine of not less than \$10 nor more than \$100 for each offense.'

'Sec. 5. Constitutionality. If any part or parts of this act shall be held to be unconstitutional such unconstitutionality shall not affect the validity of the remaining parts of this act.'