

MAINE STATE LEGISLATURE

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

Legislative Document

No. 476

H. P. 428

House of Representatives, February 3, 1955

Referred to the Committee on Judiciary, sent up for concurrence and ordered printed.

HARVEY R. PEASE, Clerk

Presented by Miss Lawry of Rockland.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
FIFTY-FIVE

AN ACT Relating to Trespass on Land of Another.

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

Sec. 1. R. S., c. 124, § 9, amended. The last sentence of section 9 of chapter 124 of the revised statutes is hereby amended to read as follows:

‘If said acts are committed willfully or knowingly, the defendant is liable to the owner in double damages and there shall be a prima facie presumption that said acts are committed willfully or knowingly.’

Sec. 2. R. S., c. 124, § 9-A, additional. Chapter 124 of the revised statutes is hereby amended by adding thereto a new section, to be numbered 9-A, to read as follows:

‘**Sec. 9-A. Notice to adjacent owner.** Whoever shall cut any timber or wood on his own land within 50 feet of land of an adjacent owner without first notifying such adjacent owner of such intent to cut shall be punished by a fine of not more than \$50, or by imprisonment for not more than 2 months, or by both such fine and imprisonment.’

Sec. 3. R. S., c. 131, § 41, amended. Section 41 of chapter 131 of the revised statutes is hereby amended to read as follows:

‘**Sec. 41. Trespass on timber or wood standing, etc.** Whoever, except a road commissioner acting within the scope of his lawful authority, willfully commits any trespass by cutting, destroying or carrying away timber or wood on the land of another; by digging up, taking and carrying away therefrom earth, stone, grass, corn, grain, fruit, hay or other vegetables or by carrying away from any wharf or landing place goods in which he has no interest, shall be pun-

ished by a fine of not more than ~~\$50~~ \$500 and by imprisonment for not more than ~~2~~ 3 months. **The court may stipulate in its sentence that any amounts paid to the owner of any of the property mentioned in this section in compensation for such trespass shall be credited against any fine assessed hereunder.**