

MAINE STATE LEGISLATURE

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NINETY - EIGHTH LEGISLATURE

Legislative Document

No. 1321

H. P. 921

House of Representatives, March 20, 1957

Speaker laid before the House and motion of Mr. Brockway withdrawn. Referred to the Committee on Judiciary and sent up for concurrence. 750 copies ordered printed.

HARVEY R. PEASE, Clerk

Presented by Mr. Brockway of Milo.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
FIFTY-SEVEN

AN ACT Relating to Cutting of Christmas Trees.

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

R. S., c. 36, §§ 67-A - 67-J, additional. Chapter 36 of the Revised Statutes is hereby amended by adding thereto 10 new sections to be numbered 67-A to 67-J, inclusive, to read as follows:

‘Christmas Trees.

Sec. 67-A. Registration. It shall be unlawful for any person, firm, corporation, partnership or agent, for commercial purposes, to cut, remove from the premises, transport or sell Christmas trees or evergreen boughs on private, state or federal lands to any place or places within or outside this State without first registering with the State Forestry Department or persons designated by the Forest Commissioner. Forms for registering shall be provided by the Forest Commissioner. The annual fee for such registration shall be \$5 payable to the Treasurer of the State and credited to the State Forestry Department for administration of sections 67-A to 67-J, inclusive. All such registrations shall expire December 31 of the year issued. A proper record of all registrations issued shall be kept by the Forest Commissioner at his office and shall be open to inspection by any person during reasonable business hours.

Sec. 67-B. Definition. For the purpose of sections 67-A to 67-J, inclusive, “Christmas tree” means any evergreen tree severed from the stump and includes fir, hemlock, spruce, cedar and pine, cut for commercial purposes as a Christmas tree. Also for the purpose of sections 67-A to 67-J, inclusive, evergreen boughs

means boughs of all species of coniferous trees cut for commercial purposes as wreaths, tips or other Christmas decorations.

Sec. 67-C. Landowner permission to cut and inspections. It shall be unlawful for any person, firm, corporation, partnership or agent to cut Christmas trees or evergreen boughs without first securing written permission from the owner of the land or his authorized agent. Any officer authorized to make inspections and investigations under the provisions of sections 67-A to 67-J, inclusive, may require of each person, firm, corporation, partnership or agent to show on request:

I. When cutting: A current landowner permit and state Christmas tree registration;

II. In transit: A current landowner permit or other proof of ownership and state Christmas tree registration when transporting trees loosely or in bundles, or boughs, loosely or baled, and in the case of over the highway transportation, each driver must carry such permit and registration on person or in vehicle. In the case of railroad shipment or transportation of Christmas trees, loosely or in bundles or boughs, loosely or baled, a certificate of shipment must be posted on both doors or both sides of each railroad car. Inspection by authorized officers shall be made at point of loading.

Sec. 67-D. Forgery. Every permit, registration or affidavit specified in sections 67-A to 67-J, inclusive, shall be deemed to be a written instrument subject to the laws relating to forgery.

Sec. 67-E. Registration revocation. The Forest Commissioner, or his representative, may at any time suspend or revoke any registration for sufficient cause up to a period of 2 years for any of the following violations of the provisions of sections 67-A to 67-J, inclusive:

I. Cutting Christmas trees without permission of the landowners;

II. Failure to show proof of payment for Christmas trees and evergreen bough stumpage;

III. Failure to render a yearly written report of Christmas tree or evergreen bough harvest or sale to the State Forestry Department.

No registration shall be issued to any person, firm, corporation, partnership or agent of any person whose registration has been revoked.

In addition to the penalty of a 2 year suspension or revocation violation of the provisions mentioned in this section or who offers any resistance to carrying out the provisions of sections 67-A to 67-J, inclusive, shall be judged guilty of a misdemeanor and upon conviction shall be fined up to \$100 for each and every offense, or by imprisonment for a period not to exceed 90 days or by both.

Sec. 67-F. Seizure or attachment of trees. Any officer authorized to make inspections, investigations and arrests under the provisions of sections 67-A to 67-J, inclusive, may seize and hold Christmas trees or evergreen boughs until proof of landowner permission and state registration has been established, and if no proof of landowner permission and state registration has been established

then said officer shall determine where such trees or boughs were cut and notify the landowner. In case the owner does not want the trees and boughs, the State may then dispose of them. Any net income shall be credited to the State Forestry Department for administration of the provisions of sections 67-A to 67-J, inclusive.

Sec. 67-G. Quarantine regulation. Under the provisions of 67-A to 67-J, inclusive, any person, firm, corporation, partnership or agent issued such license, is in no way relieved or exempt of legal responsibility of complying with the federal regulations concerning Gypsy Moth Quarantine Law.

Sec. 67-H. Trees cut outside State but transported across State. When Christmas trees and evergreen boughs harvested in any Canadian Province or neighboring state, are transported over the highways in this State to points outside the State, some proof of ownership will be required such as custom clearance at points of entry, landowner permission, etc.

Sec. 67-I. Enforcement agencies. State Forestry Department personnel, State Police and county sheriffs and their deputies shall be authorized officers to make inspections, investigations and arrests under the provisions of sections 67-A to 67-J, inclusive, and shall report violations to the Forest Commissioner.

Sec. 67-J. Yearly Christmas tree harvest or sale report. Every person, firm, corporation, partnership or agent shipping or transporting Christmas trees, evergreen boughs, wreaths or tips, shall render a yearly written report to the Forest Commissioner not later than January 31 of each calendar year, giving the amount of Christmas trees, evergreen boughs, wreaths and tips, shipped or transported during the preceding calendar year; the name of the landowner from which the trees, boughs and tips were cut, location of area and common name of property; and the places within and outside the State to which the trees, boughs and tips were shipped. Forms for this report shall be provided by the Forest Commissioner. Information obtained from these reports shall be confidential. The Forest Commissioner shall prepare a summary of these reports and copies sent to registered Christmas tree dealers and shippers.'