

MAINE STATE LEGISLATURE

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

Legislative Document

No. 1126

H. P. 794

House of Representatives, March 5, 1959

Referred to the Committee on Natural Resources. Sent up for concurrence and ordered printed.

HARVEY R. PEASE, Clerk

Presented by Mr. Brockway of Milo.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
FIFTY-NINE

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-I, additional. Chapter 36 of the Revised Statutes is amended by adding 9 new sections, to be numbered 67-A to 67-I, to read as follows:

'Christmas Trees.

Sec. 67-A. Registration. It shall be unlawful for any person, firm, corporation or partnership, for commercial purposes, to sell or transport Christmas trees or evergreen boughs from 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, but no registration will be required of landowners or holders of written permits from landowners for bundling and hauling such trees and boughs to roadside for sale at roadside or to a dealer. Forms for registering shall be provided by the Forest Commissioner. The annual fee for such registration shall be \$1 payable to the Treasurer of State and credited to the State Forestry Department for administration of sections 67-A to 67-I. Duplicate copies may be obtained without charge. All such registrations shall expire on December 31st 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-I, "Christmas trees" means any evergreen tree severed from the stump and includes fir, hem-

lock, spruce, cedar and pine, cut for commercial purposes as a Christmas tree. Also for the purpose of sections 67-A to 67-I, "evergreen boughs" means boughs of all species of coniferous trees cut for commercial purposes as wreaths, tips or other Christmas decorations.

Sec. 67-C. Owner permission to cut; inspection. It shall be unlawful for any person, firm, corporation or partnership to cut Christmas trees or evergreen boughs on land of another without first securing written permission from the owner of the land or the owner of the growth thereon, or their authorized agents. Only one permit is needed for men working in crews. Any officer authorized to make inspections and investigations under sections 67-A to 67-I may require of each person, firm, corporation or partnership to show on request:

I. When cutting. A current written owner permit when cutting on land or growth of another;

II. In transit: A current landowner permit or owner of growth thereon permit or other written 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. Dealers using more than one truck may obtain duplicate copies of their registration for use by the drivers. 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.

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

Sec. 67-E. Registration revocation and appeal. The Forest Commissioner may at any time for sufficient cause suspend or revoke any registration for a period of not more than 2 years for any of the following violations of the provisions of sections 67-A to 67-I:

I. Cutting Christmas trees without permission of the landowner;

II. Failure to pay for Christmas trees and evergreen bough stumpage;

III. Buying, accepting or receiving Christmas trees and evergreen boughs from persons without proof of ownership.

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

Any person, firm, corporation or partnership aggrieved by a decision of the Forest Commissioner suspending or revoking a registration may, within 30 days after notice thereof from the Forest Commissioner, appeal therefrom to the next term of the Superior Court to be begun and held more than 30 days after such notice of said decision in any county where the appellant has a regular place of business or if the appellant has no such place of business within the State, to such term of the Superior Court in Kennebec County. The appellant shall on or before the 3rd day of the term to which such appeal is taken, file an affidavit

stating his reasons of appeal and serve a copy thereof on the Forest Commissioner, and in the hearing of the appeal shall be confined to the reasons of appeal set forth in such affidavit. Jurisdiction is granted to the Superior Court to hear and determine such appeals and to enter such order and decrees as the nature of the case may require. Hearings may be had before the court in term time, or any justice thereof in vacation, and the decision of said Court or Justice upon all questions of fact shall be final. Decisions shall be certified to the Forest Commissioner.

In addition to the penalty of a suspension or revocation of registration, any person, firm, corporation or partnership who violates any of the provisions mentioned in this section or who offers any resistance to carrying out the provisions of sections 67-A to 67-I shall be deemed guilty of a misdemeanor and if convicted thereof shall be punished by a fine of not more than \$100 or by imprisonment for not more than 3 months, 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-I may seize and hold Christmas trees or evergreen boughs until written proof of ownership permission and state registration has been established, and if no written proof of ownership permission and state registration has been established, then said officer shall try to determine where such trees or boughs were cut and notify the landowner. In case the owner does not want the trees or boughs, the State may then dispose of them, and any moneys derived from the disposition of said trees and boughs shall be paid over to the landowner if his identity can be established, otherwise to the Treasurer of State and credited to the State Forestry Department for administration of the provisions of section 67-A to 67-I.

Sec. 67-G. Federal quarantine regulations. Under the provisions of sections 67-A to 67-I, no person, firm, corporation or partnership issued such registration is in any 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 customs clearance at points of entry or landowner permit.

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 sections 67-A to 67-H and shall report violations to the Forest Commissioner.'