

STATE OF MAINE

—
IN THE YEAR OF OUR LORD
TWO THOUSAND AND FIFTEEN

—
H.P. 451 - L.D. 670

An Act To Amend the Laws Governing the Unlawful Cutting of Trees

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

Sec. 1. 14 MRSA §7552, sub-§3, ¶B, as amended by PL 1999, c. 339, §1, is repealed and the following enacted in its place:

B. Except within areas that have been zoned for residential use, for lost trees the owner may choose to claim:

- (1) The market value of the lost trees;
- (2) The diminution in value of the real estate as a whole resulting from the violation;
- (3) The forfeiture amounts determined in Title 17, section 2510, subsections 2 and 3; or
- (4) If the lost trees are ornamental or fruit trees, the costs of replacing, replanting and restoring the trees with trees of comparable size and the same or equivalent species and the actual costs for cleanup of damage caused during the cutting.

In addition, the owner's damages for lost trees that are not ornamental or fruit trees may include the costs for regeneration of the stand in accordance with Title 12, section 8869.

The court may reduce the damages awarded for good cause shown when the cutting of trees was done negligently or without fault.

Public utilities, as defined in Title 35-A, section 102, and contractors performing work for public utilities are not liable for damages under this paragraph for lost trees the trimming or removal of which is necessary to provide safe and reliable service to the customers of the public utilities.

Sec. 2. 14 MRSA §7552, sub-§3, ¶B-1 is enacted to read:

B-1. Within areas that have been zoned for residential use, for lost trees the owner may choose to claim:

(1) The costs of replacing, replanting and restoring the trees with trees of comparable size and the same or equivalent species and the actual costs for cleanup of damage caused during the cutting;

(2) The market value of the lost trees;

(3) The diminution in value of the real estate as a whole resulting from the violation; or

(4) The forfeiture amounts determined in Title 17, section 2510, subsections 2 and 3.

Public utilities, as defined in Title 35-A, section 102, and contractors performing work for public utilities are not liable for damages under this paragraph for lost trees the trimming or removal of which is necessary to provide safe and reliable service to the customers of the public utilities.

Sec. 3. 14 MRSA §7552, sub-§4, ¶D is enacted to read:

D. A person who with malice violates subsection 2 is subject to punitive damages in addition to the damages under paragraphs A, B and C.

Sec. 4. 14 MRSA §7552, sub-§5, as enacted by PL 1995, c. 450, §2, is amended to read:

5. Costs and fees. In addition to damages, interest and costs, the owner may also recover from the person who violates subsection 2 the reasonable costs of professional services necessary for determining damages and proving the claim, ~~provided that~~ as long as the person first has written notice or actual knowledge that a claim is being asserted.

~~The amount awarded for professional services may not exceed 50% of the damages recovered pursuant to subsection 4 plus interest on the damages. Interest may be assessed after service of a notice of claim pursuant to section 1602.~~