

Date:

(Filing No. S-)

JUDICIARY

Reproduced and distributed under the direction of the Secretary of the Senate.

STATE OF MAINE

SENATE

129TH LEGISLATURE

FIRST REGULAR SESSION

COMMITTEE AMENDMENT “ ” to S.P. 182, L.D. 595, Bill, “An Act To Amend the Laws Governing the Unlawful Cutting of Trees”

Amend the bill by striking out all of section 1 and inserting the following:

Sec. 1. 14 MRSA §7552, sub-§3, ¶B, as repealed and replaced by PL 2015, c. 241, §1, is amended to read:

B. ~~Except within areas that have been zoned for residential use, for~~ 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; or
- (5) If the lost trees are located within 400 feet of a dwelling, 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 or trees located within 400 feet of a dwelling 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.

COMMITTEE AMENDMENT

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

5 Amend the bill by relettering or renumbering any nonconsecutive Part letter or
6 section number to read consecutively.

7 **SUMMARY**

8 The bill repeals the increased damages that a property owner is allowed to seek when
9 trees located in a residential zone are unlawfully cut.

10 This amendment provides the option of increased damages equal to the damages
11 available under current law in a residential zone when the trees are ornamental or fruit
12 trees or when the trees are located within 400 feet of a dwelling. The court has discretion
13 to reduce the damages awarded for good cause shown when the cutting of the trees was
14 done negligently or without fault, which under current law is not applicable in residential
15 zones.