

STATE OF MAINE

 IN THE YEAR OF OUR LORD

TWO THOUSAND NINETEEN

 S.P. 182 - L.D. 595
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Sec. 1. 14 MRSA §7552, sub-§3, ¶B, as repealed and replaced by PL 2015, c. 241, §1, is amended to read: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.

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Sec. 2. 14 MRSA §7552, sub-§3, ¶B-1, as enacted by PL 2015, c. 241, §2, is repealed.