

§8842-A. Owner's permission required

1. Cutting prohibited. A person may not:

A. Cut Christmas trees or evergreen boughs on land of another without securing written permission or a bill of sale from the owner or the owner's authorized agents and having a copy of this written permission or bill of sale in immediate possession. Violation of this paragraph is a Class E crime; or [PL 2015, c. 55, §1 (AMD).]

B. Violate paragraph A when:

(1) The value of the trees or boughs is more than \$10,000. Violation of this subparagraph is a Class B crime;

(2) The person is armed with a dangerous weapon at the time of the offense. Violation of this subparagraph is a Class B crime;

(3) The value of the trees or boughs is more than \$2,000 but not more than \$10,000. Violation of this subparagraph is a Class C crime;

(4) The value of the trees or boughs is more than \$1,000 but not more than \$2,000. Violation of this subparagraph is a Class D crime; or

(5) The person has 2 prior Maine convictions for any combination of the following: theft; any violation of Title 17-A, section 401 in which the crime intended to be committed inside the structure is theft; any violation of Title 17-A, section 651; any violation of Title 17-A, section 702, 703 or 708; or attempts thereat. Title 17-A, section 9-A governs the use of prior convictions when determining a sentence. Violation of this subparagraph is a Class C crime. [PL 2003, c. 452, Pt. F, §40 (NEW); PL 2003, c. 452, Pt. X, §2 (AFF).]

[PL 2015, c. 55, §1 (AMD).]

2. Transport prohibited. A person may not:

A. Transport Christmas trees or evergreen boughs without written permission or a bill of sale from the owner of the land where the trees or evergreen boughs were harvested or that owner's authorized agents. Violation of this paragraph is a Class E crime; or [PL 2003, c. 452, Pt. F, §40 (NEW); PL 2003, c. 452, Pt. X, §2 (AFF).]

B. Violate paragraph A when:

(1) The value of the trees or boughs is more than \$10,000. Violation of this subparagraph is a Class B crime;

(2) The person is armed with a dangerous weapon at the time of the offense. Violation of this subparagraph is a Class B crime;

(3) The value of the trees or boughs is more than \$2,000 but not more than \$10,000. Violation of this subparagraph is a Class C crime;

(4) The value of the trees or boughs is more than \$1,000 but not more than \$2,000. Violation of this subparagraph is a Class D crime; or

(5) The person has 2 prior Maine convictions for any combination of the following: theft; any violation of Title 17-A, section 401 in which the crime intended to be committed inside the structure is theft; any violation of Title 17-A, section 651; any violation of Title 17-A, section 702, 703 or 708; or attempts thereat. Title 17-A, section 9-A governs the use of prior convictions when determining a sentence. Violation of this subparagraph is a Class C crime. [PL 2003, c. 452, Pt. F, §40 (NEW); PL 2003, c. 452, Pt. X, §2 (AFF).]

[PL 2003, c. 452, Pt. F, §40 (NEW); PL 2003, c. 452, Pt. X, §2 (AFF).]

3. Inspections and investigations. An officer authorized to make inspections and investigations under this article may require of any person, firm or corporation engaged in cutting or transporting Christmas trees or evergreen boughs to show:

A. If engaged in cutting trees or boughs belonging to another, a current written permit or bill of sale issued pursuant to subsection 1, paragraph A; and [PL 2003, c. 452, Pt. F, §40 (NEW); PL 2003, c. 452, Pt. X, §2 (AFF).]

B. If engaged in transportation, a current written permit, bill of sale, port of entry statement or other written proof of ownership when transporting for commercial purposes trees, loose or in bundles, or boughs, loose or baled. A driver shall carry this permit on the driver's person or in the vehicle. [PL 2003, c. 452, Pt. F, §40 (NEW); PL 2003, c. 452, Pt. X, §2 (AFF).]

[PL 2003, c. 452, Pt. F, §40 (NEW); PL 2003, c. 452, Pt. X, §2 (AFF).]

4. Remedies not exclusive. Prosecution under this section does not preclude the civil remedy available under Title 14, section 7552.

[PL 2003, c. 452, Pt. F, §40 (NEW); PL 2003, c. 452, Pt. X, §2 (AFF).]

5. Strict liability. Violation of this section is a strict liability crime as defined in Title 17-A, section 34, subsection 4-A.

[PL 2003, c. 452, Pt. F, §40 (NEW); PL 2003, c. 452, Pt. X, §2 (AFF).]

SECTION HISTORY

PL 2003, c. 452, §F40 (NEW). PL 2003, c. 452, §X2 (AFF). PL 2015, c. 55, §1 (AMD).

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