

§2510. Unlawful cutting of trees

1. Unlawful cutting. Any person who in fact cuts down or fells any tree without the consent of the owner of the property on which the tree stands commits a civil violation for which the forfeitures provided in this section may be adjudged. Proof of a culpable state of mind is not required. The cutting down or felling of any tree by the following are exempt from this section:

A. The Department of Transportation in the performance of activities under Title 23, section 701; [PL 1981, c. 355 (NEW).]

B. Public utilities in maintaining adequate facilities in emergencies in compliance with Title 35-A, section 301; and [PL 1997, c. 152, §1 (AMD).]

C. Municipal employees, persons contracting with a municipality or other legitimate agents of a municipality acting within the course and scope of their employment or performing volunteer work for the municipality removing street trees or blown down trees or in emergencies. [PL 1997, c. 152, §1 (AMD).]

D. [PL 1997, c. 152, §1 (RP).]
[PL 1997, c. 152, §1 (AMD).]

2. Forfeitures. The following forfeitures may be adjudged for each tree over 2 inches in diameter that has been cut or felled:

A. If the tree is no more than 6 inches in diameter, a forfeiture of \$25; [PL 1981, c. 355 (NEW).]

B. If the tree is over 6 inches and up to 10 inches in diameter, a forfeiture of \$50; [PL 1997, c. 152, §2 (AMD).]

C. If the tree is over 10 inches and up to 14 inches in diameter, a forfeiture of \$75; [PL 1997, c. 152, §2 (AMD).]

D. If the tree is over 14 inches and up to 18 inches in diameter, a forfeiture of \$100; [PL 1997, c. 152, §2 (AMD).]

E. If the tree is over 18 inches and up to 22 inches in diameter, a forfeiture of \$125; and [PL 1997, c. 152, §2 (AMD).]

F. If the tree is greater than 22 inches in diameter, a forfeiture of \$150. [PL 1981, c. 355 (NEW).]
[PL 1997, c. 152, §2 (AMD).]

3. Diameter. For the purposes of determining the forfeiture, the diameter of a tree shall be the diameter of the tree stump remaining or the diameter of the tree at 4 1/2 feet from the ground if the remaining stump is higher than that distance.
[PL 1981, c. 355 (NEW).]

4. Restitution. The court shall inquire of the prosecutor or the owner of the property on which the tree was cut down or felled the extent of the owner's financial loss. With the owner's consent, the court shall order restitution when appropriate on the basis of an adequate factual foundation. The order of restitution must designate the amount of restitution to be paid and the person or persons to whom the restitution must be paid. Restitution ordered under this subsection is in addition to any forfeitures adjudged under subsection 2; except that at the request of the prosecutor, the court may suspend all or a portion of the forfeiture adjudged under subsection 2 and apply it to restitution to the property owner under this section.

Any restitution ordered and paid must be deducted from the amount of any judgment awarded in a civil action brought by the owner against the offender based on the same facts.
[PL 2003, c. 540, §1 (AMD).]

5. Liability for conduct of another. A person commits the civil violation in subsection 1 even if the person did not personally cut down or fell the tree if the person is legally accountable for the conduct of another person who violates subsection 1. A person is legally accountable for the conduct of another person if:

- A. The person causes another person to violate subsection 1; or [PL 1997, c. 152, §3 (NEW).]
- B. The person solicits another person to commit the civil violation or aids, agrees to aid or attempts to aid another person in planning or committing the civil violation. [PL 1997, c. 152, §3 (NEW).]

SECTION HISTORY

PL 1981, c. 355 (NEW). PL 1987, c. 10 (AMD). PL 1987, c. 141, §B14 (AMD). PL 1995, c. 450, §5 (AMD). PL 1997, c. 152, §§1-3 (AMD). PL 2003, c. 540, §1 (AMD).

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