

CHAPTER 83

MALICIOUS MISCHIEFS

SUBCHAPTER 1

PUBLIC UTILITIES

§2351. Injury to public and utility properties generally

(REPEALED)

SECTION HISTORY

PL 1975, c. 499, §14 (RP).

§2352. Tapping or interfering with water pipes

(REPEALED)

SECTION HISTORY

PL 1975, c. 499, §14 (RP).

§2353. Injury or interference with gas, electric or water equipment

(REPEALED)

SECTION HISTORY

PL 1975, c. 499, §14 (RP).

§2354. Injury or interference with telegraph or telephone lines

(REPEALED)

SECTION HISTORY

PL 1975, c. 499, §14 (RP).

§2355. Placing objects on utility poles

(REPEALED)

SECTION HISTORY

PL 1975, c. 499, §14 (RP).

SUBCHAPTER 2

RAILROADS

§2401. Tampering with railroad car

Whoever willfully, mischievously or maliciously breaks the seal upon any freight car, or breaks and enters any railroad car, locomotive or work equipment on any railroad in the State, or destroys, injures, defiles or defaces any railroad car, locomotive or work equipment on any railroad in the State, or mischievously or maliciously releases the brakes upon, moves or sets in motion any railroad car, locomotive or work equipment on the track or sidetrack of any railroad in the State, shall be punished

by a fine of not more than \$500 or by imprisonment for not more than 2 years, and shall be liable to the corporation injured in a civil action for the amount of injury so done.

§2402. Removal of packing or bearings from journal boxes

Whoever willfully and maliciously takes or removes or attempts to take or remove the lubricating pads, the waste or packing, the friction bearing or the wedge from a journal box or boxes of a locomotive, engine, tender, carriage, coach, car, caboose or truck used or operated upon a railroad, whether operated by diesel or by steam engine or by electricity, shall be punished by a fine of not more than \$500 or by imprisonment for not more than 3 years, or by both. [PL 1971, c. 187 (AMD).]

SECTION HISTORY

PL 1971, c. 187 (AMD).

§2403. Injury or destruction to baggage; jurisdiction

(REPEALED)

SECTION HISTORY

PL 1975, c. 499, §14 (RP).

SUBCHAPTER 3

SIGNS, MARKS AND MONUMENTS

§2441. Removal or destruction of transit points or other markings

(REPEALED)

SECTION HISTORY

PL 1975, c. 499, §14 (RP).

§2442. Injuries to monuments, landmarks, guideposts and lights

(REPEALED)

SECTION HISTORY

PL 1975, c. 499, §14 (RP).

SUBCHAPTER 4

MISCELLANEOUS

§2491. Injury to buildings, fixtures, goods or valuable papers; civil action for damages

(REPEALED)

SECTION HISTORY

PL 1975, c. 499, §14 (RP).

§2492. Injury to books, pictures and statues

(REPEALED)

SECTION HISTORY

PL 1975, c. 499, §14 (RP).

§2493. Injuring or tampering with vehicles or aircraft

(REPEALED)

SECTION HISTORY

PL 1975, c. 499, §14 (RP).

§2493-A. Injuring or tampering with watercraft**(REPEALED)**

SECTION HISTORY

PL 1969, c. 558, §1 (NEW). PL 1975, c. 499, §14 (RP).

§2494. Throwing at transportation vehicles**(REPEALED)**

SECTION HISTORY

PL 1975, c. 220 (AMD). PL 1975, c. 499, §14 (RP).

§2495. Taking saddled or harnessed horse**(REPEALED)**

SECTION HISTORY

PL 1975, c. 499, §14 (RP).

§2496. Driving nails or spikes into certain logs; civil action for damages**(REPEALED)**

SECTION HISTORY

PL 1975, c. 499, §14 (RP).

§2497. Mooring watercraft to buoys or beacons; destruction of same

1. Mooring to buoy or beacon prohibited. A person may not moor or make fast a vessel, boat, scow or raft to a buoy or beacon placed by the United States or this State in any of the navigable waters of this State. A person who violates this subsection commits a civil violation for which a fine of \$50 may be adjudged.

[PL 2003, c. 452, Pt. I, §44 (NEW); PL 2003, c. 452, Pt. X, §2 (AFF).]

2. Destruction of buoy or beacon. A person may not intentionally or knowingly destroy a buoy or beacon placed by the United States or this State in any of the navigable waters of this State. A person who violates this subsection commits a Class E crime.

[PL 2003, c. 452, Pt. I, §44 (NEW); PL 2003, c. 452, Pt. X, §2 (AFF).]

SECTION HISTORY

PL 2003, c. 452, §144 (RPR). PL 2003, c. 452, §X2 (AFF).

§2498. Taking of watercraft, aircraft or draft animals; limitation**(REPEALED)**

SECTION HISTORY

PL 1975, c. 499, §14 (RP).

§2499. Injuring or cutting loose booms, rafts, vessels or boats; civil action for damages

Whoever willfully or maliciously, without consent of the owner, cuts away, lets loose, injures or destroys any boom, raft or logs or other lumber, or any vessel, gondola, scow or other boat fastened to any place, of which he is not the owner or legal possessor, shall be punished by a fine of not more than

\$500 and by imprisonment for less than one year; and shall be liable to the person injured in a civil action for double the damages by him sustained.

§2500. Damage to ice

(REPEALED)

SECTION HISTORY

PL 1975, c. 536, §1 (RP).

§2501. Damages to fruit gardens; arrest of offenders

(REPEALED)

SECTION HISTORY

PL 1975, c. 499, §14 (RP).

§2502. Injuring or destroying rhododendron and kalmia

(REPEALED)

SECTION HISTORY

PL 1975, c. 499, §14 (RP).

§2503. Damage to trees, fences, gates, signs or produce

(REPEALED)

SECTION HISTORY

PL 1975, c. 499, §14 (RP).

§2504. Wearing spiked boots and shoes in public places

(REPEALED)

SECTION HISTORY

PL 1975, c. 499, §14 (RP).

§2505. Destroying notices regarding spiked shoes

(REPEALED)

SECTION HISTORY

PL 1975, c. 499, §14 (RP).

§2506. Advertising on fences and rocks

Whoever advertises his wares or occupation by painting notices of the same on, or affixing them to fences or other private property, or to rocks or other natural objects, without the consent of the owner in writing, shall be guilty of a misdemeanor and shall be punished for each offense by a fine of not less than \$5 nor more than \$20.

§2507. Destruction of vending machines

(REPEALED)

SECTION HISTORY

PL 1971, c. 445 (NEW). PL 1975, c. 499, §14 (RP).

§2508. Usurpation of community antennae television system signals and injury to its equipment

(REPEALED)

SECTION HISTORY

PL 1973, c. 383 (NEW). PL 1975, c. 499, §14 (RP).

§2509. Tampering with passenger tramway

Whoever willfully breaks, injures or tampers with or removes part or parts of any tramway as defined in Title 32, section 15202, must be punished by a fine of not more than \$500 or by imprisonment for not more than 11 months, or by both. [PL 1995, c. 560, Pt. H, §6 (AMD); PL 1995, c. 560, Pt. H, §17 (AFF).]

SECTION HISTORY

PL 1975, c. 141 (NEW). PL 1979, c. 127, §121 (AMD). PL 1995, c. 560, §H6 (AMD). PL 1995, c. 560, §H17 (AFF).

§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).]
[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).

§2511. Harvesting timber near property line

1. Definitions. As used in this section, unless the context otherwise indicates, the following terms have the following meanings.

A. "Established property line" means a line demarcated by monuments, signs, markings, pins, reference points or other markers that denotes a change in ownership between abutting properties. These established property line markers must have been placed upon mutual agreement of the abutting landowners, based on historical physical evidence of a preexisting boundary line, or by a licensed professional surveyor pursuant to Title 32, chapter 141. [PL 2013, c. 180, §2 (AMD); PL 2013, c. 180, §6 (AFF).]

B. "Harvester" means a person, firm, company, corporation or other legal entity that harvests or contracts to harvest a forest product. [PL 2003, c. 550, §1 (NEW).]

C. "Landowner representative" means a person, firm, company, corporation or other legal entity representing the landowner in timber sales or land management. [PL 2003, c. 550, §1 (NEW).]

D. "Line tree" means a tree whose main stem or trunk straddles an established property line and that is blazed or painted to indicate the location of the established property line. [PL 2003, c. 550, §1 (NEW).]

E. "Timber harvesting" has the same meaning as in Title 12, section 8868, subsection 4. [PL 2021, c. 30, §4 (AMD).]
[PL 2021, c. 30, §4 (AMD).]

2. Prohibitions. The following acts are prohibited.

A. A landowner or landowner representative who authorizes timber harvesting or a harvester who in fact harvests timber shall clearly mark with flagging or other temporary and visible means any established property lines that are within 200 feet of the area to be harvested. The marking of property lines must be completed prior to commencing timber harvesting. A person who fails to

mark property lines in accordance with this paragraph commits a civil violation for which a fine of not less than \$250 nor more than \$1,000 may be adjudged. [PL 2003, c. 550, §1 (NEW).]

B. A landowner, landowner representative or harvester who authorizes the timber harvesting or in fact harvests a line tree without first obtaining permission from the abutting landowner commits a civil violation for which a fine of not less than \$250 nor more than \$1,000 may be adjudged. [PL 2003, c. 550, §1 (NEW).]
[PL 2003, c. 550, §1 (NEW).]

3. Exemptions. The following are exempt from this section:

A. The Department of Transportation in the performance of activities under Title 23, section 701; [PL 2003, c. 550, §1 (NEW).]

B. Public utilities engaged in maintaining adequate facilities in compliance with Title 35-A, section 301; [PL 2003, c. 550, §1 (NEW).]

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 by removing trees obstructing a public way or fallen trees or in emergencies; and [PL 2003, c. 550, §1 (NEW).]

D. Timber harvesting performed on a parcel of land that is 5 acres or less. [PL 2003, c. 550, §1 (NEW).]
[PL 2003, c. 550, §1 (NEW).]

SECTION HISTORY

PL 2003, c. 550, §1 (NEW). PL 2013, c. 180, §2 (AMD). PL 2013, c. 180, §6 (AFF). PL 2021, c. 30, §4 (AMD).

§2512. Failure to pay for trees harvested

1. Definitions. As used in this section, unless the context otherwise indicates, the following terms have the following meanings.

A. "Forest products" means logs, pulpwood, veneer, bolt wood, wood chips, stud wood, poles, pilings, biomass fuel wood, fuel wood or other products commonly known as forest products, but does not include Christmas trees, maple syrup, nursery products used for ornamental purposes, wreaths, bough material, cones or other seed crops. [PL 2005, c. 546, §1 (NEW).]

B. "Handling or processing facility" means sawmills; bolter mills; shingle mills; veneer mills; fence pole and piling making operations; pulp and paper mills; wafer board, particle board and plywood mills; whole tree chippers; commercial fuel wood processors; custom wood processing mills; and log yards established to accumulate logs awaiting shipment to these facilities. [PL 2005, c. 546, §1 (NEW).]

C. "Harvest operation" means the harvest of forest products on land in a single municipality or township. Land harvested need not be contiguous, and more than one harvester may work a harvest operation. [PL 2005, c. 546, §1 (NEW).]
[PL 2005, c. 546, §1 (NEW).]

2. Payment required within 45 days. Absent a written contract that indicates different payment terms between the landowner and the person conducting a harvest operation, the person conducting the harvest operation shall provide to the landowner full payment for each truckload of harvested forest products transported to a handling or processing facility within 45 days of delivery to the handling or processing facility. In accordance with Title 10, section 2364-A, subsection 2, paragraph G, the person conducting the harvest operation shall provide to the landowner a copy of the measurement tally sheet

or stumpage sheet for each truckload of forest products transported to a handling or processing facility when the person conducting the harvest operation pays the landowner.

[PL 2005, c. 546, §1 (NEW).]

3. Penalties. The following penalties apply.

A. A person who violates subsection 2 commits a civil violation for which a fine of not more than \$1,000 may be adjudged. [PL 2005, c. 546, §1 (NEW).]

B. A person who violates subsection 2 after having been adjudicated as having violated subsection 2 within the previous 5 years commits a civil violation for which a fine of not more than \$2,000 may be adjudged. [PL 2005, c. 546, §1 (NEW).]

C. A person who violates subsection 2 after having been adjudicated as having committed 2 or more civil violations under subsection 2 within the previous 5 years commits a Class E crime. Violation of this paragraph is a strict liability crime as defined in Title 17-A, section 34, subsection 4-A. [PL 2005, c. 546, §1 (NEW).]

D. In addition to any other penalties imposed in this subsection, the court may order a person adjudicated as having violated this section to provide upon request to any forest ranger of the Department of Agriculture, Conservation and Forestry, Bureau of Forestry copies of measurement tally sheets for subsequent harvest operations being conducted by the violator for a period not to exceed one year. [PL 2005, c. 546, §1 (NEW); PL 2011, c. 657, Pt. W, §§5, 7 (REV); PL 2013, c. 405, Pt. A, §23 (REV).]

[PL 2005, c. 546, §1 (NEW); PL 2011, c. 657, Pt. W, §§5, 7 (REV); PL 2013, c. 405, Pt. A, §23 (REV).]

4. Restitution. In addition to any penalties imposed pursuant to subsection 3 and, when appropriate, in accordance with the requirements of Title 17-A, chapter 69, the court shall order restitution to the landowner on the basis of an adequate factual foundation. The amount of restitution may be determined by using the measured volume of the harvested forest products as listed on the measurement tally sheet or stumpage sheet in accordance with Title 10, section 2364-A, subsection 2 and by the terms of the sales contract according to the measurement procedures set forth in Title 10, section 2363-A that are applicable to a sale of wood.

Any restitution ordered and paid must be deducted from the amount of any restitution awarded in a civil action brought by the owner or the State against the offender based on the same facts.

[PL 2019, c. 113, Pt. C, §56 (AMD).]

5. Exemptions. The following are exempt from this section:

A. The Department of Transportation in the performance of activities under Title 23, section 701; [PL 2005, c. 546, §1 (NEW).]

B. Public utilities in maintaining adequate facilities in emergencies in compliance with Title 35-A, section 301; and [PL 2005, c. 546, §1 (NEW).]

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 fallen trees or in emergencies. [PL 2005, c. 546, §1 (NEW).]

[PL 2005, c. 546, §1 (NEW).]

SECTION HISTORY

PL 2005, c. 546, §1 (NEW). PL 2011, c. 657, Pt. W, §§5, 7 (REV). PL 2013, c. 405, Pt. A, §23 (REV). PL 2019, c. 113, Pt. C, §56 (AMD).

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