

# TITLE L

## WATER MANAGEMENT AND PROTECTION

### CHAPTER 485-B FLOATING TIMBER

#### Section 485-B:1

**485-B:1 Detention for Damages.** – The owner of improved land may detain logs or timber of any kind lodged thereon by the waters of a river or stream until the damages occasioned to the land thereby, the expenses of the removal thereof, and the expenses of advertising the same are paid, or until the owner or person in charge of the logs or timber shall give bond to the person detaining same, with sufficient sureties, in a sum not less than double the value of the property detained to the satisfaction of the selectmen of the town wherein the detention occurs, or to the selectmen of some town adjoining, conditioned to pay all such damages, expenses and costs as may be recovered against him under the provisions of this chapter.

**Source.** 1989, 339:1, eff. Jan. 1, 1990.

#### Section 485-B:1-a

**485-B:1-a Permit Required.** – An owner or person in charge of the logs or timber regulated under the provisions of this chapter shall apply for a permit prior to commencing floating timber on the surface water of the state. Notwithstanding any law or rule to the contrary, the authority to regulate and permit floating timber shall be exclusively established with the division of forests and lands, department of natural and cultural resources.

**Source.** 1989, 352:1, eff. Aug. 1, 1989. 2017, 156:14, I, eff. July 1, 2017.

#### Section 485-B:2

**485-B:2 Bond by Nonresident.** – Whenever such bond is given by a person not a resident of the state, it shall contain an appointment of an agent or attorney within the state upon whom service of any notice or process whatever may be made.

**Source.** 1989, 339:1, eff. Jan. 1, 1990.

#### Section 485-B:3

**485-B:3 Assessment of Damages.** – If the parties do not agree on the amount of damages occasioned by such logs or timber, the selectmen, or, if a majority of them is interested, 3 justices, may, on application of either party in writing, and after 10 days' notice in writing, assess such damages and expenses and make report thereof to the parties.

**Source.** 1989, 339:1, eff. Jan. 1, 1990.

#### Section 485-B:4

**485-B:4 Appeal From Assessment of Damages.** – If either party is dissatisfied with the assessment, he may appeal therefrom to the superior court. The appeal shall be filed within 60 days and not after, in writing, signed

by the party appealing or his attorney, setting forth the reasons of his appeal.

**Source.** 1989, 339:1, eff. Jan. 1, 1990.

### **Section 485-B:5**

**485-B:5 Notice of Appeal.** – Notice shall be given of such appeal and of the court at which it will be entered at least 14 days before the term at which it is to be entered.

**Source.** 1989, 339:1, eff. Jan. 1, 1990.

### **Section 485-B:6**

**485-B:6 Advertising.** – The owner of the land shall advertise all such logs and timber in September, annually, by posting notices describing the number thereof and the marks thereon at one of the most public places in the same and 2 adjoining towns, and by causing a like notice to be recorded by the town clerk.

**Source.** 1989, 339:1, eff. Jan. 1, 1990.

### **Section 485-B:7**

**485-B:7 Payment; Tender.** – On payment or tender of the damages and expenses agreed upon or assessed, or upon giving bond as provided in RSA 485-B:1, the owner of the logs or timber may remove the same at any time within 5 months after notice is posted and recorded as provided in RSA 485-B:6.

**Source.** 1989, 339:1, eff. Jan. 1, 1990.

### **Section 485-B:8**

**485-B:8 Forfeiture.** – If such logs or timber are not removed within 5 months, they shall be forfeited to the owner of the land, and he may convert them to his own use if they have been advertised as provided in RSA 485-B:6, and the owner of the land may recover his damages and expenses in an action on the case against the owner of the logs or timber or any other person putting the same into the river. If such damages and expenses have been previously assessed, such assessment shall be conclusive.

**Source.** 1989, 339:1, eff. Jan. 1, 1990.

### **Section 485-B:9**

**485-B:9 On Unimproved Land.** – If any logs or timber are lodged on the unimproved land of a person, he may detain the same until the damages occasioned thereby, and costs, are paid.

**Source.** 1989, 339:1, eff. Jan. 1, 1990.

### **Section 485-B:10**

**485-B:10 Removal Without Payment.** – If such logs or timber are removed by the owner or any other person, without payment or tender of such damages and expenses, he shall be liable to the owner of the land therefor, and for costs, in an action to be commenced within one year and not after.

**Source.** 1989, 339:1, eff. Jan. 1, 1990.

### **Section 485-B:11**

**485-B:11 Interfering With Logs.** – Any person wrongfully stopping any logs or timber of another, or preventing them from floating down any river or stream, or wilfully and fraudulently cutting out or destroying the marks on such logs or timber shall be guilty of a misdemeanor.

**Source.** 1989, 339:1, eff. Jan. 1, 1990.

## **Section 485-B:12**

**485-B:12 Larceny of Logs.** – Any person wilfully and fraudulently taking and carrying away, or otherwise converting to his own use, either personally or by others in his employment and under his control, any log or timber of another in any river or stream or on the banks or meadows adjoining the same shall be deemed guilty of larceny.

**Source.** 1989, 339:1, eff. Jan. 1, 1990.