

# **Title 38: WATERS AND NAVIGATION**

## **Chapter 7: FLOATING TIMBER**

### **Table of Contents**

<b>Section 971. CONVERSION.....</b>	<b>3</b>
<b>Section 972. CONVERSION AS LARCENY (REPEALED).....</b>	<b>3</b>
<b>Section 973. PRESUMPTIONS; DOUBLE DAMAGES.....</b>	<b>3</b>
<b>Section 974. RIGHT OF OWNER TO SEARCH FOR LOST LOGS.....</b>	<b>3</b>
<b>Section 975. INTERMIXED LOGS AND TIMBER; LIEN FOR EXPENSES; LIBEL.....</b>	<b>3</b>
<b>Section 976. LOGS OR TIMBER LODGED ON BANKS; FORFEITURE; ADVERTISEMENT.....</b>	<b>4</b>
<b>Section 977. OWNER MAY REMOVE ON TENDER OF DAMAGES; DAMAGES FOR LANDOWNER.....</b>	<b>4</b>
<b>Section 978. CONVERSION OF RAILROAD SLEEPERS, SHIP KNEES OR CEDAR LUMBER; DOUBLE DAMAGES.....</b>	<b>4</b>
<b>Section 979. SACO RIVER OR TRIBUTARIES.....</b>	<b>4</b>



**Maine Revised Statutes**  
**Title 38: WATERS AND NAVIGATION**  
**Chapter 7: FLOATING TIMBER**

**§971. CONVERSION**

Whoever takes, carries away or otherwise converts to his own use, without the consent of the owner, any log suitable to be sawed or cut into the boards, clapboards, shingles, joists or other lumber, or any mast or spar the property of another, whether the owner is known or unknown, lying in any river, pond, bay, stream or inlet, or on or near the bank or shore thereof, or cuts out, alters or destroys any mark made thereon, without the consent of the owner and with intent to claim the same, forfeits for every such log, mast or spar, \$20, to be recovered on complaint; 1/2 for the State and 1/2 for the complainant.

**§972. CONVERSION AS LARCENY**

*(REPEALED)*

SECTION HISTORY

2003, c. 452, §X2 (AFF). 2003, c. 452, §W9 (RP).

**§973. PRESUMPTIONS; DOUBLE DAMAGES**

In prosecutions under section 971 if a log, mast or spar is found in the possession of the accused partly destroyed, partly sawed or manufactured, or with the marks cut out or altered, not being that person's property, it is presumptive evidence of that person's guilt. The burden of proof is then on that person. Whoever is guilty of the offense described in section 971 is liable to the owner, in a civil action, for double the value of the log, mast or spar so dealt with. [2003, c. 2, §118 (COR).]

SECTION HISTORY

RR 2003, c. 2, §118 (COR).

**§974. RIGHT OF OWNER TO SEARCH FOR LOST LOGS**

The owner of such logs, masts or spars may at any time, by himself or his agent, enter in a peaceable manner upon any mill, mill-brow, boom or raft of logs or other timber in search of such lost property. Whoever willfully prevents or obstructs such search forfeits for each offense not less than \$20 nor more than \$50, to the person by whom or on whose account such entry was claimed, to be recovered in a civil action.

**§975. INTERMIXED LOGS AND TIMBER; LIEN FOR EXPENSES; LIBEL**

Any person whose timber in any waters of the State is so intermixed with the logs, masts or spars of another that it cannot be conveniently separated for the purpose of being floated to the market or place of manufacture may drive all timber with which his own is so intermixed toward such market or place, when no special and different provision is made by law for driving it; and is entitled to a reasonable compensation from the owner, to be recovered after demand therefor on said owner or agent, if known, in a civil action. He has a prior lien thereon until 30 days after it arrives at its place of destination to enable him to attach it. If the owner cannot be ascertained, the property may be libeled according to law and enough of it disposed of to defray the expenses thereof, the amount to be determined by the court hearing the libel.

## **§976. LOGS OR TIMBER LODGED ON BANKS; FORFEITURE; ADVERTISEMENT**

Logs or other timber carried by freshets or otherwise lodged upon lands adjoining any waters are forfeited to the owner or occupant thereof, after they have so remained for 2 years, if such lands during that time were improved; otherwise, after 6 years; provided such owner or occupant, within one year after the same were found so lodged, advertises, as nearly as practicable, the number of pieces of timber, the time when lodged, together with the marks thereon and the place where found, 3 weeks successively in some newspaper in the county, if any, otherwise in the state paper.

## **§977. OWNER MAY REMOVE ON TENDER OF DAMAGES; DAMAGES FOR LANDOWNER**

The owner of said timber may enter on said land and remove it at any time before forfeiture, having previously tendered to the owner or occupant thereof a reasonable compensation for all damages occasioned by the lodging, remaining or removal of said timber and the expense of advertising it; but if the timber is removed by the owner, or otherwise, without such tender, the owner of the land may recover, in a civil action, the damages aforesaid.

## **§978. CONVERSION OF RAILROAD SLEEPERS, SHIP KNEES OR CEDAR LUMBER; DOUBLE DAMAGES**

Whoever willfully and fraudulently takes, carries away or otherwise converts to his own use any railroad sleeper, knee or other ship timber or cedar for shingles or other purposes, the property of another, whether known or not, without his consent, lying in any river, stream, pond, bay or inlet, or on or near the shore thereof; or cuts out, alters or destroys any mark thereon, forfeits \$10 for each offense, to be recovered and appropriated as provided in section 971; and is liable to the owner in double the amount thereof in a civil action. Such owner has all the rights and is subject to all the liabilities provided for the owner of logs, masts and spars in sections 973 to 979.

## **§979. SACO RIVER OR TRIBUTARIES**

If any boom on the Saco River, or any of the waters connected therewith, is so placed or constructed as to prevent the free and usual passage of timber down the river, the owner or occupant thereof, at his own expense, shall release and turn out the timber so detained, when requested to do so by the owner thereof, if it can be done with safety. If, for 2 days after request, he neglects or refuses to do so, he is liable to the owner of the timber in a civil action for all damages by him sustained.

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