



Avoiding Timber Trespass & Timber Theft

Maine Forest Service, DEPARTMENT OF CONSERVATION, 22 State House Station, Augusta, ME 04333

Timber harvesting is a large part of Maine's economy. Preventing theft of timber is in everyone's interest. Each year, Maine Forest Service Rangers investigate hundreds of complaints involving timber trespass or theft.

What are timber theft and timber trespass?

Timber trespass and theft are crimes with minor distinctions. Trespass occurs when someone cuts trees intentionally, knowingly or recklessly, without the permission of the landowner. Timber theft occurs when someone intentionally or knowingly cuts a landowner's trees without permission, takes or cuts products such as firewood from a log pile without permission or fails to pay for stumpage proceeds.

Timber harvesting is a large part of Maine's economy. The majority of loggers carefully complete logging jobs without any problems. As a result, the incidence of timber trespass or theft is low compared to the overall number of harvests. However, illegal cutting does occur. Timber trespass may occur when property lines are not well defined and timber is cut without the landowner's permission. Timber theft may occur when the landowner is not paid in full for harvested trees, or trees not identified in the contract are cut. A handful of loggers target forest landowners, especially non-residents and the elderly, for timber theft. Individuals who make their living stealing timber tarnish the reputation of the logging industry. The vast majority of loggers are honest, reputable business people. Their ability to obtain timber harvesting contracts is hindered by this very small group of timber thieves.

How can I avoid timber trespass and theft?

Steps you can take as a forest landowner to help prevent timber trespass and timber theft include:

-  Keep all property lines well marked and brushed out; walk them seasonally.
-  Keep an eye on your property, or have someone else do so should you be unable to.
-  Get to know adjacent property owners.
-  If you suspect someone is cutting wood on your property without your permission, call your local Forest Ranger.

If a harvest is planned on your property:

-  It is a good idea to notify your neighbors.

-  Consider hiring a Licensed Forester to represent your interests in the harvest.
-  Never give oral permission for someone to harvest your timber.
-  **Always have a written contract** for timber harvesting. If for any reason a landowner has a dispute with the logger, a Timber Harvest Contract signed by all parties will help clarify expectations, and becomes critical in any legal action (see box next page).
-  Ask loggers for references. You may want to ask for contact information for the logger's most recent clients. Check references thoroughly and visit past jobs.
-  Make sure boundary lines within 200 feet of the harvest area are clearly marked prior to the harvest (17 MRSA §2511).
 -  Failure to mark boundaries, and ensuing timber trespass, can leave the person who authorized cutting liable to payment of double damages to the abutting landowner (14 MRSA §7552-A).
 -  Harvests under 5 acres are exempt from the law, but it is always important that the operator knows the boundary locations.
-  Get copies of scale slips (stumpage sheets or measurement tally sheets) for each truckload cut and hauled from your property (10 MRSA §2364-A). If a trip ticket was required for the load, the scale slips must also include information from the trip ticket (10 MRSA §2365-A). The information required on the scale slips (ss) and trip tickets (tt) is detailed below:
 -  Description of the product (ss)
 -  Name of the landowner, contractor and hauler (ss and tt)
 -  Date wood hauled (ss and tt)**NOTE:** A landowner must be paid within 45 days of wood's delivery to a processor unless a written contract states otherwise (17 MRSA §2512)

- 🌿 Destination of the truckload (ss and tt)
- 🌿 Town of origin (tt)
- 🌿 Forest Operations Notification number (tt)
- 🌿 Names of cutting crew (tt)
- 🌿 Signature of truck driver (tt)

What if I think I am a victim of timber theft or trespass?

If you believe you are a victim of timber trespass or theft or if a harvest on your land crosses onto your neighbor's property without your prior knowledge you have a couple of options. Depending on your situation, you could contact the other landowner to see if an understanding and agreement of damages and compensation can be reached. You can also contact the nearest Maine Forest Service regional office immediately and ask for a Forest Ranger to investigate your complaint. Maine Forest Service Forest Rangers and Foresters can help investigate alleged illegal cutting, help determine a settlement, or work with prosecutors if prosecution is warranted. Depending on the circumstances, trespass or theft may be a civil, not a criminal matter. In some cases, landowners may need to hire an attorney to represent them; a surveyor to map their ownership and establish (or re-establish) boundary lines on the ground; and/or a consulting forester to help establish the volume and value of timber cut illegally.

You can reach the Forest Protection Division through the Augusta Office (207) 287-4990, or at the regional headquarters:

Southern Region Headquarters

Bolton Hill, Augusta: (207) 624-3700

Central Region Headquarters

Old Town: (207) 827-1800

Northern Region Headquarters

Ashland: (207) 435-7963

Further Reading

Information Sheets (Maine Forest Service):

- 📖 Boundary Line Information
- 📖 Selecting a Consulting Forester
- 📖 Things to Consider Before Harvesting Timber

Maine law (copies available from your District Forester, regional Forest Ranger or on-line: <http://janus.state.me.us/legis/statutes>):

- 🌿 10 MRSA §2361-A to 2368: Measurement of wood
- 🌿 14 MRSA §7551 to 7552-A: Trespass
- 🌿 17 MRSA §2510 to 2512, §3852-D: Crimes
- 🌿 17-A MRSA §352 to 354: Maine criminal code

A written contract—a good idea.

A written contract between a landowner and logger is not required by law, but it is strongly recommended to protect the interests of both parties. A consulting forester can help write an individualized contract for your harvest. At a minimum, the contract should include:

- **The contract period** - State clearly when the contract begins, when it ends, and whether there are periods when operations may be suspended (such as spring thaw).
- **Access** - Define where and how the logger will get to the stands to be cut, and in what condition any access roads and log landings will be left.
- **Trees to be harvested** - Clearly define what trees will be cut and/or what trees will be left uncut, and how they are identified in the forest.
- **Harvest boundaries** - Indicate in the contract and in the field where the harvest should take place.
- **Handling slash** - Slash treatment (tree tops and branches left on a site after a timber harvest) should be specified.
- **BMP's**: Identify clearly who is responsible for implementing Best Management Practices to protect water quality.
- **Insurance** - Clearly state what insurances are required before the contract is valid; do not sign the contract until you have insurance certificates in hand that are valid through the contract period.
- **Payment** - Spell out the basis for payment by type of timber (sawlogs, veneer, pulpwood, boltwood and other types), and consequences for default or failure to satisfy other contract obligations. Consider requiring a deposit or bond before harvesting begins.

For more information, please contact:

Maine Forest Service
DEPARTMENT OF CONSERVATION
22 State House Station
Augusta, ME
04333-0022
(207) 287-2791 or
1-800-367-0223
forestinfo@maine.gov

Be Woods Wise!

Practical advice for your land and trees
 from the Maine Forest Service.
www.maineforestservice.gov