

# Protect Yourself and Your Land with a Timber Harvest Contract

A landowner should always have a written contract with a timber buyer (*logger*) if they plan to harvest timber. A written and signed contract is a legally binding document that protects both the landowner and the timber buyer by listing and clarifying the responsibilities of each party. For a sample contract, contact the Maine Forest Service and ask for a copy of *A Suggested Timber Sale Agreement*.

Landowners typically sell “stumpage” to a logger. Stumpage is the value of trees “on the stump” before they are cut. When selling stumpage to a logger, the landowner sells trees designated in the contract. Often with the assistance of a Licensed Professional Forester, the seller (*the landowner*) and the buyer (*the logger*) determine the volume of timber to be cut and negotiate the terms of payment and price per unit (*board foot, ton cord, etc.*).

At a minimum, a good timber sales contract should:

- ▶ Describe the land and boundary lines.
- ▶ Guarantee title to the property to be harvested.
- ▶ Include a map of your property with the harvest boundaries clearly marked.
- ▶ Specify the amount of timber to be harvested, the prices to be paid for the timber and the manner, time and method of payment
- ▶ Describe the timber being sold, its location and how it will be marked for identification.
- ▶ Describe the logging methods to be used, specify log standards and associated prices for different uses (*veneer logs and sawlogs, for example, are worth more than pulp*).
- ▶ Specify the location of log landings, roads and skid trails (*if desired*) and require that those areas be stabilized and revegetated (*if appropriate*) after harvesting.
- ▶ Specify the time period covered by the contract.
- ▶ Prohibit excessive damage to unmarked trees and improved property such as buildings, fences and roads.
- ▶ Specify the penalties the buyer must pay if unmarked trees are cut or damaged.
- ▶ Assign liability for losses caused by the buyer (*or his agents*) to protect the landowner from workers’ compensation claims, liability lawsuits and property damage claims.

**If the logger is determined to be an independent contractor for workers’ compensation purposes, the contract must contain the wording “The independent contractor will not hire any employees to assist in the wood harvesting without first providing the required certificate of insurance to the landowner.”**

- ▶ Specify protection of soil, water and recreational values.
- ▶ Require the use of Best Management Practices where appropriate.
- ▶ Require that the buyer abide by all local, state and federal laws and regulations.
- ▶ Allow the sale agreement to be assigned to another logger only with the written consent of the seller.



**Maine Forest Service**  
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**Protect Yourself —  
Call Before You Cut!**