

Avoid Property Boundary Disputes

Robert Frost wrote: “Good fences make good neighbors.” This is as true today as when he wrote it. In fact, with more expensive land and higher timber values, good boundaries are even more important now than they were in the past. Timber trespass can be expensive in terms of money and lost time. The wise person avoids it.

The following information will help landowners avoid boundary problems:

Establishment

1. Only a licensed surveyor can establish a line where there are no existing monuments or blazes. Surveyors are licensed in the State of Maine under 32 MRSA § 13901 et seq. Copies of the law and a roster of land surveyors licensed to practice in Maine are available from the State Board of Licensure for Professional Land Surveyors (35 State House Station, Augusta, ME 04333; (207) 624-8603. The Land Surveyor uses information contained within the deeds of record and evidence obtained from measurements taken on the ground to establish a line.

2. The landowner or a licensed forester may maintain a line, or re-establish one where some monuments or blazes still exist. If you cannot sight from one blaze to another, you should probably get the line surveyed by a licensed surveyor. A boundary line shown simply by blazed trees may give the appearance of a boundary, but could be located differently after an accurate survey.

3. Monuments are established by the surveyor. They may include stone posts, iron bars and the like. Blazes should not be considered as a monument. Blazes are approximations of where the line lies. A cap listing the surveyor’s license number must be placed on the corner posts.

4. Because blazed tree on the line may be evidence of the exact location of the line (*servicing as witness trees*) they should not be cut. They generally have little value for timber, since the blaze or old fencing tacked to the boundary provides an avenue for bacteria and fungi to invade, which causes rot. Additionally, iron from a fence or other item tacked to the tree will cause the sawmill to reject the log when it arrives.

5. When there is a disagreement about a line, it should be surveyed. Adjacent landowners may agree to share the cost of the survey, but this arrangement should be agreed on before the survey is done. Before permanently marking the boundary by either blazing or painting, it is best to walk the line with the adjoining owner to ensure the boundary location is mutually agreeable.

Maintenance

1. Boundaries should be painted with a high quality, easily seen paint, such as yellow, orange, blue, or red. These colors are visible for long distances. Use high grade paint for durability. Inexpensive paint will wear off. Paint specifically formulated for boundaries are available from forestry supply companies. Apply paint only when bark is warm and dry for good penetration and staying power. Paint witness trees at the intersection of boundary lines.

2. In blazing and painting trees along the boundary line, the following rule is used:

- a. If the line passes through the middle of the tree, blaze and paint on both sides of the tree where the line passes through the tree.
 - b. Where the lines passes adjacent to the tree, blaze and paint one point immediately adjacent to the line.
 - c. Be sure to blaze and paint both sides of the line so that it can be seen from either side.
- This will help prevent accidental trespass.

3. If possible, avoid blazing large size trees of commercial species, as this encourages decay. Blazes should be 4 to 5 inches in diameter and located approximately five feet above the ground. Blaze often enough so that it is possible to see the next spot easily.

4. Boundary lines should be brushed out for easy traveling and locating. Pruning of limbs up to head high and cutting down small trees along the line will help. Cutting any vegetation on another’s property requires permission. Check with the adjoining landowner before proceeding.

5. Corner posts should be of some permanent material, with adjoining trees (*witnesses*) marked so they are easy to locate. Trees (*except for long lasting*



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cedar) are poor corner posts since they rot, fall to the ground and disintegrate within a few years. Stone provides a more permanent corner, but it is heavy and difficult to transport. Iron pipe is long lasting, easily transported and inexpensive. It drives easily into the ground, whereas holes must be dug for stone posts. If possible, always pile smaller, easily available stones around any corner post. Paint corner posts.

6. High quality paint, properly applied, should last at least ten years in the woods; axe blazes should last longer. For best results, lines should be checked annually to be sure that they are still in good shape. Lines and corners should be shown and explained to family members so they can locate them.

Timber Harvesting & Boundaries

1. A landowner who authorizes cutting timber (*for any purpose*) on their property (*when the cutting involves an area of 10 or more acres*) is responsible for clearly marking any property lines within 200 feet of the areas to be cut. The landowner may authorize another individual to mark the property line. If the property lines are not clearly marked and timber is cut from an abutting property without the authorization of the abutting landowner, the landowner who initiated the timber harvest (*or the authorized agent of the landowner, or both*) who failed to mark the property lines is liable in a civil action (*with double damages*) to the owner of the abutting land (*14 MRSA '7552-A*).

2. Whoever (*stumpage owner, operator, landowner, or agent*) cuts, causes or allows the cutting of any forest

growth on abutting land that is outside the limits of the unorganized territory (*or within the unorganized territory but which borders property outside of it*) shall dispose of the slash in the following manner:

All slash resulting from cutting of forest growth shall not remain on the ground within 25 feet of the property line, if the director of the Maine Forest Service (*on his own initiative or on written complaint of another*) declares that the situation constitutes a fire hazard.

All slash resulting from cutting of forest growth shall be removed the required and scattered or chipped (*not piled in windrows*) within 30 days after cutting or within 30 days of notification to remove by the director of the Maine Forest Service.

“Slash” is legally defined as branches, bark, tops, chunks, cull logs, uprooted stumps and broken or uprooted trees left on the ground as a result of logging, right-of-way construction or maintenance and land clearance (*12 MRSA '9331 - 9336*).



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