

**1975 Senate Bill 62**

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## **CHAPTER 366, Laws of 1975**

AN ACT to amend 134.60 of the statutes, relating to permitting the shipment of branches and boughs outside a county without a Christmas tree dealer license.

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

134.60 of the statutes is amended to read:

**134.60 Christmas trees, cutting, transportation, etc.** No person shall may cut for sale in its natural condition and untrimmed, with or without roots, any evergreen or

coniferous tree, branch, bough, bush, sapling or shrub, from the lands of another without the written consent of the owner, whether such land be publicly or privately owned. Such written consent shall contain the legal description of the land where such tree, branch, bough, bush, sapling or shrub was cut, as well as the name of the legal owner thereof; and such written consent or a copy thereof certified as a true copy by the person to whom such consent was given or by the register of deeds of the county in which the land is situated shall be carried by every person in charge of the cutting or removing any such trees, branches, boughs, bushes, saplings or shrubs, and shall be exhibited to any officer of the law, forest ranger, forest patrolman, conservation warden, or other officer of the department of natural resources at his request at any time. Any such officer ~~shall have power to~~ may inspect any such trees, branches, boughs, bushes, saplings or shrubs when being transported in any vehicle or other means of conveyance or by common carrier, and ~~to~~ may make such investigation with reference thereto as ~~may be~~ is necessary to determine whether or not ~~the provisions of this subsection have section has~~ been complied with; and ~~to~~ may stop any vehicle or means of conveyance found carrying any trees, branches, boughs, bushes, saplings or shrubs upon any public highway of this state, for the purpose of making such inspection and investigation, and ~~to~~ may seize and hold, subject to the order of the court, any such trees, bushes, saplings or shrubs found being cut, removed or transported in violation of this subsection section. No person ~~shall~~ may ship or transport any such trees, ~~branches, boughs,~~ bushes, saplings or shrubs outside the county where the same were cut unless he ~~shall~~ has first have obtained from the department of natural resources a license as a Christmas tree dealer. The annual fee for such license ~~shall be~~ is \$5. Such dealer ~~shall~~ may not purchase or receive any Christmas trees from any ~~one~~ person until such vendor ~~shall have~~ has given the dealer either a statement in writing that the trees were cut from his own lands or has filed with such dealer written consents from the owners of the lands from which such trees were cut. Such statements and consents shall be kept by the dealer for not less than 6 months and shall be open to inspection by the department of natural resources and its deputies at all reasonable hours. In making a shipment of Christmas trees, by railroad or truck, such dealer shall attach to the outside of each package, box, bale or truckload or carload so shipped, a tag or label on which shall appear his name and address and the number of his license. No common carrier, truck hauler, or agent thereof, shall receive for shipment or transportation any such trees, ~~branches, boughs,~~ bushes, saplings or shrubs unless such tag or label ~~shall be~~ is attached thereto. Any person who violates ~~any of the provisions of this subsection shall be guilty of a misdemeanor and upon conviction~~ section shall be punished by a fine of ~~fined~~ not less than \$10 nor more than \$100, or by imprisonment in the county jail for a period of not less than 10 days nor more than 3 months, or by both such fine and imprisonment. Every written consent for any purpose specified in this subsection section and every certified copy of such consent ~~shall be deemed to be~~ is a written instrument, and any person who ~~shall sign~~ signs any such written consent or certified copy who is not authorized to do so, and any person who ~~shall lend~~ lends or ~~transfer~~ transfers or ~~offer~~ offers to lend or transfer any such written consent or certified copy thereof to another person who is not entitled to use the same, and any person not entitled to use any such written consent or certified copy thereof, or who ~~shall borrow~~, receive ~~borrowes~~, receives or ~~solicit~~ solicits from another any such written consent or certified copy thereof shall be guilty of a misdemeanor and upon conviction shall be punished by a fine of ~~fined~~ not less than \$100 nor more than \$500, or by imprisonment in the county jail for a period of not less than 3 months nor more than 6 months, or by both such fine and imprisonment. The provisions of this subsection This section, other than the requirement that no person ~~shall~~ may cut or remove trees, branches, boughs, bushes or shrubs from the lands of

another without his written consent, ~~shall in no way~~ does not modify or nullify s. 94.60 relating to the inspection and sale of nursery stock.

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