

MAINE STATE LEGISLATURE

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SEVENTY-NINTH LEGISLATURE

SENATE

NO. 21

In Senate, Jan. 17, 1919.

Came from the House referred to the Committee on State Lands and Forest Preservation and on motion by Senator Emerson of Arcoostook laid on the table for printing pending reference in concurrence and 500 copies ordered printed.

L. ERNEST THORNTON, Sec. Pro. Tem.

Presented by Mr. Small of Brewer.

STATE OF MAINE

IN THE YEAR OF OUR LORD ONE THOUSAND
NINE HUNDRED AND NINETEEN

AN ACT to amend sections 53, 54, and 55 of chapter 8 of the Revised Statutes requiring a permit for the burning of brush or slash near woodlands and providing for the better enforcement of the "Slash Law."

Be it enacted by the People of the State of Maine, as follows:

Section 1. Section 53 of chapter 8 of the Revised Statutes is hereby amended by adding to said section the following provision: "Provided however that a written permit from the Forestry Department shall be required for the burning of brush or slash or for a chopping in or

6 near woodlands except when the ground is covered with
7 snow. Such permit, within the limits of the Maine For-
8 estry District may be signed by the forest commissioner
9 or his deputy or by a chief warden in the county where the
10 land is located. Outside the limits of the Forestry Dis-
11 trict such permit shall be signed by the forest commissioner
12 or deputy forest commissioner. Whoever violates any of the
13 provisions of this section shall on conviction thereof be
14 punished by a fine of fifty dollars, one-half of which,
15 when collected, shall be payable to the complainant', so that
16 said section, as amended, shall read as follows:

'Sect. 53. Any person, firm, corporation or agent, cutting
2 any forest growth on property adjacent to the right of way
3 of any railroad or highway within the state, shall leave
4 the growth uncut on the land within fifty feet of the limit
5 of the right of way of a railroad or center of the wrought
6 portion of any plantation, town, city, county or state road;
7 or shall dispose of slash and debris caused by cutting in
8 such a manner that inflammable material shall not remain
9 on the ground within fifty feet of the limit of the right of
10 way of a railroad or center of the wrought portion of any
11 plantation, town, city, county or state road. Provided
12 however that a written permit from the Forestry Depart-
13 ment shall be required for the burning of brush or slash
14 or for a chopping in or near woodlands except when the
15 ground is covered with snow. Such permit, within the
16 limits of the Maine Forestry District may be signed by the

17 forest commissioner or his deputy or by a chief warden in
18 the county where the land is located. Outside the limits of
19 the Forestry District such permit shall be signed by the
20 forest commissioner or deputy forest commissioner. Who-
21 ever violates any of the provisions of this section shall on
22 conviction thereof be punished by a fine of fifty dollars,
23 one-half of which, when collected, shall be payable to the
24 complainant.'

Sect. 2. Section 54 of chapter 8 of the Revised Statutes
2 is hereby amended by adding to said section the following
3 provision: 'Whenever slash and debris or inflammable
4 material are found on the ground, having accumulated as
5 the result of work on railroads, highways, telegraph or
6 telephone lines contrary to the terms of this section the per-
7 son responsible therefor, or his employer whether in-
8 dividual, firm or corporation, shall be punished by a fine
9 of fifty dollars,' so that said section, as amended, shall read
10 as follows:

'Sect. 54. Slash and debris accumulating by the con-
2 struction and maintenance of railroads, highways or tele-
3 graph or telephone lines, shall be disposed of in such a
4 manner that the inflammable material shall not be left
5 on the ground. Whenever slash and debris or inflammable
6 material are found on the ground having accumulated as
7 the result of work on railroads, highways, telephone or
8 telegraph lines contrary to the terms of this section the
9 person responsible therefor, or his employer whether

10 individual, firm or corporation shall be punished by a fine
11 of fifty dollars.'

Sect. 3. Section 55 of chapter 8 of the Revised Statutes
2 is hereby amended by inserting in line fifteen of said sec-
3 tion, the following: 'This remedy shall be additional to the
4 penalty provided in said sections,' so that said section, as
5 amended, shall read as follows:

'Sect. 55. When any person, firm or corporation or agent
2 shall have failed to dispose of slash and debris as provided
3 by the two preceding sections, the forest commissioner
4 shall cause such slash and debris to be so disposed of. He
5 shall pay the expense of so disposing of such slash and
6 debris from any funds at his disposal, legally applicable to
7 such purpose; and he or his successor in office shall be en-
8 titled to recover double the amount of such expenditures
9 in an action of debt, to be prosecuted by the attorney
10 general in the supreme judicial court in the county of
11 Kennebec, against the person, firm, corporation or agent
12 whose duty it was to dispose of such slash or debris; and
13 there shall be a lien on the land on which the cutting of
14 the forest growth took place, to secure any judgment recov-
15 ered in such action, to be enforced by attachment in said
16 action, made within six months after such expenditures
17 were made. The sum recovered and collected in such action
18 shall be returned to and become a part of the fund from
19 which the expenditures were made. This remedy shall be
20 additional to the penalty provided in said sections. Pro-

21 vided however that any person, firm, corporation or agent
22 cutting wood or timber during the winter, after November
23 first, shall have until May first following in the Maine for-
24 estry district, and until April first in the remainder of the
25 state, to remove such slash and debris. If such slash and
26 debris are destroyed by burning, such burning shall be done
27 with the permission of the forest commissioner.'