

MAINE STATE LEGISLATURE

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N I N E T Y - F O U R T H L E G I S L A T U R E

Legislative Document

No. 1179

S. P. 556

In Senate, March 2, 1949.

Referred to Committee on State Lands and Forest Preservation. Sent down for concurrence and ordered printed.

CHESTER T. WINSLOW, Secretary.

Presented by Senator Williams of Penobscot.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
FORTY-NINE

**AN ACT Relating to Forest Fighter Pay and Aid to Towns in Controlling
Forest Fires.**

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

Sec. 1. R. S., c. 85, § 58, repealed and replaced. Section 58 of chapter 85 of the revised statutes, as repealed and replaced by chapter 362 of the public laws of 1945, is hereby repealed and replaced and the following enacted in place thereof:

'Sec. 58. Forest fire fighter pay and aid to towns.

I. Right to call and employ assistance. State and town forest fire wardens shall be responsible for the control and extinguishment of forest fires in any town, city or plantation within the state, outside the limits of the Maine forestry district. For this purpose they may have the authority to employ any person or persons deemed necessary to assist in fighting forest fires. Any person under the age of 16 should have parent approval. All called and employed assistance shall proceed to help control and extinguish forest fires as directed by the state or town forest fire warden in charge. Persons who refuse or wilfully fail, when called upon by the proper forest fire warden in charge, to render assistance or leave a forest

fire before being released by him without a just and fair excuse shall upon conviction pay a fine of \$10 and such fine shall be credited in the name and to the use of the town in which the forest fire occurred.

II. Compensation for fighting forest fires. Town forest fire wardens shall receive compensation for forest fire fighting services at the prevailing rate in the town. Labor and equipment may be provided by individuals or groups on a forest fire without pay. All requested assistance, persons or equipment, used in fighting forest fires shall upon application receive compensation fixed by the town in which the forest fire occurred, but labor coming from outside such town shall receive a rate of pay not less than that established annually by the state highway commission for state highway labor. However, fire departments, organized crews, or other groups used outside the town in which the forest fire occurred may receive pay at their usual rates. Forest fire fighters may be provided with subsistence while on the fire.

III. Hindering state or town forest fire warden; penalty. Any person who shall prevent or obstruct, or attempt to prevent or obstruct, a state or town forest fire warden in the performance of his duties, or the exercise of the rights of entry, access, or examination by any state or town forest fire warden, shall upon conviction pay a fine not exceeding \$100 or 30 day jail sentence or by both such fine and imprisonment.

IV. Payment of forest fire suppression costs; state $\frac{1}{2}$ reimbursement. Towns, cities or plantations, within the state, outside the limits of the Maine forestry district, shall be holden to pay for controlling and extinguishing forest fires up to 2% of their tax valuation and the state shall reimburse them $\frac{1}{2}$ the above costs incurred by the forest fire warden in charge therein. Reimbursement will not be allowed for use or loss of municipal owned equipment within the town in which the fire occurred. A town going to the aid of another, even to protect itself, when requested by the state forest fire warden in charge, shall be paid by the town aided if the total suppression cost of the town is not over 2% of its tax valuation.

V. Payment of forest fire suppression costs beyond 2% town tax valuation. All forest fire suppression costs in towns, cities and plantations within the state, outside the limits of the Maine forestry district, in an amount greater than 2% of the town tax valuation in which the fire occurred shall be paid by the state. Any town, city or plantation in order to pay labor quickly may pay beyond the 2% town tax valuation and sub-

mit for full state reimbursement or forward the unpaid bills, approved by the state forest fire warden in charge, for payment.

VI. Preparation of reports and payrolls. Town and state forest fire wardens shall promptly prepare a report of their investigation as to the cause, extent and damage on all forest fires in their charge. They also shall prepare an exact and detailed statement of expenses incurred therein immediately after total extinguishment on forms provided by the forest commissioner.

Statement of expenses shall have proper payroll receipts and vouchers. Forest fire suppression costs qualifying for town and state payment are labor, transportation, food, fire department equipment from outside the affected town, privately owned equipment, and other costs approved by the forest fire warden in charge.

All requests for the state $\frac{1}{2}$ reimbursement shall be presented to the forest commissioner within 60 days after total extinguishment or become void. However, after major forest fires he may extend the time provided a preliminary report has been made.

The forest commissioner shall examine all forest fire suppression bills rendered by the town to the state for reimbursement or direct payment. After items not qualifying have been deducted the forest commissioner shall approve them for payment.'

Sec. 2. Appropriation. To properly administer the provisions of this act, there is hereby appropriated from the general fund the sum of \$15,000 above the recommendations of the budget committee for the fiscal year ending June 30, 1950, and there is hereby appropriated from the general fund the sum of \$15,000 above the recommendations of the budget committee for the fiscal year ending June 30, 1951.