

# MAINE STATE LEGISLATURE

The following document is provided by the  
**LAW AND LEGISLATIVE DIGITAL LIBRARY**  
at the Maine State Law and Legislative Reference Library  
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied  
(searchable text may contain some errors and/or omissions)

EIGHTH REVISION

T H E

REVISED STATUTES

OF THE

STATE OF MAINE

PASSED SEPTEMBER 20, 1944, AND TAKING EFFECT  
DECEMBER 30, 1944

VOLUME I



By the Authority of the Legislature

---

AUGUSTA  
KENNEBEC JOURNAL PRINT

## CHAPTER 32.

## FORESTRY.

Sections 1-14	Forest Commissioner, Special Duties.
Sections 15-16	State Entomologist.
Sections 17-21	National Forests.
Sections 22-30	Park Commission. State Parks.
Sections 31-32	Baxter State Park.
Sections 33-49	Lands Reserved for Public Uses.
Section 50	Forest Nurseries.
Sections 51-52	Protection of Shade, Ornamental, or Forest Trees.
Sections 53-58	White Pine Blister Rust.
Sections 59-72	Fire Patrol and Preservation of Forests.
Sections 73-87	Maine Forestry District.

## Forest Commissioner, Special Duties

Sec. 1. Forest commissioner; appointment; qualifications; duties in respect to public lands; salary. R. S. c. 11, § 1; c. 125, § 22. 1943, c. 320, § 4. A forest commissioner, as heretofore appointed by the governor with the advice and consent of the council, hereinafter in this chapter called the "commissioner," shall be a trained forester or a person of skill and experience in the care and preservation of forest lands and shall hold his office for a term of 4 years. The commissioner shall superintend and manage the sale and settlement of the public lands. He shall not when appointed, or while in office, be directly or indirectly concerned in the lumber business on the state lands, or in the purchase thereof, or of any timber or grass growing or cut thereon. The commissioner shall receive an annual salary of \$5,000, of which amount \$3,000 shall be paid from funds raised and created by the tax assessed under the provisions of section 74.

See § 7, re deputy forest commissioner; § 84, re \$3,000 of forest commissioner's salary from forestry district funds; 1939, c. 12, re permits for booming and storing of logs; c. 22, § 309; c. 30, § 2; c. 14, §§ 88-89, re duties as to timber and grass on public reserved lots forfeited for taxes; c. 84, § 13, re public shade trees.

Sec. 2. To receive moneys arising from land and attend personally to the duties of his office; no commission allowed; traveling expenses to be paid; employment of clerks. R. S. c. 11, § 2. 1937, c. 221. The commissioner shall receive all moneys and securities accruing to the state from the sale of lands, timber, and grass, or in payment for timber or grass cut by trespassers, and shall pay to the treasurer of state all moneys so received and found due from him on settlement. All securities shall be made payable to said treasurer. He shall personally attend to the duties of his office, so far as practicable; no commission shall be allowed him for his disbursements or collections, and nothing shall be allowed him for traveling expenses from his home to the forest commissioner's office, unless on official business, nor for transportation of the official records, unless money is paid out specifically therefor. All persons employed by him shall be sworn to the faithful discharge of their duties, and they shall not be concerned directly or indirectly in the purchase of lands, or of timber or grass on lands belonging to the state. He may employ such clerical labor as may be necessary, subject to the provisions of the personnel law.

See § 79, re Maine forestry district employees; § 84, re Maine forestry district expenses.

**Sec. 3. Supervision and control of certain state lands.** 1943, c. 316. All lands owned by the state, the management and control of which is not otherwise provided for by law, shall be under the supervision and control of, and shall be administered by the commissioner; and he shall have full power in the control and management of the same. The commissioner shall, as soon as may be, have all such lands properly described and appraised. Whenever the commissioner shall receive an application for purchase of any of such lands, he shall have the lands covered by such application appraised, and shall report to the legislature at its next session the fact of such application and a description and appraisal report covering the lands on which the application is received. The commissioner may make recommendations to the legislature for the sale of lands or stumpage on which no applications for purchase have been received.

The commissioner shall, after approval by the legislature, sell and convey any such lands, but shall, in all cases, unless otherwise directed by the legislature, give public notice of the proposal to sell such lands and shall ask for competitive bids and shall sell to the highest bidder with the right to reject all bids.

The commissioner is authorized and directed to prosecute cases of trespass on any such lands while under his control and management. No sales of such lands or any stumpage thereon shall be made by the commissioner except by authorization of the legislature.

Nothing in this section shall be held to repeal or modify any existing statutes authorizing the commissioner to sell lands or rights in lands not included within the express provisions hereof.

See § 46, re trespass.

**Sec. 4. Commissioner to execute deeds.** R. S. c. 11, § 3. 1931, c. 216, Art. II, § 15. The commissioner shall execute deeds in behalf of the state, conveying lands which have been granted by the legislature or sold by lawful authority, as soon as the grantees have complied with the conditions of their respective grants.

69 Me. 78.

**Sec. 5. Certified copies of records of deeds in office of commissioner, recorded in registry of deeds, legal evidence.** R. S. c. 11, § 4. A copy from the records in the office of the commissioner of a deed from the state of the land of the state, or of a deed from the state and from the commonwealth of Massachusetts of the undivided lands of the state and of said commonwealth, or a deed from said commonwealth of the lands of said commonwealth in Maine, certified by the commissioner or other legal custodian of such records as a true copy thereof, may be filed and recorded in the registry of deeds in the county or registry district where the land lies, with the same effect as if the deed itself had been recorded, whether said deed shall or not have been acknowledged by the agent or other person making the same; and such record shall have all the force and effect of a record of deeds duly acknowledged, and certified copies thereof from such registry shall be evidence when the original would be.

See c. 14, § 79, re tax deeds from treasurer of state, and releases and certificates to be recorded in office of forest commissioner; 77 Me. 76.

**Sec. 6. Plans and field notes to be kept at office.** R. S. c. 11, § 5. 1931, c. 216, Art. VII, § 7. An accurate plan or map of all lands surveyed shall be returned to the commissioner's office and entered upon the plan-books within 3 months after the survey is completed, on which shall be laid down all lakes, ponds, rivers, streams, falls, mill sites, and roads. The field notes of such surveys shall

be deposited in the commissioner's office within 3 months and shall contain a description of the growth, soil, and general character of the township, and of every lot, if surveyed into lots. Said plans and field notes shall be kept at the office in Augusta, open for inspection at all times when the commissioner or his deputy is there; he shall aid in furnishing information about the public lands to all who seek for it at his office.

**Sec. 7. Duties of commissioner in reference to preservation of forests; report; deputy forest commissioner; tenure; compensation.** R. S. c. 11, § 33; c. 125, § 22. The commissioner shall make a collection and classification of statistics relating to the forests and connected interests of the state, and institute an inquiry into the extent to which the forests of the state are being destroyed by fires and by wasteful cutting, and ascertain so far as he can as to the diminution of the wooded surface of the land upon the watersheds of the lakes, rivers, and water powers of the state and the effect of such diminution upon the water powers and on the natural conditions of the climate. The information so gathered by him, together with his suggestions relative thereto, shall be included in the report to be made by him biennially to the governor on or before the 1st day of July. The chief clerk to the commissioner shall be deputy forest commissioner. He shall hold office during the pleasure of the commissioner and perform such duties as the latter may prescribe. The amount of \$700 of the salary of the deputy forest commissioner shall be paid from funds raised and created by the tax assessed under the provisions of section 74.

**Sec. 8. Elementary instruction in forestry in public schools.** R. S. c. 11, § 58. The forest commissioner shall take such measures as the commissioner of education and the president of the University of Maine may approve, for awakening an interest in behalf of forestry in the public schools, academies, and colleges of the state and of imparting some degree of elementary instruction upon this subject therein.

**Sec. 9. Copies of certain sections to be printed and distributed to forest fire wardens and posted; penalty for removing notices posted.** R. S. c. 11, § 60. The commissioner, at the expense of the state, may cause copies of such sections or parts of sections of this chapter as he may deem desirable, and all other laws of the state relating to forest fires, to be printed and freely distributed to the forest fire wardens of all the towns of the state, who shall post them up in schoolhouses, sawmills, logging camps, and other places; and similar copies shall be furnished to owners of forest lands, who may apply for them, to be posted up at the expense of such owners. Whoever tears down, destroys, or defaces any notice relative to protection against forest fires posted over the name and title of the commissioner, or the name of any association organized for the protection of the forests of the state from fire, shall on conviction thereof be punished by a fine of not less than \$25, nor more than \$50.

See § 87.

**Sec. 10. Acceptance of gifts to state of land for park and forest purposes.** R. S. c. 11, §§ 15, 16. The commissioner may, with the advice and consent of the governor and council, accept on the part of the state gifts of land for forest and park purposes. The title to lands acquired under the provisions of this section shall be investigated and approved by the attorney-general of the state.

The purpose of acquisition of land is declared to be the preservation of scenic beauty, facility for recreation as nearly unrestricted and general as is practicable by the people of this state and those whom they admit to the privilege, and the

production of timber for watershed protection and as a crop. The lands acquired within the limits described in this section shall never be sold. They shall be protected from fire and damage from other sources in an efficient and economical way. They may be improved by roads and trails and also reforested under direction of the commissioner according to his best knowledge and judgment when funds are available for that purpose. Timber may be sold and camp sites leased by the commissioner with the approval of the governor and council when in accordance with the purposes of this section as previously stated; no contract of either character to be for a term of more than 5 years. Revenues derived from these uses shall be paid to the treasurer of state by the said commissioner and constitute a fund to be applied to the care and improvement of these lands or to the acquisition of other lands for similar purposes.

See § 23, sub-§ VII, re acceptance of gifts of personal property, etc.

**Sec. 11. Commissioner authorized to sell, and grant rights to cut timber; may lease camp sites; preference to Maine citizens.** R. S. c. 11, § 6. The commissioner, under direction of the governor and council, shall sell at public or private sale and grant rights to cut timber and grass belonging to the state, and may lease camp sites on lands belonging to the state, on such terms as they direct; also the right to cut timber and grass and lease camp sites on public reserved lots in any township or tract of land until the same is incorporated. Preference in such sales or leases shall be given to citizens of this state.

See § 35, re public reserved lots; c. 33, § 17, re license required for maintaining sporting camp within Maine forestry district.

**Sec. 12. Commissioner may grant permits; bond; timber held for payment.** R. S. c. 11, § 7. The commissioner may grant permits to individuals to cut and haul timber of all kinds upon lands owned by the state, on such terms and conditions as he thinks proper. Persons obtaining such permits shall give bond to the commissioner with satisfactory sureties for payment of stumpage and the performance of all conditions of the permit. All timber cut under permits is the property of the state until the stumpage is paid in full.

\*47 Me. 23.

**Sec. 13. Surveyors, their appointment, oath, and duty.** R. S. c. 11, § 8. Surveyors or scalers shall be appointed by the commissioner, and sworn; they shall scale all timber cut under permits, superintend the cutting thereof, and make return to the commissioner of the number and quality of the logs cut, whether hauled or not, and the number of feet board measure, and shall see that the timber is cut clean and without strip or waste.

**Sec. 14. Commissioner's report.** R. S. c. 11, § 9. 1931, c. 216, Art VI, § 3. The commissioner shall on the 1st day of July biennially report to the governor a particular account of all the doings of his office for the 2 preceding years.

#### State Entomologist

**Sec. 15. Appointment of state entomologist.** R. S. c. 11, § 90. 1937, c. 221. The commissioner shall appoint, subject to the provisions of the personnel law, a trained entomologist to be known as the state entomologist.

**Sec. 16. Duties of state entomologist.** R. S. c. 11, § 91. The duties of the state entomologist shall be to answer calls for information on insect control

and identification, to supervise necessary control work not already provided for by law, and to assist other departments in work along this line.

See § 52, re board for licensing persons to work on trees.

### National Forests

**Sec. 17. Federal government authorized to acquire land for national forestry purposes; concurrent jurisdiction.** P. & S. L. 1933, c. 123, § 1. The consent of the state of Maine is given to the acquisition by the United States of America by purchase or gift, but not by condemnation, of such lands in the state as in the opinion of the federal government may be needed for the establishment, consolidation, and extension of national forests in the state; provided that the state shall retain a concurrent jurisdiction with the United States in and over lands so acquired so far that civil process in all cases, and such criminal process as may issue under the authority of the state against any person charged with the commission of crime without or within said jurisdiction, may be executed thereon in like manner as if this section and sections 18 and 19 had not passed, and further provided that the state of Maine shall retain exclusive jurisdiction over all matters referred to in the proviso contained in section 18.

See §§ 20, 21.

**Sec. 18. Federal government authorized to make rules and regulations for the administration of such forests.** P. & S. L. 1933, c. 123, § 2. Power is conferred upon the congress of the United States to pass such laws and to make or provide for the making of such rules and regulations, of both a civil and criminal nature, not inconsistent with any of the provisions of this section and sections 17 and 19, and provide punishment therefor, as in its judgment may be necessary for the administration, control, and protection of such lands as are acquired by the United States under the provisions of said sections; provided, however, that such laws, rules, and regulations shall not in any way supersede, invalidate, or modify any of the laws of the state of Maine respecting the storage, control, use, or development of water resources in the state, or the Mill Act, so called. Said laws of the state of Maine as existing on March 20, 1934 or thereafter enacted, are made applicable to all lands acquired under the provisions of this section and sections 17 and 19, notwithstanding the title thereto shall be in the United States of America, nor shall such laws, rules, and regulations, nor shall anything in said sections, in any way limit the power of the state through its legislature to pass any legislation, either general or specific, respecting the storage, control, use, or development of the water resources thereon, or respecting the laws of the state pertaining to fishing and hunting, nor shall it prevent the flowage of lands acquired under the provisions of this section and sections 17 and 19 in accordance with the provisions of the Mill Act, or special charter, or other general laws of the state, upon payment of compensation therefor as therein provided, nor shall any consent of the United States of America be required to enable action to be taken under or in accordance with said laws; and the state expressly reserves the jurisdiction of the courts of the state with respect to the determination of questions arising under said laws respecting lands so acquired by the United States of America.

See §§ 20, 21; c. 166, § 1 et seq., re Mill Act.

**Sec. 19. Limitations of consent.** P. & S. L. 1933, c. 123, § 3. The consent of the state of Maine to the United States of America to the acquisition of lands within the state by the United States of America for the establishment, consolidation, and extension of national forests or any lands of a riparian nature

or any lands with riparian rights appurtenant thereto or which are necessary for any hydraulic development within this state is limited to the consent granted by the provisions of this section and sections 17 and 18 and when such lands are acquired by the United States of America they shall be held subject to all of the provisions of said sections so long as the ownership thereof is retained by the United States of America.

See §§ 20, 21.

**Sec. 20. Acquisition of national forests further permitted.** P. & S. L. 1935, c. 84, §§ 1, 2. Subject to the provisions of the act of congress of March 1, 1911, 36 statutes 961, known as the Weeks act, and acts amendatory thereof and supplemental thereto, the consent of the state of Maine is given for the United States to acquire by purchase upon the payment of adequate compensation not exceeding 300,000 acres of land within the counties of Hancock and Washington and that part of Penobscot county easterly of the Penobscot and Mattawamkeag rivers, and not exceeding 300,000 acres of land in that part of Aroostook county which lies south of the following line, to wit: Commencing at the northwest corner of township 7, range 5 in Aroostook county, and running thence easterly along the north line of said township and the continuation thereof easterly to the east line of Aroostook county or international boundary line, and such lands within that portion of Oxford county included or within 5 miles of the purchase unit boundaries of the White Mountain National Forest on July 5, 1935, all in this state as are suitable for national forest purposes, and not over 2,000 acres in Cumberland county, in said state, for preserves for the protection and conservation of migratory birds; but no such acquisition shall be made against the protest of any owner. The provisions of sections 17, 18, and 19 shall not apply to any lands acquired under the provisions of this and the following section.

See Resolves 1935, c. 62, re land in York county of the "Bates College Estate" for forest experimental station; P. & S. L. 1937, c. 20, re lands in York county for experimental forests.

**Sec. 21. Jurisdiction.** P. & S. L. 1935, c. 84, § 3. The jurisdiction of this state, both civil and criminal, over persons upon any lands acquired under the provisions of the preceding section shall not be affected or changed by the permanent reservation and administration of such lands as national forest lands, except so far as the punishment of offenses against the United States is concerned; the intent and meaning of this section being that this state shall not by reason of such reservation and administration lose its jurisdiction, nor the inhabitants thereof their rights and privileges as citizens, nor be absolved from their duties as citizens of this state.

#### Park Commission. State Parks

**Sec. 22. Definitions applicable to §§ 22-28.** 1935, c. 144, § 1. As used in sections 22 to 28, inclusive, the term "park" shall mean:

I. Any area of considerable extent, but not exceeding 10,000 acres, in which are combined either superlative or distinctive scenic characteristics and either a reasonably varied or extensive or exceptional opportunity for active recreation.

II. Any area not exceeding 1,000 acres, with or without distinctive characteristics but containing such natural features as afford ample opportunity for development and use as an active recreational area.

III. Any area included above within easy access of any road or highway, except extensions to road or highway rights-of-way, turn-outs, loops, or other additions to roads or highways the primary purpose of which is to preserve the natural beauty of lands bordering such roads or highways or to afford temporary stopping points along such roads or highways.

IV. Any strip or strips of land, with or without roads, highways, and/or improvements required for ingress and egress to or from any of the areas above described and not exceeding in length the distance required to connect such areas with the nearest arterial or trunk-line highway, railroad line or terminal, or other public transportation facility or way.

The term "memorial" shall mean any area of land, with or without buildings, improvements, or other structures established as hereinafter provided, for public use wholly or primarily because of its historic, archeological, or scientific interest or value.

Sec. 23. Park commission; creation and powers. 1935, c. 144, § 2, ¶¶ (a), (b), (c), (h), (i), (j), (l). 1937, c. 221. 1943, c. 359, §§ 1, 2. The Maine state park commission, as heretofore established, shall consist of 5 members, namely, the commissioner of inland fisheries and game and the forest commissioner, ex officio, and 3 citizen members. Not more than two of the citizen members shall be of the same political party. They shall be appointed by the governor and approved by the council for terms of 3 years. Vacancies or removals shall be filled as above provided for the unexpired term of the retiring member. For cause the governor and council may, upon notice and hearing, remove any member of the board for misconduct, incompetency, neglect of duty, or for any other sufficient cause. The headquarters of the commission shall be at Augusta, but the commission may meet and transact its business at any other place within the state. Each member shall be paid the sum of \$5 per diem for the time actually spent by each in transacting official business of the commission, payment to be made as hereinafter provided for.

The commission shall have jurisdiction, custody, and control in, over, and upon all state parks and memorials and national parks which are under control and management of the state, excepting however, Baxter State Park. It is not the intention of the legislature to include under the provisions of sections 22 to 28, inclusive, any national parks now existing or which may be hereafter created under national management and/or control. Said commission shall have and exercise the following powers and authority:

I. With the consent of the governor and council, to acquire in behalf of the state, land or any interests therein, within this state, with or without improvements, by purchase or gift, and by eminent domain subject to proviso hereinafter set forth and with like consent to sell and convey such lands or interests therein, or lease the same, or by revocable license or agreement, or grant to any person, firm, or corporation exclusive rights and privileges to the use and enjoyment of portions of such lands; provided, however, that no lease hereunder shall be for a term longer than 1 year, and any such license, lease, or agreement granted or entered into hereunder shall be canceled or revoked after due notice of intention to cancel or revoke the same by action of the commission, when the use for which said license was given shall have been abandoned, materially modified, or whenever the conditions imposed in any license, lease, or agreement shall have been broken; provided, however, that the right of eminent domain shall not be exercised to take any area or areas in any 1 park which singly or collectively exceed 200 acres, nor shall it be exercised to take any developed or

undeveloped mill site or water power privilege in whole or in part or any land used or useful in connection therewith, or any land being utilized for any industrial enterprise.

II. To study and ascertain as nearly as possible and report to the governor and council from time to time:

- A. the state's actual and potential outdoor recreational park resources and facilities,
- B. the needs of the people of this state and out-of-state visitors for such park resources and facilities,
- C. the kinds of resources and facilities best suited to and required for such park needs,
- D. the extent to which such park needs are being currently met whether by publicly owned or privately owned facilities,
- E. the location and probable cost of acquisition, development, and operation of parks, which if acquired, developed, and operated under the provisions of sections 22 to 28, inclusive, could satisfy such needs, and
- F. the several public purposes to which such parks or portions thereof might be put.

Such studies and reports shall be accompanied by other information, statistics, and charts as will adequately inform the governor and council of the character, condition, and needs of this state of park recreational resources and facilities, and may be accompanied by specific recommendations for new legislation or other action to be taken with respect to the same.

III. With the consent of the governor and council, to set apart and publicly proclaim areas of land in this state including improvements, or other structures thereon, title to which has been acquired under the provisions of sections 22 to 28, inclusive, as parks and/or memorials within the meaning of said sections, and the commission may from time to time establish such rules and regulations as it deems necessary:

- A. for the protection and preservation of state parks and parks under state control,
- B. for the protection and safety of the public, and
- C. for observances of the conditions and restrictions expressed in deeds of trust, or otherwise, of the parks of the state, and of monuments thereon.

Before promulgating such rules and regulations, they shall submit them to the attorney-general, and if he shall certify that in his opinion they are in conformity with the law, they shall thereupon, together with section 26, be published once a week for 2 successive weeks in a newspaper published in the towns or counties of this state wherein parks are located and posted in at least 3 conspicuous places in or about said park or parks whereupon they shall take effect, and a certificate of such publication and posting shall be executed by one of the members of said commission and filed with the secretary of state, who shall record the same.

IV. (1943, c. 359, § 1) To exercise police supervision over all state parks and memorials; and the agents or representatives of the state park commission designated for that purpose by said commission are authorized and empowered to arrest with or without warrant any person within the state who is committing, or to detain, until a warrant has been obtained, any person within the state who has been seen by said agents or representatives committing any

offense against the state laws, or any violation of any rule or regulation of the state park commission within a state park or memorial, but no dwelling-house shall be searched for the purpose of such arrest without a warrant, and then only in the day time, and no sealed railroad car shall be entered for the purpose of such arrest without such warrant.

V. With approval of the governor and council, to establish and maintain adequate provisions for the prevention, suppression, and control of fires within said park areas.

VI. With the consent of the governor and council, to negotiate and execute any lease or other agreement for the administration, maintenance, supervision, use, and development of state parks, within the meaning of sections 22 to 28, inclusive, acquired and owned by the government of the United States, upon such terms and conditions as may be deemed advantageous to the people of this state and consistent with the provisions of said sections; and with like consent, to accept on behalf of the state, deeds of gift or other conveyances to lands or interests therein suitable for administration, maintenance, supervision, use, and development as state parks or memorials under the provisions of sections 22 to 28, inclusive. Such lands or interest therein, when so acquired, whether title thereto be in the United States or otherwise, shall be and remain subject to administration, maintenance, supervision, use, and development by said commission under the provisions of sections 22 to 28, inclusive, during the terms of any such lease or agreement, provided, however, that with respect to lands or interest therein, included in any park or parks acquired and owned by the government of the United States and administered under the provisions of sections 22 to 28, inclusive, the state of Maine shall retain concurrent jurisdiction with the United States in and over all such lands. Any civil and criminal process issuing under the authority of this state may be executed on said lands in the same manner and to the same effect as if the same were privately owned, and exclusive jurisdiction in and to said lands shall revert to the state of Maine when said lands shall cease to be owned by the United States, and provided further, that such lands owned by the United States shall be exempt from all taxes and assessments so long as the same shall be the property of the United States.

VII. (1937, c. 221) (1943, c. 359, § 2) To fix the duties of and to employ permanently or part time such employees and other personnel, subject to the provisions of the personnel law, as the commission may from time to time deem necessary in the discharge of its duties under the provisions of sections 22 to 28, inclusive; and to accept gifts and bequests of money or other personal property to be used in advancing the recreational and conservation interests in state parks.

See § 10, re acceptance of land for park and forest purposes.

VIII. To have and use an official seal which shall be in custody of the secretary of said commission.

See § 31, re Baxter State Park.

Sec. 24. Restrictions on commission. 1935, c. 144, § 2, ¶ (f). The powers and duties of the Maine state park commission as set forth in sections 22 to 28, inclusive, shall not be so construed as to interfere or conflict in any way with the powers and duties of the United States and its national park areas under national control, Baxter State Park, department of inland fisheries and game or the forestry department and their duly appointed wardens, and the enforce-

ment of the inland fisheries and game and forestry laws in respect to state parks or to the state generally.

See § 31, re Baxter State Park.

**Sec. 25. Park commission funds, how used.** 1935, c. 144, § 2, ¶ (k). All moneys received by the commission shall be deposited with the treasurer of state, who shall maintain a separate fund which shall be used for the continued maintenance and development of said park areas.

**Sec. 26. Penalty for violation of rules and regulations under §§ 22-28.** 1935, c. 144, § 2, ¶ (d). Whoever violates any of the rules and regulations, or any notices posted by said commission in conformity with the provisions of sections 22 to 28, inclusive, or wilfully mutilates, defaces, or destroys any monument or marker lawfully erected within the borders of said parks shall be punished by a fine of not more than \$50 and costs, or by imprisonment for not more than 30 days, or by both such fine and imprisonment.

**Sec. 27. Jurisdiction of violations under §§ 22-28.** 1935, c. 144, § 2, ¶ (e). Trial justices within their county shall have concurrent jurisdiction with municipal courts and the superior court in all prosecutions under any provision of sections 22 to 28, inclusive. Any person arrested as a violator of the provisions of said sections may be taken before any trial justice or any municipal court in the county where the offense was committed, or in any adjoining county. Jurisdiction in such cases is granted to all trial justices and all other courts to be exercised in the same manner as if the offense had been committed in that county.

**Sec. 28. Real estate subject to flowage.** 1935, c. 144, § 3. All real estate acquired under the provisions of sections 22 to 28, inclusive, shall be and remain subject to flowage under the provisions of the Mill Act, so called, or under any special charter heretofore or hereafter granted by this state, notwithstanding title thereto may be in the state.

See c. 166, § 1 et seq., re Mill Act.

**Sec. 29. Certain state parks designated.** R. S. c. 2, §§ 26, 27. 1935, c. 144. All that portion of the state lands comprising Fort Machias at Machiasport; Fort Knox at Prospect; Fort Edgecomb at Edgecomb; Fort St. George's at St. George; Fort McClary at Kittery; Fort Baldwin, Fort Popham, and the North and South Sugar Loaf Islands at Phippsburg; Fort William Henry at Pemaquid, including all the property in Pemaquid to which the state now has title; the lot of land conveyed to the state of Maine by the First Maine Heavy Artillery Association, situated in Petersburg in the state of Virginia; and all that portion of the public land situated in Bangor on the west side of Essex Street and near land formerly owned by Samuel Eastman and known as State Arsenal lot and land shall be maintained as public parks under the supervision, direction, and control of the state park commission.

All that portion of the state lands situate in the city of Augusta and lying between State Street on the west and the location of the Maine Central Railroad Company on the east, shall be maintained as a public park, under the supervision, direction, and control of the Maine state park commission. All equipment of the state in charge of the superintendent of public buildings which is adapted for use on said state lands in Augusta shall be available, free of charge, to said commission.

See § 32, re Baxter State Park designated.

**Sec. 30. State park at Kittery.** R. S. c. 2, § 28. The state park at Kittery, situate between Hunter Avenue and Newmarch Street and between Water and Government Streets in the town of Kittery, county of York, shall forever be known and designated as "John Paul Jones Memorial Park" in memory of the commander of the first American warship.

### Baxter State Park

**Sec. 31. Control and management of Baxter State Park.** 1933, c. 281. 1939, c. 6, §§ 1, 2. 1941, c. 25. All the lands in townships 3, 4, and 5, range 9 W. E. L. S. and in townships 3, 4, and 5, range 10 W. E. L. S., Piscataquis county, that have been donated and conveyed to the state of Maine in trust by Percival Proctor Baxter and all lands in said townships 3, 4, and 5, range 9 and in townships 3, 4, and 5, range 10 and all lands in Piscataquis and Penobscot counties that hereafter shall be donated and conveyed to the said state by said Baxter in trust for state forest, public park, and public recreational purposes shall be under the joint supervision and control of, and shall be administered by the forest commissioner, the commissioner of inland fisheries and game, and the attorney-general, and the said commissioners and attorney-general shall have full power in the control and management of the same.

**Sec. 32. Baxter State Park designated.** 1939, c. 6, § 3. 1941, c. 25. All the lands described in section 31 in townships 3, 4, and 5, range 9 W. E. L. S. and in townships 3, 4, and 5, range 10 W. E. L. S., Piscataquis county that have been donated and conveyed to the state of Maine in trust by Percival Proctor Baxter, and all lands in said townships 3, 4, and 5, range 9, and in townships 3, 4, and 5, range 10, and all lands in Piscataquis and Penobscot counties that hereafter shall be donated and conveyed to the said state by said Baxter in trust for state forest, public park, and public recreational purposes are named and shall hereafter be named "Baxter State Park" in honor of the donor, and the same hereafter shall forever be so designated on the official maps and records of the state.

See P. & S. L., 1939, c. 1.

### Lands Reserved for Public Uses

**Sec. 33. Public reserved lots may be located by agreement.** R. S. c. 11, § 18. In every township there shall be reserved, as the legislature may direct, 1,000 acres of land, and at the same rate in all tracts less than a township, for the exclusive benefit of such township or tract, to average in quality, situation, and value as to timber with the other lands therein. In townships or tracts sold and not incorporated, the public reserved lots may be selected and located by the commissioner and the proprietors, by a written agreement, describing the reserved lands by metes and bounds, signed by said parties, and recorded in the forest commissioner's office. The plan or outline of the lands so selected shall be entered on the plan of the township or tract in the forest commissioner's office, which shall be a sufficient location thereof.

See §§ 35, 41; articles of separation, condition 7; c. 53, § 50 et seq., re ministerial and school lands; c. 30, § 1 et seq., re farm lands loan act; 26 Me. 205; \*30 Me. 377; 97 Me. 336; \*112 Me. 424.

**Sec. 34. Location without agreement.** R. S. c. 11, § 19. When the commissioner and proprietors of a township or tract described in the preceding section cannot agree on such location and if the right to cut the timber and grass thereon

has not been sold and until the township or tract is incorporated as a town or organized as a plantation, the commissioner may petition the superior court for the appointment of commissioners to make the location as hereinafter provided. The petition may be filed, and the proceedings under it had in any county.

See §§ 33, 35, 41; 97 Me. 336.

**Sec. 35. Commissioner to have care of lots located; may sell timber, grass, and gravel on such lots and grant permits; exceptions.** R. S. c. 11, § 20. 1941, c. 286. The commissioner shall have the care of the public reserved lots in all townships or tracts until they are incorporated and the fee becomes vested in the town. He may from time to time sell for cash for such sum as may be consented to by the assessors of any plantation or by the county commissioners in the county in which any unorganized territory is situated, the timber and grass thereon, or the right to cut the same, and also any gravel existing in the soil of such lands, and excepting further that such gravel shall be sold only for the construction of public highways or other public works in the vicinity of the location of the land from which the gravel is taken, and then only when, in the opinion of the commissioner, there will be an increase in the value of said lands by reason of the construction of said public highways or public works. Until incorporated into a town, except the grass growing on improvements made by an actual settler, and excepting further that when so sold he shall give the purchaser a permit under his hand and seal, setting forth the terms of the contract, which permit shall be recorded in his office; provided, however, that no timber shall be so sold until the same has been advertised for sale and a notice thereof published for 3 weeks successively in some newspaper published in the county where the land is situated, and if no such paper is published in such county then in the state paper. This section shall not apply to cases where the public reserved lots have not been located.

See § 11; c. 53, §§ 50-64, re ministerial and school lands and funds; c. 30, § 2, re reserved land fund; c. 33, § 36, re pollution of brooks, etc.; c. 33, § 51, re building of fires in unorganized territory; 30 Me. 381; 45 Me. 69; 49 Me. 390; \*61 Me. 446; 78 Me. 264; 97 Me. 336.

**Sec. 36. Commissioner to keep an account with lots.** R. S. c. 11, § 21. 1931, c. 216, Art. II, §§ 14, 15. The commissioner shall keep an account with each township and tract wherein there are public reserved lots, in which shall be entered all expenditures made on account thereof and all sums received therefrom. In making deposits with the treasurer of state, he shall specify each township and tract from which such deposits were received.

\*61 Me. 447; \*97 Me. 336.

**Sec. 37. Treasurer also to keep account.** R. S. c. 11, § 22. The treasurer of state shall keep a separate account with each such township or tract wherein there are public reserved lots, in which account he shall enter all sums by him received and paid on account thereof; and the balance shall remain in the treasury until such township or tract is by law authorized to receive it; and thereupon it shall be paid to the proper officers thereof.

\*61 Me. 447, 448; \*97 Me. 336.

**Sec. 38. Money to be held in 2 funds for school purposes; disposition of unorganized townships fund.** R. S. c. 11, § 23. The money arising from the sale of timber and grass or from trespasses on public reserved lots, paid into the treasury of the county in which the township is situated or into the state treasury, shall be held by the treasurer of state in 2 separate funds, the income of which only shall be expended and applied as is by law provided for school pur-

poses. Upon the first fund to be known as the unorganized townships fund, the state shall allow interest annually at 4%, the income from said fund shall be added to the school equalization fund; upon the second fund to be known as the organized townships fund, the state shall allow interest annually at 6%, the income from said fund to be dealt with as provided in the following section.

See § 39; \*61 Me. 447, \*448; 97 Me. 336.

**Sec. 39. Disposition of organized townships fund.** R. S. c. 11, § 24. 1943, c. 118. The income of the organized townships fund, as provided in the preceding section, shall be added to the principal of the funds, respectively, until the inhabitants of such township or tract are incorporated into a town or organized as a plantation and establish in such plantation one or more schools, and until the 1st day of January next preceding the date upon which the treasurer of said plantation shall call for such interest, unless previously expended according to law. When any such township is incorporated as a town, said funds belonging to it shall be paid by the treasurer of state to the treasurer of the trustees of the ministerial and school funds therein, to be added to the funds of that corporation and held and managed as other school funds of that town are required to be held and managed. If such township or tract is organized as a plantation, the interest of said fund at 6% shall be paid annually by the treasurer of state to the treasurer of such plantation to be applied toward the support of schools according to the number of scholars in each school. Said interest shall be computed to the 1st day of each January by the treasurer of state. The commissioner of education shall file in the office of the state controller a list of such plantations with the amount due for interest for the preceding year according to a record of such amounts to be furnished to him by the treasurer of state. The commissioner of education shall be satisfied that all such plantations are organized, and that schools have been established therein according to law, that assessors are sworn and qualified, and that the treasurers of such plantations have given bonds as required by law. The state controller shall thereupon insert the name and amount due such plantations in one of the first warrants drawn in that year.

\*61 Me. 447; 97 Me. 336.

**Sec. 40. When school lands revert to state, commissioner to exercise control of lands and fund.** R. S. c. 11, § 25. When the incorporation of a town is repealed, the care and custody of the school lands therein revert to the commissioner and he has the same powers in relation thereto which he would have if such town had never been incorporated; and the school funds of such town shall be collected and transmitted to the treasurer of state and by him made a part of the permanent school fund belonging to such township or tract. The commissioner is charged with the duty of enforcing the provisions of this section, and is authorized to commence and maintain suits in the name of the state for this purpose.

**Sec. 41. Locations of land where portions are reserved on grant, how made.** R. S. c. 11, § 26. When in the grant of townships or parts thereof, certain portions of them are reserved for such townships, or for public uses, and they have not been lawfully located in severalty by the grantee for the purposes expressed in the grant, the superior court in the county where the land lies, on application of the commissioner, may appoint 3 disinterested persons, and issue to them a warrant, under the seal of the court, requiring them, as soon as may be, to locate in separate lots the portions reserved for such purposes and to desig-

nate the use for which each lot is so reserved and located, such lots to be of average quality with the residue of lands therein.

See §§ 34, 43, 45; c. 162, § 28, re location of reserved lands; 17 Me. 426; 26 Me. 205; 29 Me. 42; 30 Me. 219; \*33 Me. 304; 104 Me. 551; 112 Me. 423.

**Sec. 42. Proceedings by committee; record.** R. S. c. 11, § 27. The members of the said committee mentioned in the preceding section, before acting, shall be sworn before a justice of the peace; and a certificate thereof shall be indorsed on the warrant. They shall also give notice of their appointment and of the time and place of their meeting to execute it, by publishing it in some newspaper in the state, to be designated by the court, and by posting written notifications in two or more public places in the same plantation or town, if so ordered by the court, at least 30 days next prior to their meeting. They shall make return of said warrant and their doings thereon, under their hands, to the next superior court in the county after having completed the service; which, being accepted by the court and recorded in the registry of deeds in the county or registry district where the land is situated within 6 months, shall be a legal assignment and location of such reserved portions for the uses designated.

See §§ 43, 45; 8 Me. 135; 26 Me. 205.

**Sec. 43. Location by grantee, how made.** R. S. c. 11, § 28. When the grantee of any such land mentioned in section 41 severs and locates such reserved portions thereof for the purposes mentioned in the grant, designating the use for which each lot is located, and presents it to said court, the court may confirm it, and such location shall then be legal and conclusive, being recorded as mentioned in section 42.

See §§ 44, 45; c. 162, § 28, re location of reserved lands.

**Sec. 44. Location on partition.** R. S. c. 11, § 29. The severance and location provided for in section 43 may also be made and completed in the manner prescribed in section 28 of chapter 162.

See § 45.

**Sec. 45. Exceptions may be filed.** R. S. c. 11, § 30. Any person aggrieved by the opinion, direction, or judgment of said court in matter of law, in a proceeding for the location of such public reserved lots as provided for in sections 41 to 44, inclusive, may allege exceptions thereto as in other actions.

See c. 110, § 1, re review of proceedings for location of lands reserved for public uses; c. 159, § 8, re in cases of inquests of office, plan to be filed in office of forest commissioner.

**Sec. 46. Trespasses, prosecutions for them; measure of damages.** R. S. c. 11, § 13. If any person unlawfully enters and trespasses upon the public lands, or upon any public reserved lots, while under care of the commissioner, and cuts, takes, or carries away any trees or grass upon said lands, he and all persons who furnish teams, implements, apparatus, or supplies of provisions or of other articles used in committing and carrying on such trespasses, are trespassers, jointly and severally liable in damages for such trespasses, and they may be sued therefor in any county. The measure of damages is the highest price which such timber, logs, or other lumber, or hay would bring at the usual place of sale thereof. Nothing in this section affects the right of the state to seize and sell any timber, logs, lumber, or hay cut as aforesaid. At such sale no person who was in any way concerned in committing such trespass, or in supplying or aiding those who committed it, shall become a purchaser directly or indirectly.

See c. 111, § 9, re trespass; 45 Me. 69; 49 Me. 390; 78 Me. 264.

**Sec. 47. Damages, if suit is for benefit of an individual.** R. S. c. 11, § 14. When an action for such trespass is prosecuted in the name of the state for the benefit of an individual, the principles of decision and the measure of damages shall be the same as in like actions between individuals.

See c. 111, § 9, re trespass and damages.

**Sec. 48. Title to certain islands in great ponds reserved to the state.** R. S. c. 11, § 31. The title to all islands located in great ponds within the state, except such as have been previously granted away by the state or are now held in private ownership, shall remain in the state and be reserved for public use.

**Sec. 49. Title to certain islands in the sea reserved to the state.** R. S. c. 11, § 32. The title to all islands located in the sea within the jurisdiction of the state, except such as have been previously granted away by the state or are now held in private ownership, shall remain in the state and be reserved for public use.

### Forest Nurseries

**Sec. 50. Commissioner to issue circulars of advice for care of woodlands; may maintain forest nurseries and furnish seedlings.** R. S. c. 11, § 59. The commissioner shall prepare tracts or circulars of information, giving plain and concise advice for the care of woodlands and for the preservation of forest growth. These publications shall be furnished to any citizen of the state upon application. He may also establish within the state one or more forest nurseries, the maintenance of which shall be paid from the appropriation for that purpose, the object of which is declared to be to furnish forest tree seedlings and transplants at cost of production for use in planting the waste and cut over lands of the state.

See c. 84, §§ 23-28, re municipal forests; c. 84, § 19, re distribution of trees for roadside planting.

### Protection of Shade, Ornamental, or Forest Trees

**Sec. 51. Qualification to work on trees.** 1933, c. 211, § 1. No person, firm, or corporation shall advertise, solicit, or contract to improve the condition of shade, forest, or ornamental trees by pruning, trimming, or filling cavities, or to protect such trees from damage by insects or disease, either by spraying or any other method, without having secured a certificate as specified in section 52; except that any person may improve or protect any trees on his own premises or on the property of his employer without securing such a certificate.

**Sec. 52. Certificate may be issued; examination and forms; fees; rates; application; penalty.** 1933, c. 211, §§ 2, 3, 4, 5, 6, 7. The commissioner, state entomologist, and a botanist to be appointed by the commissioner, shall constitute a board which shall, upon application from any person, firm, or corporation, determine the qualifications of the applicant to improve, protect, or preserve shade, ornamental, or forest trees, and if satisfied that the applicant is qualified, may issue a certificate so stating; which certificate shall be valid for 1 year from the date of its issue, unless sooner revoked as provided in this section, and may be renewed by the board for succeeding years without further examination, upon payment of the fee hereinafter required, provided any person, firm, or corporation receiving such certificate shall be responsible for the acts of all employees in the performance of such work.

Said board shall prepare all necessary forms and prescribe all rules and regulations governing examinations, and any certificate issued under the provisions of this section may be revoked by it upon proof that improper methods have been used or for other sufficient cause.

Each applicant for an examination shall pay a fee of \$5 in advance, and a fee of \$2, for each certificate of renewal issued; which fees shall be credited to the appropriation for general forestry purposes, and which may be expended by the board for any expense incurred by it in making examinations or issuing certificates.

For all work to be performed a fixed hourly rate must be stated, and if involving a sum in excess of \$50 must be done under a written contract form describing the work and fixing the maximum cost.

The provisions of this and the preceding section shall not apply to state, county, or municipal employees while engaged in their regular line of duty.

Any person, firm, or corporation failing to comply with the terms of this and the preceding section shall be punished by a fine of not more than \$100.

### White Pine Blister Rust

**Sec. 53. White pine blister rust dangerous pest. R. S. c. 11, § 62.** The fungous disease commonly known as the white pine blister rust is declared to be a dangerous pest in all its stages; and it is the duty of the officials hereinafter named to prosecute the measures hereinafter specified for the control of this pest.

**Sec. 54. Commissioner to promulgate information and to designate areas where control is necessary. R. S. c. 11, § 63.** The commissioner is authorized and empowered to promulgate by letter, publication, poster, or other means information concerning the white pine blister rust and to designate, by the aforesaid means of promulgation, areas within the state in which control measures are necessary or advisable. It shall be the duty of every land owner within such designated area to carry out such control measures as are ordered by the commissioner, including the removal and destruction of any or all plants of the genus ribes, commonly known as currants and gooseberries, and any white pine tree or trees which are found to be infected with the disease. If the owner fails to destroy the above named plants or trees within the time specified by the commissioner, the commissioner shall cause said plants or trees to be destroyed and shall charge the actual expense of same to the city, town, or plantation within which said plants or trees are found. Such amount shall be collected as a state tax and credited to the appropriation for said purpose. The city, town, or plantation wherein such plants or trees are found may assess the cost of the removal of said plants or trees to the owner of the real estate wherein the said plants or trees are found. The amount so assessed shall be collected in the form of a tax.

See c. 14, § 65 et seq., re state taxes; c. 14, § 72, and c. 81, § 29, re supplemental assessments and abatements.

**Sec. 55. Commissioner or agents authorized to enter upon lands, private or public; cooperation. R. S. c. 11, § 64.** The commissioner or his authorized agents shall have the right to enter upon any private or public lands to determine the presence or absence of the white pine blister rust in any of its stages, and to carry out the necessary eradication measures. The commissioner may cooperate with departments of the federal government, the state department of agriculture, and the agricultural experiment station for the control or eradication of said

disease in the state and for the carrying out of such investigations as he deems advisable.

**Sec. 56. Diseased trees and shrubs to be destroyed; owners to be reimbursed when same are proved not to have been infected.** R. S. c. 11, § 65. Any white pine trees or currant or gooseberry bushes which are found to be infected with *cronartium ribicola* are declared to be a public menace, and any such diseased trees or plants and any and all wild plants of the genus *ribes* may be destroyed by order of the commissioner or his authorized agents. If within any designated area as specified in section 54, currant or gooseberry bushes or white pine trees which are not infected with *cronartium ribicola* are designated by the commissioner or his agents for destruction and destroyed by their specific order, the owner may be compensated therefor; the damages to be assessed by the commissioner or his agents at not to exceed the actual value of the material destroyed, and paid to said owner by the treasurer of state upon authorization of the commissioner. In lieu of money damages for any trees or bushes destroyed under the provisions of sections 53 to 58, the commissioner may offer and the owner may accept forest planting stock to be furnished from the state forest nursery, and to be paid for at cost by the commissioner.

See § 50, re state forest nursery.

**Sec. 57. State nursery inspector under orders of commissioner may enter upon lands; authority.** R. S. c. 11, § 66. The state nursery inspector, under direction of the commissioner of agriculture, is authorized and empowered to enter upon any land contiguous to or within the vicinity of any nursery within the state, for the purpose of determining the presence or absence of *cronartium ribicola* in any of its stages or other threatening fungous disease or insect pest, and within such area he shall have the same power and duties for control and eradication of the white pine blister rust or its hosts as are vested in the forest commissioner or his agents, and shall have the power to enforce and carry out necessary measures for the control or eradication of other threatening fungous diseases or insect pests.

See § 58, re payment for inspection of nursery stock for white pine blister rust, etc.

**Sec. 58. Shipment may be prohibited; penalty for violation.** R. S. c. 11, § 67. The commissioner is authorized and empowered to prohibit and prevent or to regulate the entry into the state or movement within the state from any part thereof to any other part, of any living five-leaved pine trees or any plants of the genus *ribes*, or other nursery stock or plants, which in his judgment may cause the introduction or spread of a dangerous plant disease or insect pest. The said commissioner is authorized to issue such orders, notifications, and permits as may be necessary to carry out the provisions of this section, and any person violating any of the provisions of this and the preceding section shall be punished by a fine of not more than \$20 for each and every offense. The expenses necessary for carrying out the provisions of section 57 shall be paid from the appropriation for nursery inspection or other funds of the department of agriculture.

### Fire Patrol and Preservation of Forests

**Sec. 59. Commissioner to maintain fire patrol along railroads.** R. S. c. 11, § 44. Whenever in the judgment of the commissioner the woodlands along the railroads traversing the forest lands of the state are in a dry and dangerous

condition, he shall maintain a competent and efficient fire patrol along the right of way or lands of such railroads.

See §§ 61, 62.

**Sec. 60. Fires to be reported to commissioner.** R. S. c. 11, § 45. All fires started upon the right of way of any railroad or lands adjacent thereto shall be immediately reported to the commissioner upon blanks to be furnished by him, by the patrolman within whose limits the fire originated, setting forth the origin of such fire, the quantity and quality of the land burned over, and, if the fire was started by a locomotive, the number thereof.

See § 62.

**Sec. 61. Expense of fire patrol to be paid by railroad company.** R. S. c. 11, § 46. The commissioner shall keep, or cause to be kept, an account of the cost of maintaining such fire patrol along the line of such railroad, including therein the wages and expenses of the employees engaged in maintaining such fire patrol, and the total cost thereof shall be paid to the commissioner by the railroad company along whose land or right of way such patrol is maintained, such payment to be made monthly or on the presentation of the bills therefor. All such funds received by said commissioner shall be credited to the fund for the protection of the forests against fire from which it was drawn.

See § 62.

**Sec. 62. Railroad company not released from damages.** R. S. c. 11, § 47. Nothing in the 3 preceding sections shall be construed as releasing any railroad company from any damage caused by fires set by their locomotives or employees.

**Sec. 63. Railroad companies to remove all inflammable material from right of way.** R. S. c. 11, § 48. Every railroad company whose road passes through waste or forest lands shall during each year cut and burn off or remove from its right of way all grass, brush, or other inflammable material, but under proper care and at times when fires are not liable to spread beyond control; but no railroad employee shall build a fire to burn rubbish along the right of way through forest lands when forbidden to do so by the commissioner or his wardens.

See § 66.

**Sec. 64. Locomotives to be provided with spark arresters.** R. S. c. 11, § 49. All locomotives which shall be run through forest lands shall be provided with approved and efficient arrangements for preventing the escape of fire and sparks. The commissioner may petition the public utilities commission, setting forth that there is danger of fire to lands within the Maine forestry district from the operation of locomotives on any railroad; and said commission may, after notice and hearing thereon, make such orders and regulations relating to the equipment and operation of locomotives, during times of drought or danger of forest fires, as they deem necessary for the prevention of fires on said lands.

See § 66.

**Sec. 65. Railroad companies liable for damages caused by employees; smoking-car windows to be screened.** R. S. c. 11, § 50. No railroad company shall permit its employees to deposit fire, live coals, or ashes upon its track in the immediate vicinity of woodlands or lands liable to be overrun by fires, and any railroad company operating a railroad running through the Maine forestry district shall between the 1st day of May and the 10th day of November following in each year, fasten down or secure screens or other obstructions in the windows

of all cars or apartments of cars in which smoking is allowed, to prevent the throwing of burning matches, burning cigars, burning cigarettes, or parts thereof from the windows of such cars. When engineers, conductors, or trainmen discover that fences along the right of way or woodlands adjacent to the railroads are burning or in danger from fire, they shall report the same at their next stopping place which shall be a telegraph station.

See § 66.

Sec. 66. Penalty for violation of §§ 63-65. R. S. c. 11, § 51. Any railroad company violating any of the provisions of the 3 preceding sections shall be punished by a fine of \$100 for each offense.

See § 87.

Sec. 67. Railroads under construction, liable for all damages to forest growth caused by employees; penalty, if employees fail to extinguish fires set along line; persons in charge of men, required to see that the provisions of this section are complied with. R. S. c. 11, § 52. For all damages caused to forest growth by any person employed in the construction of any railroad built in this state, the company owning such road shall be primarily liable to the person or persons so damaged. During the construction of such roads through woodland, there shall be kept posted in conspicuous places on each line of the roadways at distances of 200 feet, abstracts of the laws relating to forest fires. Any person employed in the construction of such railroads, who shall set or cause to be set any fire along the line of said roads, shall, before leaving the same, totally extinguish said fires, and upon failure to do so, such person shall be punished by a fine of not more than \$500, or by imprisonment for not more than 60 days, or by both such fine and imprisonment. All persons having charge of men in the construction of such railroads shall see that the provisions of this section are carefully complied with, and for any negligence or want of ordinary care on their part in relation to the same, they shall be liable to the penalties imposed by this section.

See § 87.

Sec. 68. Debris and inflammable material caused by cutting forest growth adjacent to lands owned by another shall be disposed of; slash and debris caused by portable sawmills shall be disposed of; permit to be obtained for the burning of blueberry lands and grass lands adjacent to forest growth. R. S. c. 11, § 53. 1931, c. 12. 1941, c. 50. Any person, firm, corporation, or agent, cutting any forest growth on property adjacent to the right of way of any railroad or highway within the state, shall leave the growth uncut on the land within 50 feet of the limit of the right of way of a railroad or from the nearer side of the wrought portion of any plantation, town, city, county, or state road; or shall dispose of slash and debris caused by cutting in such a manner that inflammable material shall not remain on the ground within 50 feet of the limit of the right of way of a railroad or from the nearer side of the wrought portion of any plantation, town, city, county, or state road. Any person, firm, corporation, or agent cutting any forest growth on property adjacent to lands owned by another within the state outside the limits of the Maine forestry district or within the district adjacent to property outside and all such firms, persons, and corporations, who by themselves, their agents, servants, licensees, permittees, or lessees, operate or permit operation of portable sawmills on land which borders on land owned by another shall dispose of slash and debris caused by cutting in such a manner that inflammable material shall not remain on the ground within 50 feet of the property line, provided that the commissioner on his own initiative or upon

written complaint of another declares that the situation constitutes a fire hazard. Provided, however, that consent and direction in writing from the forestry department shall be required for the burning of such brush or slash or for the burning of blueberry land and grass land adjacent to any forest growth except when the ground is covered with snow. The commissioner shall cause to be furnished to all the chief forest fire wardens and to the municipal officers of all towns and organized plantations of the state, blank permits, signed by him, for the burning of brush or slash or for the burning of blueberry land and grass land adjacent to any forest growth. Any chief forest fire warden or the municipal officers of the town, in the county where the land is located, shall have full authority to countersign and grant such permits signed by the commissioner. The commissioner may, however, in any particular case called to his attention, overrule the decision of the chief forest fire warden or the municipal officers, and himself grant the permit asked for or forbid the granting of the same. Also provided that such slash and debris, which is not burned in accordance with terms of this section, shall be so broadcast as to keep the hazard on the tract at a minimum.

Whoever violates any of the provisions of this section shall on conviction thereof be punished by a fine of \$50.

See §§ 70, 71, 87; c. 85, § 32, et seq., re prevention of fires, etc.

**Sec. 69. Slash and debris, how to be disposed of; penalty.** R. S. c. 11, § 54. Slash and debris accumulating by the construction and maintenance of railroads, highways, power company, telegraph, or telephone lines shall be disposed of in such a manner that inflammable material shall not be left on the ground. Whenever slash and debris or inflammable material are found on the ground having accumulated as the result of the construction and maintenance of railroads, highways, power company, telegraph, or telephone lines contrary to the terms of this section, the person responsible therefor, or his employer, whether individual, firm, or corporation, shall be punished by a fine of \$50.

See §§ 70, 71, 87.

**Sec. 70. Commissioner may dispose of slash and debris, and recover.** R. S. c. 11, § 55. When any person, firm, corporation, or agent shall have failed to dispose of slash and debris as provided by the 2 preceding sections, the commissioner shall notify the owner of the land of the requirement of this statute, and if such owner, within a reasonable time, shall fail to destroy or remove such slash or debris, such commissioner shall cause such slash and debris to be so disposed of. He shall pay the expense of so disposing of such slash and debris from any funds at his disposal legally applicable to such purpose; and he or his successor in office shall be entitled to recover the amount of such expenditures in an action of debt, to be prosecuted by the attorney-general in the superior court in the county where the land lies, against the person, firm, corporation, or agent whose duty it was to dispose of such slash or debris; and there shall be a lien on the land on which the cutting of forest growth took place, to secure any judgment recovered in such action, to be enforced by attachment in said action, made within 6 months after such expenditures were made. The sum recovered and collected in such action shall be returned to and become a part of the fund from which the expenditures were made. This remedy shall be additional to the penalty provided in said sections.

See § 87.

**Sec. 71. Slash or debris caused by cutting of wood or timber not to be burned without permit; penalty.** R. S. c. 11, § 56. Any person, firm, corporation, or agent who cuts any wood or lumber within the woodlands of this state and

desires to dispose of the slash and debris caused by such cutting or clearing, by burning, shall be first required to obtain a permit therefor in accordance with the provisions of section 68, and on failure thereof shall be subject to the penalty provided in said section.

See § 87.

**Sec. 72. Portable sawmills to be licensed by commissioner; disposition of license fees; penalty.** R. S. c. 11, § 57. It shall be unlawful to erect a portable sawmill without first obtaining a license therefor from the commissioner. Application shall be made upon blanks prepared by the commissioner for this purpose. A proper record of all applications for licenses and all licenses issued shall be kept by the commissioner at his office and shall be open to inspection of any person during reasonable business hours, and when said mill is located in towns, duplicate licenses sent municipal officers. The fee for such license shall be \$25, which shall be deposited at the time of making the application, and all licenses shall expire 1 year from the date of their issue. The commissioner or forest fire wardens in towns may at any time suspend or revoke any license for the violation of the slash laws; and he or they may suspend such license in times of drought as to any portable sawmill, the operation of which would create an extra fire hazard. Upon application filed and recorded as aforesaid the commissioner shall grant a permit to change the location of any portable sawmill. All money accruing from the issuance of licenses as provided for in this section shall be added to and become a part of the fund for the purchase of lands and general forestry purposes. Whoever erects a portable sawmill without first obtaining a license from the commissioner as provided in this section shall be punished by a fine of not more than \$500. Any portable sawmill so erected without a license shall be deemed a public nuisance without other proof than its use.

See § 87.

### Maine Forestry District

**Sec. 73. Maine Forestry District.** R. S. c. 11, § 68. 1939, c. 211. The administrative district known as the Maine Forestry District, heretofore established and incorporated, shall include the following territory:

**Aroostook county.** R. S. c. 11, § 68. Township A, R. 2, W. E. L. S.; Hammond plantation; C, R. 2, W. E. L. S.; D, R. 2, W. E. L. S.; E plantation; 3, R. 2, W. E. L. S.; Cox Patent; Glenwood plantation; 3, R. 3, W. E. L. S.; 4, R. 3, W. E. L. S.; 7, R. 3, W. E. L. S.; 8, R. 3, W. E. L. S.; 9, R. 3, W. E. L. S.; 10, R. 3, W. E. L. S.; 17, R. 3, W. E. L. S.; 1, R. 4, W. E. L. S.; 2, R. 4, W. E. L. S.; 3, R. 4, W. E. L. S.; 7, R. 4, W. E. L. S.; 8, R. 4, W. E. L. S.; 9, R. 4, W. E. L. S.; 10, R. 4, W. E. L. S.; 11, R. 4, W. E. L. S.; Westmanland plantation; 16, R. 4, W. E. L. S.; 17, R. 4, W. E. L. S.; A, R. 5, W. E. L. S.; 1, R. 5, W. E. L. S.; 7, R. 5, W. E. L. S.; 8, R. 5, W. E. L. S.; 9, R. 5, W. E. L. S.; 13, R. 5, W. E. L. S.; 14, R. 5, W. E. L. S.; 15, R. 5, W. E. L. S.; 16, R. 5, W. E. L. S.; 17, R. 5, W. E. L. S.; Oxbow plantation; 10, R. 6, W. E. L. S.; Garfield plantation; Nashville plantation; 14, R. 6, W. E. L. S.; 15, R. 6, W. E. L. S.; 16, R. 6, W. E. L. S.; 9, R. 7, W. E. L. S.; 10, R. 7, W. E. L. S.; 11, R. 7, W. E. L. S.; 12, R. 7, W. E. L. S.; 13, R. 7, W. E. L. S.; 14, R. 7, W. E. L. S.; Winterville plantation; 9, R. 8, W. E. L. S.; 10, R. 8, W. E. L. S.; 11, R. 8, W. E. L. S.; 12, R. 8, W. E. L. S.; 13, R. 8, W. E. L. S.; 14, R. 8, W. E. L. S.; 15, R. 8, W. E. L. S.; 16, R. 8, W. E. L. S.; 11, R. 9, W. E. L. S.; 12, R. 9, W. E. L. S.; 13, R. 9, W. E. L. S.; 14, R. 9, W. E. L. S.; 15, R. 9, W. E. L. S.; 16, R. 9, W. E. L. S.; 11, R. 10, W. E. L. S.; 12, R. 10, W. E. L. S.; 13, R. 10, W. E. L.

S.; 14, R. 10, W. E. L. S.; 15, R. 10, W. E. L. S.; Allagash plantation; 18, R. 10, W. E. L. S.; 11, R. 11, W. E. L. S.; 12, R. 11, W. E. L. S.; 13, R. 11, W. E. L. S.; 14, R. 11, W. E. L. S.; 15, R. 11, W. E. L. S.; 18, R. 11, W. E. L. S.; 19, R. 11, W. E. L. S.; 11, R. 12, W. E. L. S.; 12, R. 12, W. E. L. S.; 13, R. 12, W. E. L. S.; 14, R. 12, W. E. L. S.; 15, R. 12, W. E. L. S.; 16, R. 12, W. E. L. S.; 17, R. 12, W. E. L. S.; 18, R. 12, W. E. L. S.; 19, R. 12, W. E. L. S.; 20, R. 11 and 12, W. E. L. S.; 11, R. 13, W. E. L. S.; 12, R. 13, W. E. L. S.; 13, R. 13, W. E. L. S.; 14, R. 13, W. E. L. S.; 15, R. 13, W. E. L. S.; 16, R. 13, W. E. L. S.; 17, R. 13, W. E. L. S.; 18, R. 13, W. E. L. S.; 11, R. 14, W. E. L. S.; 12, R. 14, W. E. L. S.; 13, R. 14, W. E. L. S.; 14, R. 14, W. E. L. S.; 15, R. 14, W. E. L. S.; 16, R. 14, W. E. L. S.; 17, R. 14, W. E. L. S.; 11, R. 15, W. E. L. S.; 12, R. 15, W. E. L. S.; 13, R. 15, W. E. L. S.; 14, R. 15, W. E. L. S.; 15, R. 15, W. E. L. S.; 11, R. 16, W. E. L. S.; 12, R. 16, W. E. L. S.; 13, R. 16, W. E. L. S.; 14, R. 16, W. E. L. S.; 11, R. 17, W. E. L. S.; 12, R. 17, W. E. L. S.; in Aroostook county.

**Franklin county.** R. S. c. 11, § 68. Township Number 4, Washington plantation; Sandy River plantation; Rangeley plantation; 4, R. 1, B. K. P., W. K. R.; 4, R. 2, B. K. P., W. K. R.; 4, R. 3, B. K. P., W. K. R.; D, R. 1; 1, R. 2, W. B. K. P.; Dallas plantation; Coplin plantation; Lang plantation; 3, R. 3, W. B. K. P.; 3, R. 2, B. K. P., W. K. R.; 2, R. 4, W. B. K. P.; 3, R. 4, W. B. K. P.; 1, R. 5, W. B. K. P.; 2, R. 5, W. B. K. P.; 3, R. 5, W. B. K. P.; 1, R. 6, W. B. K. P.; 2, R. 6, W. B. K. P.; 3, R. 6, W. B. K. P.; 1, R. 7, W. B. K. P.; 2, R. 7, W. B. K. P.; 1, R. 8, W. B. K. P.; 2, R. 8, W. B. K. P.; Gore north of T. number 2 and 3, R. 6, W. B. K. P.; number 6 north of Weld; Gore north of T. 1, R. 8, W. B. K. P.; township E; Perkins; in Franklin county.

**Hancock county.** R. S. c. 11, § 68. Township No. 3, North Division; No. 4, North Division; Two Mile Strip North of No. 3, North Division; Strip North of No. 4, North Division; No. 7, South Division; No. 8 Plantation; No. 9, South Division; No. 10, South Division; No. 16, Middle Division; No. 21 Plantation; No. 22, Middle Division; No. 28, Middle Division; No. 32, Middle Division; No. 33 Plantation; No. 34, Middle Division; number 35, Middle Division; number 39, Middle Division; number 40, Middle Division; number 41, Middle Division; Butter Island; Eagle Island; Spruce Head Island; Bear Island; Beach Island; Hog Island; Bradbury's Island; Pond Island; Western Island; Little Spruce Island; Marshall's Island; Pickering's Island; Resolution Island; in Hancock county.

**Oxford county.** R. S. c. 11, § 68. T. A. Number 1; Andover North Surplus; Andover West Surplus; T. C.; C. Surplus; 4, R. 1, W. B. K. P.; Magalloway plantation; 4, R. 2, W. B. K. P.; Lincoln plantation; 4, R. 3, W. B. K. P.; 5, R. 3, W. B. K. P.; 4, R. 4, W. B. K. P.; 5, R. 4, W. B. K. P.; 4, R. 5, W. B. K. P.; 4, R. 6, W. B. K. P.; 5, R. 5, W. B. K. P.; the township of Grafton, in Oxford county.

**Penobscot county.** R. S. c. 11, § 68. Township 3, R. 1, N. B. P. P.; Lakeville plantation; 5, R. 1, N. B. P. P.; Webster plantation; Drew plantation; 1, R. 7, N. W. P.; 2, R. 8, N. W. P.; Seboeis plantation; 2, R. 9, N. W. P.; 3, R. 9, N. W. P.; 1, R. 6, W. E. L. S.; 2, R. 6, W. E. L. S.; Stacyville plantation; 6, R. 6, W. E. L. S.; 7, R. 6, W. E. L. S.; 8, R. 6, W. E. L. S.; A. R. 7, W. E. L. S.; 1, R. 7, W. E. L. S.; 2, R. 7, W. E. L. S.; 3, R. 7, W. E. L. S.; 4, R. 7, W. E. L. S.; 5, R. 7, W. E. L. S.; 6, R. 7, W. E. L. S.; 7, R. 7, W. E. L. S.; 8, R. 7, W. E. L. S.; Hopkins Academy grant; 8, R. 8, W. E. L. S.; A. R. 8 and 9, W. E. L. S.; Veazie Gore; number 3, Indian purchase; number 4, Indian purchase; 1, R. 8, W. E. L. S.; 2, R. 8, W. E. L. S.; 3, R. 8, W. E. L. S.; 4, R. 8, W. E. L. S.; 5, R. 8, W. E. L. S.; 6, R. 8, W. E. L. S.; 7, R. 8, W. E. L. S.; number 1, North Division; Grand Falls plantation; in Penobscot county.

**Piscataquis county.** R. S. c. 11, § 68. Lakeview plantation; Barnard plantation; 4, R. 9, N. W. P.; 5, R. 9, N. W. P.; 6, R. 9, N. W. P.; 7, R. 9, N. W. P.; Elliottsville plantation; 3, R. 5, B. K. P., E. K. R.; 2, R. 6, B. K. P., E. K. R.; 1, R. 9, W. E. L. S.; 2, R. 9, W. E. L. S.; 3, R. 9, W. E. L. S.; 4, R. 9, W. E. L. S.; 5, R. 9, W. E. L. S.; 6, R. 9, W. E. L. S.; 7, R. 9, W. E. L. S.; 8, R. 9, W. E. L. S.; 9, R. 9, W. E. L. S.; 10, R. 9, W. E. L. S.; A. R. 10, W. E. L. S.; B. R. 10, W. E. L. S.; 1, R. 10, W. E. L. S.; 2, R. 10, W. E. L. S.; 3, R. 10, W. E. L. S.; 4, R. 10, W. E. L. S.; 5, R. 10, W. E. L. S.; 6, R. 10, W. E. L. S.; 7, R. 10, W. E. L. S.; 8, R. 10, W. E. L. S.; 9, R. 10, W. E. L. S.; 10, R. 10, W. E. L. S.; A. R. 11, W. E. L. S.; B. R. 11, W. E. L. S.; 1, R. 11, W. E. L. S.; 2, R. 11, W. E. L. S.; 3, R. 11, W. E. L. S.; 4, R. 11, W. E. L. S.; 5, R. 11, W. E. L. S.; 6, R. 11, W. E. L. S.; 7, R. 11, W. E. L. S.; 8, R. 11, W. E. L. S.; 9, R. 11, W. E. L. S.; 10, R. 11, W. E. L. S.; 7, R. 10, N. W. P.; 8, R. 10, N. W. P.; A. R. 12, W. E. L. S.; 1, R. 12, W. E. L. S.; 2, R. 12, W. E. L. S.; 3, R. 12, W. E. L. S.; 4, R. 12, W. E. L. S.; 5, R. 12, W. E. L. S.; 6, R. 12, W. E. L. S.; 7, R. 12, W. E. L. S.; 8, R. 12, W. E. L. S.; 9, R. 12, W. E. L. S.; 10, R. 12, W. E. L. S.; A. R. 13, W. E. L. S.; A. 2, R. 13 and 14, W. E. L. S.; 1, R. 13, W. E. L. S.; 2, R. 13, W. E. L. S.; 3, R. 13, W. E. L. S.; 4, R. 13, W. E. L. S.; 5, R. 13, W. E. L. S.; 6, R. 13, W. E. L. S.; 7, R. 13, W. E. L. S.; 8, R. 13, W. E. L. S.; 9, R. 13, W. E. L. S.; 10, R. 13, W. E. L. S.; A. R. 14, W. E. L. S.; X, R. 14, W. E. L. S.; 3, R. 14 and 15, W. E. L. S.; 1, R. 14, W. E. L. S.; 4, R. 14, W. E. L. S.; 5, R. 14, W. E. L. S.; 6, R. 14, W. E. L. S.; 7, R. 14, W. E. L. S.; 8, R. 14, W. E. L. S.; 9, R. 14, W. E. L. S.; 10, R. 14, W. E. L. S.; Sugar Island; Deer Island; Middlesex canal; Day's academy; 4, R. 15, W. E. L. S.; 5, R. 15, W. E. L. S.; 6, R. 15, W. E. L. S.; 7, R. 15, W. E. L. S.; 8, R. 15, W. E. L. S.; 9, R. 15, W. E. L. S.; 10, R. 15, W. E. L. S.; Moose Island; Farm Island; Dollar Island; Ledge Island; Birch Island; both Moody Islands; Cove Point; Harford's Point; Kingsbury plantation; in Piscataquis county.

**Somerset county.** R. S. c. 11, § 68. Lexington plantation; Pleasant Ridge plantation; Highland plantation; 1, R. 3, B. K. P., W. K. R.; 2, R. 3, B. K. P., W. K. R.; Dead River plantation; Bigelow plantation; 1, R. 4, B. K. P., W. K. R.; 2, R. 4, B. K. P., W. K. R.; 3, R. 4, B. K. P., W. K. R.; Flagstaff plantation; West Forks plantation; 2, R. 5, B. K. P., W. K. R.; 3, R. 5, B. K. P., W. K. R.; 4, R. 5, B. K. P., W. K. R.; 1, R. 6, B. K. P., W. K. R.; 2, R. 6, B. K. P., W. K. R.; 3, R. 6, B. K. P., W. K. R.; 4, R. 6, B. K. P., W. K. R.; 5, R. 6, B. K. P., W. K. R.; 1, R. 7, B. K. P., W. K. R.; 2, R. 7, B. K. P., W. K. R.; 3, R. 7, B. K. P., W. K. R.; 4, R. 7, B. K. P., W. K. R.; 5, R. 7, B. K. P., W. K. R.; 6, R. 7, B. K. P., W. K. R.; Gore North of numbers 1, 2, 3, R. 7, B. K. P., W. K. R.; Mayfield plantation; 2, R. 3, B. K. P., E. K. R.; The Forks plantation; 2, R. 4, B. K. P., E. K. R.; 1, R. 5, B. K. P., E. K. R.; 2, R. 5, B. K. P., E. K. R.; 1, R. 6, B. K. P., E. K. R.; 1, R. 1, N. B. K. P.; 2, R. 1, N. B. K. P.; 3, R. 1, N. B. K. P.; 5, R. 1, N. B. K. P.; 6, R. 1, N. B. K. P.; 1, R. 2, N. B. K. P.; 2, R. 2, N. B. K. P.; 3, R. 2, N. B. K. P.; Moose River plantation; Dennistown plantation; 6, R. 2, N. B. K. P.; Big W, N. B. K. P.; Little W, N. B. K. P.; 1, R. 3, N. B. K. P.; 2, R. 3, N. B. K. P.; 3, R. 3, N. B. K. P.; 4, R. 3, N. B. K. P.; 5, R. 3, N. B. K. P.; Seboomook; 1, R. 4, N. B. K. P.; 2, R. 4, N. B. K. P.; 3, R. 4, N. B. K. P.; 4, R. 4, N. B. K. P.; 5, R. 4, N. B. K. P.; 3, R. 5, N. B. K. P.; 4, R. 5, N. B. K. P.; 4, R. 16, W. E. L. S.; 5, R. 16, W. E. L. S.; 6, R. 16, W. E. L. S.; 7, R. 16, W. E. L. S.; 8, R. 16, W. E. L. S.; 9, R. 16, W. E. L. S.; 10, R. 16, W. E. L. S.; 4, R. 17, W. E. L. S.; 5, R. 17, W. E. L. S.; 6, R. 17, W. E. L. S.; 7, R. 17, W. E. L. S.; 8, R. 17, W. E. L. S.; 9, R. 17, W. E. L. S.; 10, R. 17, W. E. L. S.; 4, R. 18, W. E. L. S.; 5, R. 18, W. E. L. S.; 6, R. 18, W. E. L. S.; 7, R. 18, W. E. L. S.; 8, R. 18, W. E. L. S.; 9, R. 18, W. E. L. S.; 5, R. 19, W. E. L. S.; 6, R. 19, W. E. L. S.;

7, R. 19, W. E. L. S.; 8, R. 19, W. E. L. S.; 5, R. 20, W. E. L. S.; Sand Bar Tract; in Somerset county.

**Washington county.** R. S. c. 11, § 68. Township number 18, east division; number 19, east division; number 26, east division; number 27, east division; number 18, middle division; number 19, middle division; number 24, middle division; number 25, middle division; number 29, middle division; number 30, middle division; number 31, middle division; number 36, middle division; number 37, middle division; number 42, middle division; number 43, middle division; number 5, north division; strip north of number 5, north division; number 6, north division; strip north of number 6, north division; number 1, R. 1, Titcomb's survey; Grand Lake Stream plantation; 1, R. 2, Titcomb's survey; 1, R. 3, Titcomb's survey; 6, R. 1, N. B. P. P.; 7, R. 2, N. B. P. P.; 8, R. 3, N. B. P. P.; 10, R. 3, N. B. P. P.; 11, R. 3, N. B. P. P.; 8, R. 4, N. B. P. P.; Indian township; Codyville plantation; number 14 plantation; number 21 plantation; in Washington county.

Whenever it shall appear to the state tax assessor that any part of the unorganized territory of the state, including any areas previously incorporated but which have been deorganized by act of the legislature, is in need of fire protection, the state tax assessor with the approval of the commissioner and the attorney-general may declare such territory to be a part of the Maine forestry district and include such territory in the list of lands filed with the treasurer of state in accordance with the provisions of section 75, and compute the tax on said included territory.

See c. 14, § 75, re meaning of letters used in lists of lands in unorganized territory; c. 16, § 3; c. 33, § 17.

**Sec. 74. Annual tax assessed; when payable; description of property.** R. S. c. 11, § 69. 1931, c. 216, Art. II, § 30. An annual tax of  $2\frac{3}{4}$  mills on the dollar is assessed upon all the property in the Maine forestry district, including rights in public reserved lots, to be used for the protection thereof. Said tax shall be due and payable at the date of the assessment of the state tax, in the years when the legislature is in session, and for other years it shall be due and payable in 1 year after the date of such assessment. The valuation as determined by the board of equalization, and set forth in the statement filed by it as provided by section 65 of chapter 14, shall be the basis for the computation and apportionment of the tax assessed. The tax assessed shall be valid, and all remedies herein provided shall be in full force if said property is described with reasonable accuracy, whether the ownership thereof is correctly stated or not.

See §§ 75, 79, 84, 85; c. 14, § 74, re lands in places not incorporated may be taxed by the state.

**Sec. 75. State tax assessor to file description of land subject to tax.** R. S. c. 11, § 70. 1931, c. 216, Art. II, § 28. The state tax assessor shall, within 30 days after such tax is due, prepare and file with the treasurer of state a certificate setting forth the description of each lot, parcel, or right subject to the tax, together with the tax computed at the rate fixed in the preceding section.

**Sec. 76. Tax notices may be sent by mail to known owners; lists of assessments of unknown owners to be advertised.** R. S. c. 11, § 71. The treasurer of state shall, within 3 months after the filing as provided for in section 75, notify in writing the owners of such lands so assessed by sending to each by mail at his last known address, a statement of such tax containing a brief description of the land assessed and the amount of such tax and the date when payment is required, and shall send like notices of such tax for the following year within 3 months after 1 year from such assessment. In case the owners of any such lands are

unknown, instead of sending notices by mail, he shall cause the lists of such assessments to be advertised for 3 weeks successively in the state paper, and in some newspaper, if any, printed in the county in which the land lies, and shall cause like advertisement of the lists of such tax for the following year to be made within 3 months after 1 year from such assessment. The land shall be held to the state for the payment of the tax so assessed, with interest at 6% per year, to commence 6 months after such tax is due as herein provided.

See c. 14, § 74, et seq., re state and county taxes; 109 Me. 477.

**Sec. 77. Redemption of lands assessed, proceedings; land forfeited to the state.** R. S. c. 11, § 72. Owners of lands so assessed under the provisions of section 74 may redeem them by paying to the treasurer of state the tax, with interest thereon, within 1 year from the time when such interest commences. Each owner may pay for his interest in any tract, whether in common or not, and, upon filing with the treasurer of state a certificate showing the number of acres and describing the property on which he desires to pay the tax and where the same is located and paying the amount due, shall receive a certificate from the treasurer of state discharging the tax on the number of acres or interest upon which such payment is made. Each part or interest of every such township or tract upon which the tax, imposed and so advertised, is not paid with interest within the time limited in this section for such redemption, shall be wholly forfeited to the state and vest therein free of any claim by any former owner.

See c. 14, § 78, re state and county taxes; 109 Me. 477.

**Sec. 78. Assessment of taxes on plantations.** R. S. c. 11, § 73. The treasurer of state shall annually send his warrant, together with a copy of the assessment of taxes upon the plantations in the Maine forestry district, directed to the municipal officers of said plantations, requiring them respectively to assess, in dollars and cents, the sum so charged, according to the provisions of law for the assessment of such taxes, and to add to the amount of such tax the amount of state, county, and plantation taxes to be by them assessed in each plantation respectively.

**Sec. 79. Use of funds; when insufficient, payments from state treasury; audit of accounts.** R. S. c. 11, § 74. 1943, c. 345, § 2. The tax assessed by authority of section 74 shall be recorded on the books of the state in a separate account as a fund to be used to protect from fire the forests situated upon and within the district, and to pay expenses incidental thereto and for no other purpose, except that upon receipt of information from the commissioner that there is in said fund a certain sum in excess of the amount necessary for the protection of the forests in said district from fire, the governor and council may authorize the state controller to refund proportionately to the land owners paying the tax assessed as aforesaid, such sum or sums as shall be recommended by the commissioner. If the tax assessed by authority of section 74 for any reason is not available for the purpose aforesaid or if said tax proves insufficient in any year to properly carry out said purpose, the governor and council may make available for said purposes from any moneys then in the treasury not otherwise appropriated, such sum or sums of money as they may deem necessary for such purpose. Annually on February 1st a petty cash advance of \$10,000 from the proceeds of said tax shall be made by the state controller to the commissioner who shall set the same aside as an "Emergency Fire Fighting Fund" and who may expend therefrom for fire fighting purposes of an emergency nature. He shall make to the state controller accountings as necessary, but in any event monthly, of such expendi-

tures and thereupon the state controller shall, upon audit, promptly reimburse therefor so that said petty cash advance shall be always available to the commissioner as above provided. Except as above provided, the expenditures of forestry district funds shall be in accordance with the provisions of chapters 14, 15, and 16. The provisions of said chapters shall, however, not otherwise apply to said forestry district. The commissioner may employ from time to time such clerks in his office as will enable him to carry out the provisions hereof and the compensation of such clerks shall be paid from the funds provided for the district.

See § 85; 109 Me. 472.

**Sec. 80. Prevention, control, and extinguishment of fires; lookout stations.** R. S. c. 11, § 75. 1939, c. 224. The commissioner shall take measures for the prevention, control, and extinguishment of forest fires in said forestry district, and to this end he shall establish such subforestry districts as he may deem necessary for effective protection against loss or damage by fire. He may establish lookout stations connected by telephone and equip and maintain depots for necessary tools for the extinguishment of forest fires, and for the purposes mentioned in this section only may construct and maintain trails and roads, and may assume the maintenance, operation, and utilization of forest truck-trails built for the purpose of preventing and suppressing forest fires, hereafter constructed by the Civilian Conservation Corps or other agency of the United States government.

**Sec. 81. Chief forest fire warden; deputy forest fire wardens; tenure.** R. S. c. 11, § 76. The commissioner shall appoint in and for each of the subforestry districts a chief forest fire warden and such number of deputy forest fire wardens as in his judgment may be required to carry out the provisions of sections 73 to 86, inclusive, assigning to each of the latter the territory over and within which he shall have jurisdiction. All chief and deputy forest fire wardens, so appointed, shall hold office during the pleasure of the commissioner; they shall be sworn to the faithful discharge of their duties and a certificate thereof shall be returned to the office of the commissioner.

**Sec. 82. Duties of fire wardens and deputy wardens; employment of assistants.** R. S. c. 11, § 77. 1933, c. 125. 1941, c. 325, § 5. The chief forest fire wardens, under the direction of the commissioner, shall have general supervision of their respective districts and of the deputy forest fire wardens therein. Each chief forest fire warden, when directed by the commissioner, shall patrol the forests of his district for the purpose of searching out, extinguishing, and guarding against forest fires. He shall investigate and gather evidence regarding the causes of forest fires, enforce all laws relating to forests and forest preservation, arrest all violators thereof, prosecute all offenses against the same, and in this connection shall have the same power to serve criminal processes against such offenders and shall be allowed the same fee as a sheriff, or his deputy, for like services, and shall have and enjoy the same right as a sheriff to require aid in executing the duties of his office. The chief forest fire wardens shall perform such other duties, at such times, and under such rules and regulations as the said commissioner may prescribe, and each shall receive as compensation \$5 for each and every day of actual service, with an allowance for actual necessary expenses of travel. Deputy forest fire wardens shall perform such duties, at such times and under such rules and regulations, as the commissioner, or the chief fire warden of the district, with the approval of the commis-

sioner, may prescribe. They shall receive as compensation \$4 for each and every day of actual service, with an allowance for actual necessary expenses of travel.

See 1943, c. 291 for amendment to this section for a period of 2 years only.

**Sec. 83.** Chief and deputy fire wardens to take immediate action to control fires; may summon assistance; deputy wardens to render account of expense; chief warden to make detailed report. R. S. c. 11, § 78. 1933, c. 133. Whenever a fire occurs on or is likely to do damage to forest lands within the district of any chief forest fire warden, he shall take immediate action to control and extinguish the same. If such fire occurs upon or is likely to do damage to forest lands within the territory of a deputy forest fire warden and the chief fire warden of the district is not present, the deputy forest fire warden having jurisdiction of the territory shall forthwith proceed to control and extinguish the same, and he shall meanwhile, with all consistent dispatch, cause the said chief fire warden of the district to be notified of the occurrence of such fire. Until the arrival of the chief warden at the place of fire, the deputy warden shall be in charge of the control and extinguishment of the same. For the purpose of controlling and extinguishing fires, chief forest fire wardens and deputy forest fire wardens, when in charge of the control and extinguishment of forest fires or when so directed by the chief warden, may summon to their assistance any person found within the state and each person so summoned and assisting shall be paid at a rate set by the commissioner with the approval of the governor and council and be provided with subsistence during such service. Immediately after the extinguishment of a fire, the deputy forest fire warden, who for any time may have been in charge of the same, shall make return to the chief warden of the district of the expense thereof during the period of his being in charge, including the names of the persons so summoned and assisting, with their post-office addresses and the hours of labor actually performed by each under his direction. The return shall be made upon oath and the chief warden is authorized and empowered to administer such oath. Upon receipt of such return, the chief fire warden shall carefully examine and audit the same, and he may direct the deputy to amend and correct any return found to be incomplete, incorrect, or insufficient in form. If upon examination and auditing of said return and investigation of the subject matter thereof, the chief fire warden believes said return to be just and correct, he shall indorse his written approval thereon and forward the same so approved to the commissioner. The chief fire warden of every district burned by a forest fire shall, upon the extinguishment of such fire, promptly forward an exact and detailed statement of the expense, if any, which he may have incurred in connection with the extinguishment of such fire, to the commissioner, who may confirm, reject, or recommit, either or both, the approved return of said deputy or the detailed statement of the chief fire warden, if justice so requires.

**Sec. 84.** Expenses, how paid; salary of commissioner and deputy forest commissioner. R. S. c. 11, § 79. All expenses incurred under the provisions of sections 73 to 86, inclusive, shall be paid from the funds raised and created by the tax assessed under the provisions of section 74. The deputy forest commissioner shall receive annually the sum of \$700, to be paid from the funds provided under said section, in addition to the salary now provided for the clerk to the commissioner. The commissioner shall also receive from said funds the sum of \$3,000 per year in addition to the salary as now provided by law.

See § 1, re salary of forest commissioner; § 7, re salary of deputy forest commissioner.

Sec. 85. Appropriation. R. S. c. 11, § 80. 1931, c. 216, Art. II, §§ 11, 16. So much of the funds raised by the tax imposed and paid into the treasury, as may be necessary to pay the claims, accounts, and demands arising under the provisions of the 12 preceding sections, is appropriated to pay the same, and the governor and council may authorize the state controller to draw his warrant therefor at any time. Any balance remaining shall continue from year to year as a fund available for the purpose defined in section 79.

Sec. 86. Any adjacent town or plantation may become part of forestry district. R. S. c. 11, § 81. Any incorporated town or organized plantation adjoining any part of the Maine forestry district may by vote at any meeting of its inhabitants duly called and held, become a part of said forestry district and subject to all the provisions of the 13 preceding sections. A copy of such vote, certified by the town clerk or plantation assessors, shall be forwarded forthwith to the treasurer of state and to the commissioner, and from the time such certified copy is filed in the office of the treasurer of state, the town or plantation so voting shall be and continue a part of said forestry district. All incorporated towns or organized plantations which shall become a part of said district and all officers of such towns or plantations shall be and are exempt from the duties and obligations imposed by the provisions of section 58 of chapter 85.

Sec. 87. Penalties not substitutes for existing liabilities. R. S. c. 11, § 61. None of the penalties imposed by the provisions of section 9 and sections 59 to 72, inclusive, shall be considered as substitutes for or as repealing the provisions of existing laws making persons guilty of acts of trespass or liable for civil damages to persons injured by such acts.

---

## CHAPTER 33.

### DEPARTMENT OF INLAND FISHERIES AND GAME.

In accordance with the provisions of chapter 140 of the resolves of 1941 for revision of the statutes, chapter 38 of the revised statutes of 1930, entitled "Inland Fisheries and Game", is incorporated in this revision and printed by title only. It may be cited as chapter 33 of the revised statutes of 1944.

In accordance with the provisions of chapter 104 of the public laws of 1931, the laws relating to inland fisheries and game have been and will be revised biennially, and the latest text of these laws, as revised, will be printed at the back of the volume of laws passed at each biennial session of the legislature.