

MAINE STATE LEGISLATURE

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REVISED STATUTES

OF THE

STATE OF MAINE

1954

1957 CUMULATIVE SUPPLEMENT

ANNOTATED

IN FIVE VOLUMES

VOLUME 2

**Place in Pocket of Corresponding
Volume of Main Set**

THE MICHIE COMPANY
CHARLOTTESVILLE, VIRGINIA
1957

REVISED STATUTES OF MAINE

1957 Cumulative Supplement

VOLUME 2

Chapter 36.

Forestry.

Section 94-A. Kindling Out-of-Door Fires.
Section 113. Camp Sites and Lunch Grounds.

Forest Commissioner. Powers and Duties. Surveyors.

Sec. 1. Forest commissioner; appointment; qualifications; duties in respect to public lands; salary.—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 \$11,250, of which amount \$7,500 shall be paid from funds raised and created by the tax assessed under the provisions of section 96. (R. S. c. 32, § 1. 1945, c. 372. 1949, c. 370. 1951, c. 271, § 1. 1955, c. 473, § 11. 1957, c. 418, § 12.)

Effect of amendments. — The 1955 amendment substituted "\$10,000" for "\$9,000" and "\$6,667" for "\$6,000" in the last sentence. The 1957 amendment, effective July 1, 1957, substituted "\$11,250" for "\$10,000" and "\$7,500" for "\$6,667" in the last sentence.

Sec. 12. Granting rights to cut timber; grant mining rights; leasing camp sites and mill privileges; preference to Maine people.—The commissioner, under the 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, mill privileges, dam sites, flowage rights, the right to set poles and maintain utility service lines and the right to construct and maintain roads, and grant mining rights, after the approval of the mining bureau, on lands belonging to the state, on such terms as they direct; also the right to cut timber and grass and lease camp sites, mill privileges, dam sites, flowage rights, the right to set poles and maintain utility service lines and the right to construct and maintain roads, and grant mining rights, after the approval of the mining bureau, on public reserved lots in any township or tract of land until the same is incorporated, on such terms as they direct. Preference in such sales or leases shall be given to persons, firms or corporations of this state. (R. S. c. 32, § 11. 1949, c. 152. 1951, c. 146. 1957, c. 185.)

Effect of amendment. — The 1957 amendment inserted the words "and grant mining rights, after approval of the mining bureau," in two places in this section.

Park Commission. State Parks.**Sec. 34. Park commission; powers.**

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 5 years, 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 one 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. (1955, c. 37)

VI-A. To cooperate with federal agencies in the planning, development, maintenance and use of recreational areas; to assist state, county and municipal agencies in the study and planning of their recreational areas and programs. (1955, c. 483)

Effect of amendments.—The first 1955 amendment substituted "5 years" for "1 year" near the middle of subsection I. The second 1955 amendment added subsection

VI-A. As the rest of the section was not changed by the amendments, only subsections I and VI-A are set out.

Sec. 34-A. Surveys.—The state park commission, its authorized agents and employees may enter upon any lands, waters and premises in the State for the purpose of making surveys and examinations as it may deem necessary or convenient in the discharge of its duties under the provisions of sections 33 to 39, inclusive, and such entry shall not be deemed a trespass. (1955, c. 40.)

Baxter State Park.

Sec. 42-A. Public reserved lots in Baxter State Park.—The public reserved lots in the area known as Baxter State Park shall be forever held in trusts, and are here declared to be so held, as part of said Park not only as respects the interests conveyed to the State by Percival Proctor Baxter but also as respects the basic title originally owned by the State. The basic title of each such lot is hereby declared to be held in the same trusts and for the same purposes as are declared in the deed or deeds of the said Percival Proctor Baxter conveying to the state his interest in such lot. (1955, c. 80.)

Forest Nurseries.

Sec. 65. Circulars for care of woodlands; forest nurseries; seedlings.—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 for use in planting the waste and cut over lands of the state. (R. S. c. 32, § 50. 1957, c. 172.)

Effect of amendment. — The 1957 production" formerly appearing after the amendment deleted the words "at cost of word "transplants" in the last sentence.

Shade, Ornamental or Forest Trees.

Sec. 66. Qualification to work on trees.—No person, firm or corporation shall advertise or solicit contracts to remove shade, roadside or ornamental trees, nor advertise, solicit or contract to improve the condition of such trees by pruning, trimming or filling cavities, or to spray or treat by any other method such trees or forest trees for control of any insects or diseases, without having secured a certificate as specified in section 67; except that any person may remove, improve or protect any trees on his own premises or on the property of his employer without securing such a certificate. (R. S. c. 32, § 51. 1949, c. 149, § 1. 1957, c. 169, § 1.)

Effect of amendment. — The 1957 amendment rewrote this section.

Sec. 67. Certificate may be issued; examination and forms; fees; rates; application; penalty.—The forest commissioner, state entomologist and a botanist, to be appointed by the forest commissioner, shall constitute a board which shall, upon application from any person, firm or corporation, determine the qualifications of the applicant to remove, improve, protect or preserve shade, ornamental or roadside trees, or to spray such trees or forest trees, and if satisfied that the applicant is qualified, may issue a certificate so stating; which certificate shall be valid for one 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 \$10 in advance, and a fee of \$3, for each certificate of renewal issued; which fees shall be credited to the appropriation for entomology, and which may be expended by the board for any expense incurred by it in making examinations, issuing certificates or to carry out the purposes of the law.

In case of accident, sickness or entering the armed services, a demit for 2 years, which may be extended at the discretion of the board, may be obtained if requested on or before the expiration date of the current certificate.

Any certified tree surgeon who fails to renew his certificate or obtain a demit during any license year may in subsequent years renew his certificate only after paying of all unpaid renewal fees or by payment of \$10 and submitting to an examination.

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 section 66 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 and costs or not more than 60 days in jail. (R. S. c. 32, § 52. 1949, c. 149, § 2. 1953, c. 84. 1957, c. 169, § 2.)

Effect of amendment. — The 1957 amendment rewrote this section.

Fire Prevention and Control in Organized Towns.**Sec. 90. Forest fire control districts.**

The forest commissioner, with the approval of the governor and council, may sell to the highest bidder after advertising, any warden headquarter site not being used or deemed no longer necessary for such purposes. Sites no longer useful and obtained without cost shall be returned to the previous owners, with no charge. (1949, c. 355, § 1. 1951, c. 266, § 41. 1955, c. 137.)

Effect of amendment.—The 1955 amendment added the above paragraph at the end of this section. As the rest of the section was not changed, it is not set out.

Kindling Out-of-Door Fires.

Sec. 94-A. Kindling out-of-door fires.—No person shall kindle or use fires on land of another without permission of the owner, except at public camp sites and lunch grounds maintained or authorized by the forestry department, or when the ground is covered with snow. Out-of-door fires include the use of sterno, gasoline, charcoal or other fuel fires in or out of tents and collapsible shelters, but such fuels may be used at state highway picnic areas. The provisions of this section shall not apply to the authority of state forest fire wardens to set backfires to control a going forest fire.

To better accommodate recreational and sporting users of the woods and to prevent forest fires in the Maine forestry district, the forest commissioner or his representatives are hereby authorized to issue permits for out-of-door fires and camping, except on areas that the majority ownership of any given area may withdraw at any time in writing to the forest commissioner. Persons issued permits are in no way relieved of legal responsibility if their fires escape and cause damage to property. When forest fire conditions become serious, the forest commissioner or his representatives may declare void permits already issued. Forest fire danger indexes will be used as a basis of determining when forest fire conditions are safe to issue permits. Heavy use areas will, of necessity, be serviced by public camp sites and lunch grounds instead of individual permits.

Whosoever violates the provisions of this section shall on conviction be punished by a fine of not more than \$300, or by imprisonment for not more than 90 days, or by both such fine and imprisonment. All fines, penalties, warden costs, and all other moneys collected by the court shall be paid to the treasurer of state and credited to the district for forest fire purposes. (1955, c. 406, § 1.)

Maine Forestry District. Proclamations re Forest Fires.

Sec. 96. Annual tax.—A tax of $4\frac{3}{4}$ 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; except that in organized municipalities the tax rate shall be $4\frac{3}{4}$ mills multiplied by a fraction whose numerator is the previous year's assessed value of the land taxable by the municipality, including dams and power houses but not including any other structure or building, and whose denominator shall be the total previous year's assessed value of all property taxable by the municipality. Such tax shall be paid on or before the 1st day of October, annually. The valuation as determined by the board of equalization, and set forth in the statement filed by it as provided by section 67 of chapter 16, shall be the basis for the computation and apportionment of the tax assessed. The state tax assessor shall determine, in accordance with the provisions of section 79 of chapter 16, the amount of such taxes due from the owners of lands in each unorganized township and lot or parcel of land not included in any township and rights in public reserved lots, and such amounts shall be included in the statements referred to in section 82 of chapter 16. The tax assessed shall be valid, and all remedies herein provided shall be in full force if said prop-

erty is described with reasonable accuracy, whether the ownership thereof is correctly stated or not. (R. S. c. 32, § 74. 1945, c. 41, § 25. 1949, c. 103. 1951, c. 90. 1953, c. 2. 1955, c. 13. 1957, c. 287.)

Effect of amendments. — The 1955 amendment, which became effective on its approval February 24, 1955, changed the first sentence by substituting "4¾ mills"

for "5½ mills."

The 1957 amendment inserted the exception at the end of the first sentence.

Sec. 109. Expenses.—All expenses incurred under the provisions of sections 95 to 104, inclusive, and sections 109 to 111, inclusive, shall be paid from the funds raised and created by the tax assessed under the provisions of section 96. (R. S. c. 32, § 84. 1945, c. 378, § 32. 1951, c. 271, § 2. 1955, c. 473, § 12. 1957, c. 397, § 27; c. 418, § 13.)

Effect of amendments. — The 1955 amendment increased the annual additional compensation of the forest commissioner in the former third sentence.

The first 1957 amendment struck out the former second sentence relative to compensation of the deputy forest commissioner and also the former third sentence relative to additional compensation of the commissioner. The second 1957 amendment, effective July 1, 1957, reenacted the former third sentence to read

as follows: "The commissioner shall also receive from said funds the sum of \$7,500 per year in addition to the salary as now provided by law." It also carried appropriations for the fiscal years ending in 1958 and 1959. This amendment, however, has not been given effect in the section as set out above since the compensation of the commissioner is now covered by the provisions of § 1 of this chapter as amended.

Camp Sites and Lunch Grounds.

Sec. 113. Public camp sites and lunch grounds.—It shall be unlawful for any person or persons to erect any trailer, shelter or tent from May 1st to November 30th at any public camp site or lunch ground maintained or authorized by the forestry department within the state and leave such trailer, shelter or tent for more than one week in any 30-day period. It shall also be unlawful to erect any trailer, shelter or tent nearer than 20 feet from any fireplace at any public camp site or lunch ground. Persons already having occupied a camp site or lunch ground maintained or authorized by the forestry department for more than one week shall leave at the request of the forest commissioner or his representatives, or any fish and game warden. The failure of any person to comply with the provisions of this section shall, on conviction, be punished by a fine of not less than \$10, nor more than \$100, or by imprisonment for not more than 30 days, or by both such fine and imprisonment. (1955, c. 291.)

Chapter 37.

Inland Fisheries and Game.

- Sections 73- 84. Hunting. Revocation of Hunting and Fishing Licenses. Intoxication. Sunday Hunting. Night Hunting, etc. Silencers. Automatic Firearms. Importing of Wild Birds or Animals.
- Sections 90-107. Hunting of Moose, Caribou, Deer and Other Wild Animals. Use of Airplane Prohibited. Crop and Orchard Damage. Motor Vehicle Damage. Dogs Running at Large. Illegal Devices for Hunters and Fishermen. Dogs May Be Killed. Transportation and Sale of Deer. Transportation of Fish, Game and Fur-Bearing Animals. Registration Stations for Bear Killed. Closed Season on Rabbits, etc.
- Section 150-A. Game Management Area.