

# 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)

REVISED STATUTES  
OF THE  
STATE OF MAINE  
1954

---

1963 CUMULATIVE SUPPLEMENT

---

ANNOTATED

---

IN FIVE VOLUMES

VOLUME 2

---

**Discard Previous Supplement**

---

THE MICHIE COMPANY  
CHARLOTTESVILLE, VIRGINIA  
1963

# REVISED STATUTES OF MAINE

## 1963 Cumulative Supplement

### VOLUME 2

#### Chapter 36.

##### Forestry.

- Sections 33-41. Park and Recreation Commission. State Parks.  
Section 41-A. Archaeological Excavations.  
Sections 66-67. Shade and Ornamental Trees.  
Sections 67-A to 67-J. Christmas Trees.  
Section 94-A. Kindling Out-of-Door Fires.  
Section 94-B. Forest Rehabilitation.  
Section 113. Camp Sites and Lunch Grounds.

##### Forest Commissioner. Powers and Duties. Surveyors.

**Sec. 1. Forest commissioner; appointment; qualifications; head of department; 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. He shall be the executive head of the forestry department, as heretofore established. 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 \$12,250, of which amount \$8,167 shall be paid from funds raised and created by the tax assessed under section 96. (R. S. c. 32, § 1. 1945, c. 372. 1949, c. 370. 1951, c. 271, § 1. 1963, c. 399, § 1; c. 414, § 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.

The first 1963 amendment inserted the

present second sentence in the section.

The second 1963 amendment substituted “\$12,250” for “\$11,250” and “\$8,167” for “\$7,500” in the last sentence, deleted “the provisions of” preceding “section 96” at the end of the section, and carried appropriations for the fiscal years ending June 30, 1964, and June 30, 1965.

**Sec. 2-A. Use of facsimile signature of forest commissioner.**—A facsimile of the signature of the forest commissioner imprinted by or at his direction upon any license, registration certificate, permit or certificate of appointment issued by him under authority of this or any other chapter shall have the same validity as his written signature. (1961, c. 49.)

**Sec. 11-A. Authority to accept federal funds.**—The Maine forestry department, commonly known as the Maine forest service, is designated the public agency of the state of Maine for the purpose of accepting federal funds in relation to forest fire protection, insect control, management, growth and related for-

est products. The treasurer of state shall be the appropriate fiscal officer of the state to receive federal grants for these purposes, subject to the approval of the governor and council, and the state controller shall authorize expenditures therefrom as approved by the department and the governor and council. (1963, c. 12.)

**Sec. 12. Granting rights to cut timber; sell gravel; granting mining rights; leasing camp sites and mill privileges; granting dredging permits; 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, may sell any gravel existing in the soil of such lands 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, grant permits for dredging in great ponds of over 1,000 acres and for disposal of the materials thereby removed which are not classified as minerals under the mining law, provided that prior to the granting of any permit notice and opportunity for hearing shall be given to any abutting owner and any water company, as defined in chapter 44, section 16, interested or having rights in the affected pond and provided that the commissioner has first consulted with and had the approval of the Maine mining bureau, the water improvement commission and the commissioner of inland fisheries and game, 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; and 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.

No material removed from a great pond shall be placed on the land of an abutting owner without his consent. (R. S. c. 32, § 11. 1949, c. 152. 1951, c. 146. 1957, c. 185. 1961, c. 8. 1963, c. 358.)

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

The 1961 amendment added the provision as to sale of gravel and substituted

“and” for “also” following the semicolon in the first sentence.

The 1963 amendment inserted the provisions as to granting dredging permits in the first sentence and added the second paragraph.

### **Sec. 15. Foresters.**

Whenever foresters of the forestry department are used to practice forest management on lands belonging to the state, reimbursement for the time and expenses of the foresters, advertising of stumpage and similar expenses incidental thereto shall be deducted from the income received from said sale of stumpage before it is credited to the department that has administration of the area. (1949, c. 436, § 1. 1959, c. 35.)

**Effect of amendment.**—The 1959 amendment added the last paragraph to this sec-

tion. Since the first paragraph was not affected by the amendment, it is not set out.

## **Park and Recreation Commission. State Parks.**

### **Sec. 33. Definitions.**

**Editor's note.**—P. L. 1963, c. 4, § 2, provides that wherever in the Revised Statutes or in the Public Laws the words

“Maine state park commission” appear, they shall mean “Maine state park and recreation commission.”

**Sec. 34. Park and recreation commission; powers.**—The Maine state park and recreation 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 2 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 \$10 per diem for the time actually spent by each in transacting official business of the commission, payment to be made as hereinafter provided for.

**I. Acquire, convey or license use of land; eminent domain.** 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 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. Any such license, lease or agreement granted or entered into 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. 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. 1963, c. 309.)

**III-A. Fees for services and accommodations.** With the consent of the governor and council, the commission may:

**A.** Furnish accommodations and render services to the public on state parks and parks under state control; and

**B.** Charge reasonable fees for such services and accommodations.

All fees received under this subsection shall accrue to the general fund of the state.

**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.

**VI-B. Federal funds.** To accept and receive funds from the federal government for all purposes relating to parks and recreational areas. The treasurer of state shall be the appropriate fiscal officer to receive such federal funds, subject to the approval of the governor and council, and the state controller shall authorize expenditures therefrom as approved by the commission and the governor and council.

(1955, cc. 37, 483. 1961, c. 269. 1963, c. 4, § 1; c. 44; c. 309.)

**Effect of amendments.**—The first 1955 amendment substituted “5 years” for “1 year” in the proviso formerly appearing near the middle of subsection I. The second 1955 amendment added subsection VI-A.

The 1961 amendment added subsection III-A.

The first 1963 amendment substituted

“Maine state park and recreation commission” for “Maine state park commission” near the beginning of the first paragraph. The second 1963 amendment added subsection VI-B. The third 1963 amendment deleted “subject to proviso hereinafter set forth” near the beginning of the present first sentence of subsection I, made the former provisos in such subsection into

separate sentences, and deleted a provision limiting terms to not longer than 5 years from the former first proviso.

As the rest of the section was not af-

ected by the amendments, only the first paragraph and subsections I, III-A, VI-A, VI-B 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.)

**Change of name of commission.**—See Editor's note under § 33.

**Sec. 34-B. State museum; maintenance.**—A state museum shall be established on the first floor of the south wing section of the state capitol and such section shall be exclusively used for the museum, provided no other building or property is acquired in the future for a state museum.

The state park and recreation commission shall operate and maintain the state museum; shall supervise, maintain, develop, collect and display items for the purpose of educating the general public on the historical values of Maine's cultural and natural resources, including gifts to the state.

All displays and exhibits used in the former state museum, if available and in good condition, shall be returned to the state and used under the direction and supervision of the commission. (1963, c. 417, § 7.)

### **Sec. 35. Restrictions.**

**Change of name of commission.**—See Editor's note under § 33.

**Sec. 36. Allocation of funds.**—All moneys received by the commission shall be deposited with the treasurer of state to be credited to the general fund. (R. S. c. 32, § 25. 1959, c. 314.)

**Effect of amendment.**—The 1959 amendment rewrote this section.

**Sec. 38. Jurisdiction.**—The district court and the superior court shall have concurrent jurisdiction in all prosecutions under any provision of sections 33 to 39. Any person arrested as a violator of said sections may be taken before the district court in the division where the offense was committed, or in any adjoining division. Jurisdiction in such cases is granted to the district court to be exercised in the same manner as if the offense had been committed in that division. (R. S. c. 32, § 27. 1963, c. 402, § 69.)

**Effect of amendment.**—The 1963 amendment substituted "The district court and the superior court shall have concurrent jurisdiction" for "Trial justices within their county shall have concurrent jurisdiction with municipal courts" in the first sentence, deleted "of the provisions" following "violator" in the second sentence, substituted "the district court in the division" for "any trial justice or any municipal court in the county" in such sentence, substituted "division" for "county" at the

end of that sentence, substituted "the district court" for "all trial justices and all other courts" in the last sentence and substituted "division" for "county" at the end of the section.

**Application of amending act.**—Section 280 of c. 402, P. L. 1963, provides that the act shall apply only to the district court when established in a district and that the laws in effect prior to the effective date of the act shall apply to all municipal and trial justice courts.

### **Sec. 40. State parks.**

**Change of name of commission.**—See Editor's note under § 33.

### Archaeological Excavations.

**Sec. 41-A. Archaeological excavations.**—Any person, partnership, corporation, association or organization conducting, assisting or supporting in any manner any historical, archaeological or paleontological excavation in this state shall report such activity and the location of such activity to the state park and recreation commission. (1963, c. 208.)

### 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.)

**Sec. 43-A. Agents and representatives.**—The Baxter State Park authority shall appoint agents or representatives to carry out sections 42 to 47. All appointed agents or representatives shall hold office under the rules of the personnel law. They shall be sworn to the faithful discharge of their duties and a certificate thereof shall be returned and filed in the office of the chairman of the authority. They shall receive such compensation for each and every day as determined by the authority, with approval of the state personnel board, with allowance for actual necessary expenses of travel. (1961, c. 1.)

**Sec. 45. Jurisdiction.**—The district court shall have original and concurrent jurisdiction with the superior court in all prosecutions under any provisions of sections 43 to 46. Any person, arrested as a violator of said sections, shall with reasonable diligence be taken before the district court in the division nearest to where the offense is alleged to have been committed for a warrant and trial, and in such case jurisdiction is granted to the district court in adjoining divisions to be exercised in the same manner as if the offense had been committed in that division. (1949, c. 78. 1963, c. 402, § 70.)

**Effect of amendment.**—The 1963 amendment substituted “The district court” for “Trial justices and municipal courts within their counties” at the beginning of the section, substituted “district court in the division” for “municipal court” in the second sentence, substituted “the district court in adjoining divisions” for “all mu-

nicipal courts in adjoining counties” in that sentence, substituted “division” for “county” at the end of such sentence and eliminated the former last sentence in the section.

**Application of amending act.**—See note to § 38.

### Public Reserved Lots.

**Sec. 48. Public reserved lots located by agreement.**—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 and minerals 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 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 commissioner's office, which shall be a sufficient location thereof. (R. S. c. 32, § 33. 1961, c. 43.)

**Effect of amendment.**—The 1961 amendment added "and minerals" near the end of the first sentence.

**Sec. 53. Funds for school purposes; disposition of unorganized townships fund.**

I. \$10,000 allocated annually for the use of the commissioner in managing and improving the growth of public reserved lots; and (1959, c. 123.)

**Effect of amendment.**—The 1959 amendment substituted "\$10,000" for "\$5,000" in subsection I of this section. Since the rest of this section was not affected by the amendment, it is not set out.

**Sec. 54. Organized townships fund, disposition.**—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 shall be paid annually to 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. Before interest of said fund is so distributed to the treasurers of such plantations an amount equalling 10% of the determined total interest sum on the accrued principal fund shall be allocated annually to the forest commissioner for use in managing and improving the forest growth of the public reserved lots in said organized plantations. 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. (R. S. c. 32, § 39. 1951, c. 167, § 2. 1961, c. 9. 1963, c. 321.)

**Effect of amendments.** — The 1961 amendment added the present fourth sentence. The 1963 amendment substituted "10%" for "15%" in the present fourth sentence.

**Sec. 60. Appeal filed.**—In a proceeding for the location of such public reserved lots as provided for in sections 56 to 59, an appeal may be taken to the law court as in other actions. (R. S. c. 32, § 45. 1959, c. 317, § 12.)

**Effect of amendment.**—The 1959 amendment rewrote this section. other proceedings in actions at law or suits in equity then pending, except to the extent that in the opinion of the court the application of this act in a particular action pending on December 1, 1959 would not be feasible or would work injustice, in which event the laws in effect prior to December 1, 1959 would prevail."

**Effective date and applicability of Public Laws 1959, c. 317.** — Section 420, chapter 317, Public Laws 1959, provides as follows: "This act shall become effective December 1, 1959. It shall apply to all actions brought after December 1, 1959 and also to all fur-

### Forest Nurseries.

**Sec. 65. Circulars for care of woodlands; forest nurseries; seedlings; shrub material.**—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 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 and may produce and distribute at cost shrub material for wildlife development in cooperation with other state agencies. (R. S. c. 32, § 50. 1957, c. 172. 1963, c. 14.)

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

The 1963 amendment deleted the word “also” following the word “may” near the

beginning of the last sentence and added “and may produce and distribute at cost shrub material for wildlife development in cooperation with other state agencies” at the end of such sentence.

### Shade and Ornamental Trees.

**Sec. 66.** Repealed by Public Laws 1963, c. 368, § 2.

**Editor's note.**—Prior to its repeal, this section had been amended by P. L. 1957, c. 169, § 1, and P. L. 1961, c. 336, § 1.

**Sec. 66-A. Definitions.** As used in sections 66-A to 66-S, unless the context otherwise specifies, the following words shall have the following meanings:

**I. Arborist.** “Arborist” means a person who, for profit, diagnoses or evaluates the condition of shade or ornamental trees; or recommends or supervises the treatment of such trees; or in any manner treats such trees or parts thereof; or for control of any disease, injuries or insects, sprays or treats by any other method such trees or forest trees. The term “arborist” shall not apply to the removal, pruning, trimming or shaping of shade or ornamental trees by a general contractor in the conduct of his business.

**II. Board.** “Board” means the arborist examining board provided for in section 66-M.

**III. Department.** “Department” means the forestry department as the official governmental unit to which jurisdiction of sections 66-A to 66-S is assigned.

**IV. Director.** “Director” means the head of the forestry department or department staff member designated by him.

**V. Ornamental trees.** “Ornamental trees” means trees of shade, beauty or landscape value.

**VI. Person.** “Person” means an individual, partnership or any group of persons, whether incorporated or not.

**VII. Shade trees.** “Shade trees” means trees grown, established or used to screen persons, grounds, structures, walks, pools, etc., from direct sunlight or observation or both. (1963, c. 368, § 1.)

**Sec. 66-B. License as arborist required.**—No person shall advertise, solicit, contract or in any way engage for compensation in the business of an arborist, or make representation as being able to do so, without being licensed as an arborist except that licensees under the current arborist law shall remain validly licensed until December 31, 1963 and eligible for renewal thereafter provided they meet provisions of sections 66-A to 66-S. (1963, c. 368, § 1.)

**Sec. 66-C. Qualifications of licensees; licenses for supervisors; regular and restricted licenses.**—No license shall be issued under sections 66-A

to 66-S except to an individual who is 18 years or over in age, who is specifically qualified as defined in sections 66-A to 66-S, who passes an examination, and who gives proof of financial responsibility in amounts to be determined under rules and regulations made by the board. When a company is under the control of one person who is solely responsible for the contracts, methods of work and supervision of each piece of work, this person alone will be required to procure a license, but, when more than one person is responsible for contracts, methods of work and supervision of same, each will be required to procure a license.

One of 2 types of licenses shall be issued, namely: Regular and restricted. Regular licenses will allow a licensed individual to engage in all operations in which an arborist is normally involved. Restricted licenses will allow such a licensed individual to perform operations only in those areas stated on the license issued. The department reserves the right to restrict a licensed individual to those operations for which he is judged qualified by the board. (1963, c. 368, § 1.)

**Sec. 66-D. Exemptions.**—Sections 66-A to 66-S shall not apply to:

**I. Certain property.** Any person with reference to trees on his own premises, or on the property of his regular employer.

**II. Personnel.** Any individual performing labor or services on or in connection with trees at the direction and under the personal supervision of a licensed arborist while in the performance of such functions, provided that employed personnel with supervisory responsibility are required to qualify for and hold a license.

**III. Certain employees.** To state, county, municipal or public utility employees while engaged in their regular line of duty.

**IV. Others.** Highway contractors, subcontractors, and their employees in removal of trees during the performance of contracts for the construction or maintenance of highways. (1963, c. 368, § 1.)

**Sec. 66-E. Applications for examination; fees.** — Applications for examination shall be in writing on forms prescribed by the department, shall be notarized and shall be accompanied by an application fee of \$5 which shall not be returnable. The application form shall require whatever information the board finds necessary to judge qualifications of the applicant. (1963, c. 368, § 1.)

**Sec. 66-F. Examinations.**—Any person shall, upon payment of the application for examination fee, be entitled to written examination prepared by the board. An oral examination may be required of the applicant to enable the board to judge his qualifications for certification.

Applicants for restricted licenses shall be examined in those subjects to which their activities are restricted.

Examination shall be given but once a year unless hardship can be proven to the satisfaction of the board. The grading and passing of applicants shall be exclusively the responsibility of the board.

Applicants failing first examination may apply and take the next or subsequent examination. A no-additional-fee privilege for a 2nd examination shall extend only through the date of the next annual examination. (1963, c. 368, § 1.)

**Sec. 66-G. License term; effect of failure to renew; right of veterans to renewal without charge.**—Each license shall be issued for the term of one calendar year, or for such part of a year remaining before December 31st and shall then expire unless renewed.

Failure to renew license within 5 years after date of expiration will necessitate reapplication, reexamination and accompanying fees for a new license.

Any arborist whose license expired while he was in federal service on active duty with the armed forces of the United States, or the state militia called into service or training, or in training or education under the supervision of the United States preliminary to induction into the military service may have his license re-

newed without paying any intervening renewal license fees if within one year after termination of such service, training or education other than by dishonorable discharge, he furnishes the department with an affidavit to the effect that he has been so engaged and that his service, training or education has been so terminated. (1963, c. 368, § 1.)

**Sec. 66-H. Renewal and replacement of licenses.**—Applications for renewal licenses shall be on forms prescribed by the department, shall be notarized if requested, shall contain whatever information is necessary for the board to determine whether the applicant should continue to hold a license, and shall be accompanied by the required fee, which shall be returnable if the applicant is denied a license renewal. Lost licenses shall be replaced on application by the licensed arborist and payment of \$1. (1963, c. 368, § 1.)

**Sec. 66-I. License forms; display; cards for employees.** — Each license issued shall consist of 2 parts; a certificate which must be displayed at each place of business of the arborist and a card of wallet size which must be carried by the arborist when occupied in a business capacity.

Where the arborist conducts business at more than one address, additional certificates shall be issued. When an employee of a licensed arborist does not himself hold a license, he shall have with him when working, a signed card or authorization of a form prescribed by the department by that licensed arborist showing under whose supervision he is working and by whom he is employed. The director shall not issue more than one license card to an individual qualified to receive a license, except as provided in section 66-H.

License holders shall display their license to and upon the request, at any time, of any client, other licensed arborist, law enforcement officer or member of the board or department. (1963, c. 368, § 1.)

**Sec. 66-J. Consent by nonresident applicants to venue and service of process.**—Each nonresident applicant, a resident of a different state or province, for an original license or a renewal license shall file an irrevocable consent that actions against him may be filed in any appropriate court of any county or municipality where some part of the transaction occurred out of which the alleged cause of action arose, and that process in any action may be served on the applicant by leaving 2 copies thereof with the director. Such consent shall stipulate and agree that such service of process shall be taken and held to be valid and binding for all purposes. The director shall send one of such process to the applicant at the address shown on the records of the department by registered mail. (1963, c. 368, § 1.)

**Sec. 66-K. Reciprocity.**—In the event that a nonresident holds a valid arborist license from another state or province, he may on application for a license be waived examination by the board, provided that the other state or province in which he holds such license requires qualification and examination as indicated in sections 66-A to 66-S. If said other state law partially meets the standards of sections 66-A to 66-S, the board will decide in which respect it is lacking and what requirements the applicant must meet for waiver of examination, or whether written examination shall be waived. (1963, c. 368, § 1.)

**Sec. 66-L. Denial of licenses.**—The department may refuse to issue or renew or may suspend or revoke a license on any one or more of the following grounds:

- I. Misstatement.** Deliberate misstatement in the application for original license or in the application for any renewal license under sections 66-A to 66-S.
- II. Willful violation.** Willfull disregard or violation of sections 66-A to 66-S or of any regulation or rule issued pursuant thereto.

**III. Aiding or abetting.** Willfully aiding or abetting another in the violation of sections 66-A to 66-S or of any regulation or rule issued pursuant thereto.

**IV. Unauthorized use of license.** Allowing one's license under sections 66-A to 66-S to be used by an unlicensed person.

**V. Misrepresentation.** Making substantial misrepresentation or false promises of a character likely to influence, persuade or induce in connection with the business of an arborist.

**VI. False advertising.** Pursuing a continued course of misrepresentation or of making false promises through advertising, salesmen, agents or otherwise in connection with the business of an arborist.

**VII. Qualifications.** Failure to possess the necessary qualifications or to meet the requirements of sections 66-A to 66-S for the issuance or holding of a license. (1963, c. 368, § 1.)

**Sec. 66-M. Examining board; membership; terms; majority action; rehearings; meetings; compensation and expenses.**—Only those duties and functions of the department and director as indicated under sections 66-A to 66-S shall be exercised without written authorization of the arborist examining board. All decisions of policy not otherwise specified shall be at the discretion of the board. Such board shall be composed of 5 individuals. Two of these shall be the forest commissioner and the state entomologist. The other 3 members shall be appointed by the governor, one of whom shall be a plant pathologist who is either on the state or university of Maine staff and part of whose work is concerned with trees and 2 of whom shall be licensed commercial arborists, each of whom shall have been so engaged continuously for a period of 10 years prior to his appointment.

One original member who is a commercial arborist shall serve for 2 years; one original member who is a commercial arborist shall serve for 3 years. Each succeeding commercial-arborist member shall serve for a term of 5 years.

Commercial arborists who are appointed to be, are or have been members of the arborist examining board shall be prohibited from using this position in the advertising of their business in any way.

The action or report in writing of a majority of the board shall be sufficient authority on which the department or the director may act and neither the director nor the department shall act without authorization in writing of a majority of the board except as indicated in sections 66-A to 66-S. Whenever the director is satisfied that justice has not been done in any matter, he may order a reconsideration of such matter by the board and may require a hearing with testimony from conflicting parties presented, but a final decision forthcoming from this reconsideration or rehearing shall be by a majority of the board.

The board shall meet at least once a year and at such other times and places as a majority of the board may find necessary for the performance of their duties. Board members not of state agencies shall be paid daily fees of \$20 per day involved, plus current state mileage and living expenses incurred in those days. Members of state agencies shall be paid expenses not covered by state agencies in which employed. (1963, c. 368, § 1.)

**Sec. 66-N. List of arborists; suspension or revocation of licenses; annual report by board.** — The director of the department shall compile and maintain a complete and up-to-date list of all licensed arborists in the state. Such a list shall be issued once a year and shall be made available to any person upon request.

Any person within the meaning of sections 66-A to 66-S who violates any of the provisions of sections 66-A to 66-S or any of the rules and regulations of the board promulgated as provided in sections 66-A to 66-S shall be punished by having his license to practice as an arborist in this state suspended or revoked

by a vote of 4/5 of the board members, provided that no license shall be revoked unless the person accused has been given at least 10 days' notice in writing of the charge or charges against him and afforded a public hearing before the board at a designated time and place set by the board. The board may after a lapse of 6 months, at their discretion, reissue a license which has been suspended or revoked. The board shall make an annual report of its proceedings to the Governor on or before the first Monday in July of each year, which shall contain an account of all moneys received and disbursed by them. (1963, c. 368, § 1.)

**Sec. 66-O. Appeal from suspension or revocation.** — A person whose license has been suspended or revoked may secure review thereof through chapter 20-A. (1963, c. 368, § 1.)

**Sec. 66-P. Rules and regulations; forms.**—The board shall make and issue such rules and regulations, not inconsistent with the law, as may be necessary to carry out the purposes of sections 66-A to 66-S and shall prepare all necessary forms and rules governing examinations and hearings as may be necessary. (1963, c. 368, § 1.)

**Sec. 66-Q. Enforcement; injunctions; contempt proceedings.** — If any person violates sections 66-A to 66-S, the director may, in the name of the state, through the attorney general apply, in any court of contempt jurisdiction, for an order enjoining such violation or for an order enforcing compliance with sections 66-A to 66-S. Upon filing of a verified petition in such court, the court, if satisfied by affidavit that such person has violated sections 66-A to 66-S, may issue a temporary injunction, without notice or bond, enjoining such civil actions. If it is established that such person has violated or is violating sections 66-A to 66-S, the court may enter a decree perpetually enjoining such violation or enforcing compliance with sections 66-A to 66-S. In case of violation of any order or decree issued under this section, the court may summarily try and punish the offender for contempt of court. Proceedings under this section shall be in addition to, and not in lieu of, all other remedies and penalties provided by sections 66-A to 66-S. (1963, c. 368, § 1.)

**Sec. 66-R. Penalties.**—Any person violating sections 66-A to 66-S shall be punished by a fine of not more than \$200, or by imprisonment for not more than 2 months, or by both. (1963, c. 368, § 1.)

**Sec. 66-S. Fees.**—A \$5 fee shall accompany each application for examination and shall not be returnable. When an applicant is notified that he is eligible for a license following examination, he shall remit an additional \$10 to cover total license fee of \$15 before a license is issued. The following fees shall be charged:

**I. Original license.** For an original license to an individual, \$15.

**II. Annual renewal license.** For an annual renewal license, \$5.

**III. Replacement.** Replacement of lost license, \$1.

Fees collected shall be credited to the board and may be expended by the board for any expense incurred for examining, licensing and carrying out the purposes of sections 66-A to 66-S. (1963, c. 368, § 1.)

**Sec. 67.** Repealed by Public Laws 1963, c. 368, § 2.

**Editor's note.**—Prior to its repeal, this section had been amended by P. L. 1957, c. 169, § 2, and P. L. 1961, c. 336, §§ 2, 3.

### Christmas Trees.

**Sec. 67-A. Registration.**—It shall be unlawful for any person, firm, corporation or partnership, for commercial purposes, to transport Christmas trees or evergreen boughs from private, state or federal lands to any place or

places within or outside this state without first registering with the state forestry department or persons designated by the commissioner, but no registration will be required of landowners or holders of written permits from landowners for cutting or bundling or hauling such trees and boughs to roadside. Forms for registering shall be provided by the forest commissioner. The annual fee for such registration, when obtained from the forestry department, shall be \$1 payable to the treasurer of state and credited to the general fund; and if such registration is obtained from any town or city clerk, the annual fee shall be \$1.25, \$1 of which shall be payable to the treasurer of state and credited to the general fund, and 25¢ shall be retained by the town or city clerk for the service of issuing the certificates of registration. All such registrations shall expire on December 31st of the year issued. A proper record of all registrations issued shall be kept by the forest commissioner at his office and shall be open to inspection by any person during reasonable business hours. (1959, c. 283. 1961, c. 375, §§ 1, 1-A.)

**Effect of amendment.**—Prior to the 1961 amendment, the fees set out in the third sentence were credited to the state forestry department for administration of §§ 67-A to 67-J instead of to the general fund. The 1961 amendment also deleted “sell or”

near the beginning of the first sentence, substituted “cutting or bundling or hauling” for “bundling and hauling” near the end of the first sentence and deleted “for sale at roadside or to a dealer” at the end of that sentence.

**Sec. 67-B. Definitions.**—For the purpose of sections 67-A to 67-J:

**I. Christmas tree.** “Christmas tree” means any evergreen tree severed from the stump and includes fir, hemlock, spruce, cedar and pine, cut for commercial purposes as a Christmas tree.

**II. Evergreen boughs.** “Evergreen boughs” mean boughs or tips of all species of coniferous trees cut for commercial purposes.

**III. Roadside.** “Roadside” is defined as the nearest public way accessible to the cutting area or initial loading point. (1959, c. 283. 1961, c. 375, § 2. )

**Effect of amendment.**—The 1961 amendment designated the definitions of “Christmas tree” and “evergreen boughs” as sub-

sections I and II, deleted “as wreaths, tips or other Christmas decorations” at the end of subsection II and added subsection III.

**Sec. 67-C. Owner's permission to cut; inspection.**—It shall be unlawful for any person, firm, corporation or partnership to cut Christmas trees or evergreen boughs on land of another without first securing written permission from the owner of the land or the owner of the growth thereon, or their authorized agents. Only one permit is needed for men working in crews. Any officers authorized to make inspections and investigations under sections 67-A to 67-J may require of each person, firm, corporation or partnership to show on request:

**I. When cutting:** A current written owner permit when cutting on land or growth of another;

**II. Transit.** In transit: A current landowner permit or owner of growth thereon permit or other written proof of ownership and state Christmas tree registration when transporting trees loosely or in bundles, or boughs, loosely or baled, and in the case of over the highway transportation, each driver must carry such permit and registration on person or in vehicle. Dealers using more than one truck may obtain duplicate copies, at a charge of 25¢ each, of their registration for use by the drivers. In the case of railroad shipment or transportation of Christmas trees, loosely or in bundles, or boughs, loosely or baled, a certificate of shipment must be posted on both doors or both sides of each railroad car. (1959, c. 283. 1961, c. 375, § 3.)

**Effect of amendment.**—The 1961 amendment inserted “at a charge of 25¢ each” in the second sentence of subsection II.

**Sec. 67-D. Forgery.**—Every permit, registration or affidavit specified in sections 67-A to 67-J, shall be deemed to be a written instrument subject to the laws relating to forgery. (1959, c. 283.)

**Sec. 67-E. Registration revocation; appeal; penalty.**—The forest commissioner may at any time for sufficient cause suspend or revoke any registration for a period of not more than 2 years for any of the following violations of the provisions of sections 67-A to 67-J:

**I.** Cutting Christmas trees without [without] permission of the landowner;

**II.** Failure to pay for Christmas trees and evergreen bough stumpage;

**III.** Buying, accepting or receiving Christmas trees and evergreen boughs from persons without proof of ownership.

No registration shall be issued to any person, firm, corporation or partnership whose registration has been revoked.

Any person, firm, corporation or partnership aggrieved by a decision of the commissioner suspending or revoking a registration may, within 30 days after notice thereof from the commissioner, appeal therefrom to the superior court in any county where the appellant has a regular place of business or if the appellant has no such place of business within the state, to the superior court in Kennebec county. The appellant shall when such appeal is taken file an affidavit stating his reasons of appeal and serve a copy thereof on the commissioner, and in the hearing of the appeal shall be confined to the reasons of appeal set forth in such affidavit. Jurisdiction is granted to the superior court to hear and determine such appeals and to enter such order and decrees as the nature of the case may require. The decision of said court upon all questions of fact shall be final. Decisions shall be certified to the commissioner.

In addition to the penalty of a suspension or revocation of registration, any mentioned in this section or who offers any resistance to carrying out sections 67-A to 67-J shall be deemed guilty of a misdemeanor and if convicted thereof shall be punished by a fine of not less than \$25 nor more than \$100 or by imprisonment for not more than 3 months, or by both. After deductions of court costs such fines shall be credited to the general fund. (1959, c. 283. 1961, c. 317, § 76; c. 375, § 4.)

**Effect of amendments.**—The first 1961 amendment rewrote next to the last paragraph of this section. the last paragraph, inserted “less than \$25 nor”, added the last sentence and made other minor changes.

The second 1961 amendment, amending

**Sec. 67-F. Seizure or attachment of trees.**—Any officer authorized to make inspections, investigations and arrests under the provisions of sections 67-A to 67-J may seize and hold Christmas trees or evergreen boughs until written proof of ownership permission and state registration has been established, and if no written proof of ownership permission and state registration has been established, then said officer shall try to determine where such trees or boughs were cut and notify the landowner. In case the owner does not want the trees or boughs, the state may then dispose of them, and any moneys derived from the disposition of said trees and boughs shall be paid over to the landowner if his identity can be established, otherwise to the treasurer of state and credited to the general fund. (1959, c. 283. 1961, c. 375, § 5.)

**Effect of amendment.**—The 1961 amendment substituted “general fund” for “state forestry department for administration of the provisions of §§ 67-A to 67-J” at the end of this section.

**Sec. 67-G. Federal quarantine regulations.**—Under the provisions of sections 67-A to 67-J, no person, firm, corporation or partnership issued such registration is in any way relieved or exempt of legal responsibility of complying with the federal regulations concerning Gypsy Moth quarantine law. (1959, c. 283.)

**Sec. 67-H. Trees cut outside state but transported across state.**—When Christmas trees and evergreen boughs harvested in any Canadian province or neighboring state are transported over the highways in this state to points out-

side the state, some proof of ownership will be required such as customs clearance at points of entry or landowner permit. (1959, c. 283.)

**Sec. 67-I. Enforcement agencies.**—State forestry department personnel and all state, county and municipal law enforcement officers shall be authorized officers to make inspections, investigations and arrests under sections 67-A to 67-J and shall report violations to the commissioner. (1959, c. 283. 1961, c. 375, § 6.)

**Effect of amendment.**—The 1961 amendment substituted “and all state, county and municipal law enforcement officers” for “state police and county sheriffs and their deputies” and deleted “forest” preceding “commissioner.”

**Sec. 67-J. Yearly Christmas tree harvest or sale report.**—On a voluntary basis, without penalty, every person, firm, corporation, partnership or agent shipping or transporting Christmas trees, evergreen boughs, wreaths or tips, shall render a yearly written report to the forest commissioner not later than January 31st of each calendar year, giving the amount of Christmas trees, evergreen boughs, wreaths and tips, shipped or transported during the preceding calendar year; location of area cut; and the places within and outside the state to which the trees, boughs and tips were shipped. Forms for this report shall be provided by the forest commissioner. Information obtained from these reports shall be confidential. The forest commissioner shall prepare a summary of these reports and copies shall be sent to registered Christmas tree dealers and shippers. (1959, c. 283.)

### Fire Patrol and Preservation of Forests.

**Sec. 88. Yearly timber cut report.**—Owners or operators of all primary wood-using sawmills, stationary or portable, and primary processors of cordwood, boltwood, pulpwood, posts, poles, piling and fence rails, except for domestic use and not for sale or conversion into products for sale, shall render an annual report to the commissioner during the month of January of each year of the amount of softwoods and hardwoods cut by species within the state by or for them during the preceding calendar year, and showing the county or counties from which the wood was taken. Forms for this report shall be provided by the commissioner. Information contained in said reports shall not be made public insofar as the same applies to individuals. (1949, c. 423. 1959, c. 124.)

**Effect of amendment.**—The 1959 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.)

### Forest Rehabilitation.

**Sec. 94-B. Forest rehabilitation.**—The forest commissioner shall carry out a forest rehabilitation program on unstocked and poorly stocked potential forest land either public or private with first priority to burned areas. He shall make use of federal funds as and if available and of inmates of state institutions, including penal, whenever possible or feasible. The state shall participate in the cost of such forest rehabilitation up to 50% of the total cost on private land including the value of the trees. (1959, c. 347, § 1.)

**Editor's note.**—P. L. 1959, c. 347, adding this section, provided in section 2 thereof as follows:

"Sec. 2. Appropriation. There is appropriated from the unappropriated surplus

of the general fund the sum of \$10,000 for the fiscal year ending June 30, 1960 and \$10,000 for the fiscal year ending June 30, 1961 to carry out the purposes of this act."

### 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 increased by  $2\frac{1}{4}$  mills on the dollar assessed only for the year 1963 upon all the property in the unorganized territory located within the Maine forestry district, including rights in public reserved lots, to be used by the forestry department for spruce budworm control. Such tax shall be increased by  $\frac{3}{4}$  mills on the dollar assessed only for the year 1960 upon all the property in the unorganized territory located within the Maine forestry district, including rights in public reserved lots, to be used by the forestry department for spruce budworm control. Such tax shall be increased by  $1\frac{1}{2}$  mills on the dollar assessed only for the year 1958 upon all the property in the unorganized territory located within the Maine forestry district, including rights in public reserved lots, to be used by the forestry department for spruce budworm control. 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 property 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, cc. 287, 424. 1959, c. 376. 1963, c. 5.)

**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 first 1957 amendment inserted the exception at the end of the first sentence. The second 1957 amendment, which be-

came effective October 31, 1957, added the present fourth sentence.

The 1959 amendment, effective on its approval, January 29, 1960, added the present third sentence.

The 1963 amendment, which became effective on its approval, February 13, 1963, inserted the present second sentence.

**Sec. 100. Use of funds; when insufficient, payments from state treasury; audit of accounts.**—The tax assessed by authority of section 96 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 landowners 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 96 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 expenditures 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 provided, the expenditures of forestry district funds shall be in accordance with the provisions of chapters 15-A, 18 and 19. 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. (R. S. c. 32, § 79. 1959, c. 363, § 21.)

**Effect of amendment.**—The 1959 amendment deleted the word "above," formerly appearing after the word "as," and before

the word "provided," and substituted "15-A" for "16" in the third sentence from the end of this section.

**Sec. 103-A. Jurisdiction for prosecutions under sections 95 to 112.**—The district court shall have original and concurrent jurisdiction with the superior court in all prosecutions under any provisions of sections 95 to 112. Any person, arrested as a violator of said sections, may with reasonable diligence be taken before the district court in the division nearest to where the offense is alleged to have been committed for a warrant and trial, and in such case juris-

diction is granted to the district court in adjoining divisions to be exercised in the same manner as if the offense had been committed in that division. (1961, c. 124, 1963, c. 402, § 71.)

**Effect of amendment.**—The 1963 amendment substituted “The district court” for “Trial justices and municipal courts within their counties” at the beginning of the section, substituted “district court in the division” for “municipal court” in the second sentence, substituted “the district court in adjoining divisions” for “all mu-

nicipal courts in adjoining counties” in that sentence, substituted “division” for “county” at the end of such sentence and deleted the former last sentence in the section.

**Application of amending act.**—See note to § 38.

**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; c. 429, § 41.)

**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, reen-

acted 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. The third 1957 amendment, which became effective on its approval, October 31, 1957, again repealed the former third sentence of the section.

### 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 36-A.

### Operation of Boats.

**Secs. 1-15.** Repealed by Public Laws, 1963, c. 354, § 2.

**Cross reference.**—For present provisions as to watercraft registration and safety, see chapter 36-B.

**Editor's note.**—This chapter, which derived from P. L. 1959, c. 349, § 1, had been amended by the following acts prior to its repeal: P. L. 1959, c. 374, §§ 1 to 5, effective April 2, 1960; P. L. 1961, c. 335,

§§ 1 to 7, effective January 1, 1963; P. L. 1961, c. 417, § 116, effective January 1, 1963; P. L. 1963, c. 135, adding § 10-A, re underwater swimming and diving; P. L. 1963, c. 333; P. L. 1963, c. 352, §§ 1 to 4, 6 to 11, 13 to 16. P. L. 1963, c. 352, § 11 added §§ 8-A to 8-C to this chapter, re water skiing, lights on vessels, and regat-