

# MAINE STATE LEGISLATURE

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## PART 2

## FORESTS, PARKS, LAKES AND RIVERS

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## CHAPTER 201

## FOREST COMMISSIONER

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**§ 501. Appointment; qualifications; duties; salary**

A Forest Commissioner, as heretofore appointed by the Governor with the advice and consent of the Council, hereinafter in chapters 201 to 215 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 1601.

R.S.1954, c. 36, § 1; 1955, c. 473, § 11; 1957, c. 418, § 12; 1963, c. 399, § 1; c. 414, § 12.

**§ 502. Receipt of money; travel expenses; clerks**

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 of State. 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 Personnel Law.

R.S.1954, c. 36, § 2.

**§ 503. Use of facsimile signature**

A facsimile of the signature of the commissioner imprinted by or at his direction upon any license, registration certificate, permit or certificate of appointment issued by him under authority of chapters 201 to 215 or any other chapter shall have the same validity as his written signature.

1961, c. 49.

**§ 504. Supervision and control of state lands**

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 may make recommendations to the Legislature for the sale of lands, giving proper descriptions and appraisals, 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 shall be made by the commissioner except by authorization of the Legislature.

The commissioner is authorized, with the approval of the Governor and Council, to grant leases and rights to cut timber and grass on such lands, on such terms as they may approve.

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.

R.S.1954, c. 36, § 3.

### **§ 505. Establishment of nurseries**

The commissioner 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.1954, c. 36, § 65; 1957, c. 172; 1963, c. 14.

### **§ 506. Rehabilitation program**

The 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.

**§ 507.    Sale of certain lands**

All lands, title to which was acquired by the State under the Revised Statutes of 1944, chapter 30, shall be under the supervision and control of the commissioner, as provided in chapters 201 to 215.

The commissioner may, with the advice of the Governor and Council, sell and convey all such lands acquired by virtue of the foreclosure of mortgages under Title 14, section 6151.

Whenever the title to any property mortgaged under the Revised Statutes of 1944, chapter 30, shall have been acquired by the State, either by foreclosure of said mortgage or by conveyance, the commissioner, on warrant of the State Controller, may pay to the town or plantation in which such property is situated such sum as may be determined toward compensating said town or plantation for the loss of taxes on such property. The amount of said payment shall be determined by the Commissioner of Agriculture, the State Tax Assessor and the Attorney General, and in determining said amount said state officials shall take into consideration the amount of income, if any, derived by the State from any lease or tenancy of said property, the expense incurred by said town in opening and maintaining highways to said property, the number of pupils, if any, who are residing on said property and attending the public schools of said town or plantation and the cost of transporting them to and from such schools, which amount to be paid shall not in any one year exceed the revenue derived by said town or plantation from its tax on said property during the year preceding acquisition of title thereto by the State.

R.S.1954, c. 36, § 4.

**§ 508.    Execution of deeds**

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.

R.S.1954, c. 36, § 5.



**§ 509. Statistics and report**

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 first day of July.

R.S.1954, c. 36, § 8.

**§ 510. Information circulars**

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.

R.S.1954, c. 36, § 65.

**§ 511. Printing and distribution of laws**

The commissioner, at the expense of the State, may cause copies of such sections or parts of sections of chapters 201 to 215 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. 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.

R.S.1954, c. 36, § 10.

**§ 512.    Acceptance of gifts**

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 this section shall be investigated and approved by the Attorney General.

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 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 shall 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.

R.S.1954, c. 36, § 11.

**§ 513.    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 forest 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.

**§ 514.    Granting of rights and permits; Maine preference**

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 Title 35, section 15, 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.1954, c. 36, § 12; 1957, c. 185; 1961, c. 8; 1963, c. 358.

### **§ 515. Permits to cut and haul timber; bond**

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.

R.S.1954, c. 36, § 13.

### **§ 516. Appointment of foresters**

The commissioner shall appoint foresters in Maine to give technical guidance and service to small woodland owners and

processors to bring about improvement in the growing, harvesting, marketing and utilization of forest products. All appointed foresters shall hold office under the rules of the Personnel Board. 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 commissioner. They shall receive such compensation as determined by the commissioner and the Personnel Board, with allowance for actual necessary expenses of travel.

Whenever foresters 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.

R.S.1954, c. 36, § 15; 1959, c. 35.

**§ 517. Reports**

The commissioner shall on the first day of July biennially report to the Governor a particular account of all the doings of his office for the 2 preceding years.

R.S.1954, c. 36, § 17.

**§ 518. Deputy; term of office; salary**

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 section 1601.

R.S.1954, c. 36, § 8.