

MAINE STATE LEGISLATURE

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ONE HUNDRED AND SECOND LEGISLATURE

Legislative Document

No. 1377

S. P. 436

In Senate, February 24, 1965

Referred to Committee on Natural Resources. Sent down for concurrence and ordered printed.

EDWIN H. PERT, Secretary

Presented by Senator Violette of Aroostook.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
SIXTY-FIVE

AN ACT to Revise the Forestry Laws.

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

Sec. 1. R. S., T. 1, § 27, amended. Section 27 of Title 1 of the Revised Statutes is amended to read as follows :

‘§ 27. Title to certain islands

The title to all islands located in great ponds within the State and title to all islands located in the sea within the jurisdiction of the State, except such as have been previously granted away by the State or are now held in private ownership, shall remain in the State and ~~not be reserved for public use sold.~~

Sec. 2. R. S., T. 12, § 501, amended. Section 501 of Title 12 of the Revised Statutes is amended to read as follows :

‘§ 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 nor~~ while in office, be directly or indirectly concerned in the ~~lumber business on the state lands, or in the purchase thereof, or of state-owned lands nor of any timber or grass growing or cut thereon. The commissioner~~ He 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.’

Sec. 3. R. S., T. 12, §§ 501-A - 501-B, additional. Title 12 of the Revised Statutes is amended by adding 2 new sections, to be numbered 501-A and 501-B, to read as follows:

§ 501-A. Organization of Forestry Department; research

The commissioner shall be the executive head of the Forestry Department, commonly known as the Maine Forest Service and hereinafter in chapters 201 to 215 referred to as the "department." For purposes of administration the commissioner shall organize the department as he shall deem necessary to provide:

1. Forest management. Advice and assistance in forest management to small woodland owners;
2. Wood products. Advice and assistance in the field of utilization and marketing of wood products;
3. Reforestation. Production of forest tree seedlings for reforestation purposes;
4. Diseases. Protection against insects, diseases and other pests of forest, shade and ornamental trees;
5. Fires. Protection against forest fires;
6. Educational information. Informational and educational materials for public dissemination;
7. Public reserved and state-owned lands. Administration and multiple-use management of public reserved lands and of state-owned lands not otherwise provided for by law;
8. Land office records. Maintenance of land office records.

The department is authorized to carry on research in the fields of forestry, insects and diseases and at least annually shall review the results of its research and coordinate proposed projects with the school of forestry of the University of Maine.

§ 501-B. Appointment of personnel; State Entomologist

The commissioner shall appoint, subject to the Personnel Law, a Deputy Commissioner, a State Entomologist, foresters, officers, forest rangers and other expert and clerical assistants as may be necessary. 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 state lands, nor of timber or grass growing or cut thereon. They may be allowed actual necessary expenses of travel. Wherever the term "commissioner" is used in chapters 201 to 215 it shall include his agents and representatives.'

Sec. 4. R. S., T. 12, § 502, amended. The last 3 sentences of section 502 of Title 12 of the Revised Statutes are amended to read as follows:

'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.'

Sec. 5. R. S., T. 12, § 504, repealed and replaced. Section 504 of Title 12 of the Revised Statutes is repealed and the following enacted in place thereof:

‘§ 504. Supervision and control of state lands

All lands owned by the State, including public domain, unconveyed islands in great ponds and in the sea, unconveyed land beneath great ponds, lands acquired for storehouse sites and other departmental facilities, land acquired under section 512 and any other lands 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.

He is authorized and directed to prosecute cases of trespass on such lands in the same manner as specified in section 1152.

He may make recommendations to the Legislature for the exchange or the sale of such lands where appropriate, giving proper descriptions and appraisals. He shall, only after approval of the Legislature, exchange or sell and convey any of such lands and the structures thereon. He shall, in all cases of sales, unless otherwise directed by the Legislature, give public notice of the proposal to sell and shall ask for competitive bids and shall sell to the highest bidder with the right to reject any and all bids. With the approval of the Governor and Council, he may sell to the highest bidder, after advertising, any forest ranger site and the structures thereon not being used or necessary. Such a site which was obtained without cost shall be returned without charge to the previous owner who so desires the site.

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.'

Sec. 6. R. S., T. 12, § 505, amended. Section 505 of Title 12 of the Revised Statutes is amended to read as follows:

‘§505. Establishment of nurseries

The commissioner may establish within the State one or more forest nurseries, the maintenance of which shall be paid for from the appropriation for that purpose, the object of which is declared to be to furnish at cost forest tree seedlings and transplants for use in planting the waste, and cut over lands and potential forest lands of the State and he may produce and distribute furnish at cost shrub material for wildlife development in cooperation with to other state agencies. No such seedlings, transplants or shrub material with their roots attached shall be resold at a profit by those receiving them from the State or their assigns. Any person violating this provision shall be punished by a fine of not more than \$50.

Sec. 7. R. S., T. 12, § 506, amended. The last sentence of section 506 of Title 12 of the Revised Statutes is amended to read as follows:

'The State shall participate in the cost of such forest rehabilitation up to 50% of the total cost on private lands including the value of the trees, **any such rehabilitation on private lands to be only at the landowner's request.**'

Sec. 8. R. S., T. 12, § 507, repealed. Section 507 of Title 12 of the Revised Statutes is repealed.

Sec. 9. R. S., T. 12, § 508, amended. Section 508 of Title 12 of the Revised Statutes is amended to read as follows:

§ 508. Execution of deeds

The commissioner shall execute deeds ~~in~~ on behalf of the State, **for lands under his management and control**, conveying lands which have been ~~granted~~ **authorized** by the Legislature or sold by lawful authority ~~as soon as the grantees have complied with the conditions of their respective grants.~~

Sec. 10. R. S., T. 12, § 509, amended. Section 509 of Title 12 of the Revised Statutes is amended to read as follows:

§ 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, **insects, diseases** and by wasteful cutting, and ascertain so far as he can ~~as to the effect of~~ the diminution of the wooded surface of the land upon the watersheds of the lakes, rivers ~~and~~ water powers **and other natural resources** 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 and an account of the doings of his office for the 2 preceding calendar years shall be made to the Governor on the first day of July biennially.~~

Sec. 11. R. S., T. 12, § 510, repealed. Section 510 of Title 12 of the Revised Statutes is repealed.

Sec. 12. R. S., T. 12, §§ 511 - 513, amended. Sections 511 to 513 of Title 12 of the Revised Statutes are amended to read as follows:

§ 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~~ of other laws of the State relating to ~~forest fires shade trees, forestry, forest pathology and entomology~~ 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 such matters 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.

The commissioner may prepare tracts or circulars of information on entomology, forest pathology, shade trees, forestry and related natural resources which shall be available for distribution.

§ 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~~ and recreation as nearly unrestricted and general as is practicable ~~by for~~ 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, **but may be exchanged for other land to permit consolidation, better access or more efficient administration.** ~~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. Revenue derived from these uses~~ **Net revenues, including but not limited to stumpage, 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 for the acquisition of other lands for similar purposes, except that 25% of such revenues shall be returned by the Treasurer of State to the municipality wherein the land is located to be used for municipal purposes.**

§ 513. Authority to accept federal, municipal and private funds

The ~~Maine Forestry Department~~ department, commonly known as the ~~Maine Forest Service~~ is designated the public agency of the State of Maine for the purpose of accepting federal, **municipal and private** funds in relation to forest fire protection, insect **and disease** control, management, growth, **research** and related forest ~~products~~ matters, **excepting federal funds received under the Stennis-McIntire bill, Public Law 87-788.** The Treasurer of State shall be the appropriate fiscal officer ~~of the State~~ to receive ~~federal grants~~ **such funds** 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.

Sec. 13. R. S., T. 12, §§ 514, 515, repealed and replaced. Sections 514 and 515 of Title 12 of the Revised Statutes are repealed and the following enacted in place thereof:

§ 514. Sale of timber and grass rights, gravel; leases; mining rights and dredging permits

The commissioner may take the following action on state lands specified in section 504 under the direction of the Governor and Council and on such terms as they direct:

1. Sell:

A. Timber and grass rights;

B. Gravel existing in the soil, but only for the construction of public highways or public works in the vicinity of the land from which the gravel is taken.

2. Lease:

A. Campsites, mill privileges, dam sites, flowage rights, the right to set poles and maintain utility service lines, and the right to construct and maintain roads.

3. Grant:

A. Mining rights, after the approval of the Mining Bureau;

B. Permits for dredging in great ponds 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 an opportunity for hearing shall be given to any abutting owner and any water utility, and provided that the commissioner has first consulted with and had the approval of the Mining Bureau, the Water Improvement Commission and the Commissioner of Inland Fisheries and Game.

No material removed from a great pond shall be placed on the land of an abutting owner without his consent.

Preference in any of the rights listed in this section shall be given to persons, firms and corporations of this State.

§ 515. Permits for timber and grass stumpage

The commissioner may on state-owned lands specified in section 504 issue permits for timber and grass stumpage upon such terms and conditions as he thinks proper. Persons obtaining such permits shall give bond to the commissioner with satisfactory sureties for the 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 for in full.

Sec. 14. R. S., T. 12, § 516, amended. Section 516 of Title 12 of the Revised Statutes is amended to read as follows:

§ 516. Duties of foresters

The Foresters under the direction of the commissioner shall appoint foresters in Maine to give provide 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~~ the sale of stumpage before it is credited to the department that has administration of ~~the area~~ said lands.'

Sec. 15. R. S., T. 12, §§ 517, 518, repealed. Sections 517 and 518 of Title 12 of the Revised Statutes are repealed.

Sec. 16. R. S., T. 12, §§ 701, 702, amended. Sections 701 and 702 of Title 12 of the Revised Statutes are amended to read as follows:

§ 701. Appointment; oath; duties

Surveyors or scalers ~~shall~~ **may** be appointed by the Forest Commissioner, and sworn. They shall scale all timber cut under permits, superintend the cutting thereof and make return to the commissioner of the ~~number and quality~~ **quantity** of the ~~logs~~ **products** cut, whether hauled or not, ~~and the number of feet board measure~~ and shall see that the timber is cut ~~clean and without strip or waste~~ **under proper forest management practices.**

§ 702. Plans and field notes

An accurate plan or map of all lands surveyed shall be returned to the commissioner's office and ~~entered upon the plan books therein~~ **filed** within 3 months after ~~the~~ a survey is completed, on which shall be laid down all lakes, ponds, rivers, streams, falls, mill sites and roads. The field notes of such surveys shall be deposited in ~~the commissioner's said office~~ **within said** 3 months and shall contain a description of the growth, soil and general character of the township, and of every lot, if surveyed into lots. Said plans and field notes shall be kept at the office in Augusta, open ~~for to~~ inspection at all times ~~when the commissioner or his deputy is there.~~ **He** ~~under the supervision of the department.~~ **The department** shall aid in furnishing information about ~~the~~ public lands to all who seek for it at ~~his~~ the office.'

Sec. 17. R. S., T. 12, § 901, repealed and replaced. Section 901 of Title 12 of the Revised Statutes is repealed and the following enacted in place thereof:

§ 901. Designation; payments to forestry district

All the lands in Townships 3, 4, 5 and 6, Range 9 W. E. L. S. and in Townships 3, 4, 5 and 6, Range 10 W.E.L.S., Piscataquis County, and Township 6, Range 8 W. E. L. S., Penobscot County, that have been donated and conveyed to the State of Maine in trust by Percival Proctor Baxter and all lands in said Townships 2, 3, 4, 5 and 6, Range 9 and in Townships 3, 4, 5 and 6, Range 10, and in Township 6, Range 8 and all lands in Piscataquis and Penobscot Counties that hereafter shall be donated and conveyed to the said State by said Baxter in

trust for state forest, public park and public recreational purposes are named and shall hereafter be named "Baxter State Park" in honor of the donor, and the same hereafter shall forever be so designated on the official maps and records of the State. They shall be under the joint supervision and control of and shall be administered by the Forest Commissioner, the Commissioner of Inland Fisheries and Game and the Attorney General, and the said commissioners and Attorney General shall have full power in the control and management of the same, under the title of Baxter State Park Authority. The authority shall make payments to the Maine Forestry District in lieu of taxes on the basis of 3c per acre per year for all land within the Baxter State Park area for the prevention, control and extinguishment of forest fires. The authority shall receive by appropriation from the General Fund not less than the fees collected in the park from the previous biennium for maintenance and operation of the park.'

Sec. 18. R. S., T. 12, § 903, amended. The 2nd sentence of section 903 of Title 12 of the Revised Statutes is amended to read as follows:

'Before promulgating the same, they shall be submitted to the Attorney General, and if he shall certify that in his opinion they are in conformity with the law, they shall thereupon, together with the 2nd and 3rd paragraphs of this section, be published once a week for 2 successive weeks in a newspaper published and printed in whole or in part in either Penobscot County or Piscataquis County, and posted in at least ~~4~~ 2 places within said park, whereupon they shall take effect.'

Sec. 19. R. S., T. 12, § 904, amended. The last sentence of section 904 of Title 12 of the Revised Statutes is amended to read as follows:

'They shall ~~receive such compensation for each and every day as determined~~ be appointed by the authority ~~with approval of the Personnel Board, with allowance for~~ in accordance with the Personnel Law and may be allowed actual necessary expenses of travel.'

Sec. 20. R. S., T. 12, § 906, amended. Section 906 of Title 12 of the Revised Statutes is amended to read as follows:

§ 906. Restrictions on powers and duties of park authority

The powers and duties of the Baxter State Park Authority shall not be so construed as to interfere or conflict in any way with the powers and duties of the Maine State Park and Recreation Commission, Department of Inland Fisheries and Game or the Forestry Department and their duly appointed wardens or rangers, and the enforcement of the inland fisheries and game and forestry laws in respect to Baxter State Park or to the State generally.'

Sec. 21. R. S., T. 12, § 951, repealed. Section 951 of Title 12 of the Revised Statutes is repealed.

Sec. 22. R. S., T. 12, § 952, amended. Section 952 of Title 12 of the Revised Statutes is amended to read as follows:

§ 952. Duties

The duties of the State Entomologist shall be to answer calls for information on ~~insect control and insects,~~ forest diseases and other organisms including their

identification and control, to supervise and to carry out directly by himself and his agents or by contract with others necessary control work not already provided for by law and to assist other departments in work along this line in this field.'

Sec. 23. R. S., T. 12, § 1001, repealed. Section 1001 of Title 12 of the Revised Statutes is repealed.

Sec. 24. R. S., T. 12, §§ 1002 - 1005, amended. Sections 1002 to 1005 of Title 12 of the Revised Statutes are amended to read as follows :

§ 1002. Survey work

The State Entomologist ~~or~~ and his agents, under the supervision of the commissioner, may go ~~on~~ onto any lands for the purpose of surveying and inspecting any shade, ornamental ~~and~~ or forest trees whenever he may suspect that any dangerous native or exotic insect or disease may be present, and may do any work involved in ascertaining the presence of such organisms. If the survey work requires the placing of so-called "trap" material on developed lands in incorporated areas, he ~~must~~ shall first notify the ~~owner~~ landowner of his plans.

§ 1003. Information and recommendations

If a sufficient problem is found resulting from any insect or disease attack on trees, the State Entomologist ~~or~~ and his agents, under the supervision of the commissioner, shall give this information to the owner of the land involved, and to the municipal officials if in a municipality. He ~~or~~ and his agents may ~~or~~ and shall upon request make recommendations to landowners and municipal officials if further inspection or control work is needed. This will include information on life cycles or phases of the insect or disease.

§ 1004. Control measures; penalty

Any public agency or group of owners carrying on or planning a control project may appeal to the commissioner for permission to carry out the project, in case the owner or owners of property in or adjacent to the control area refuses to do control work or to allow control work to be done on ~~his~~ their property. The State Entomologist ~~or~~ and his agents, under the supervision of the commissioner may, after careful inspection and survey has shown a serious problem exists, grant authority for control measures to be carried out on the protestors' lands. Any person willfully interfering with survey or control measures provided for by section 1002 and this section shall be fined not more than \$200 for each offense.

§ 1005. Advice

For the purpose of improving the over-all health of trees, the State Entomologist ~~or~~ and his agents, under the supervision of the commissioner, may advise municipalities or private owners on their forest, shade or ornamental tree problems and recommend programs for the general improvement of such trees.'

Sec. 25. R. S., T. 12, § 1006, repealed. Section 1006 of Title 12 of the Revised Statutes is repealed.

Sec. 26. R. S., T. 12, § 1007, amended. The first sentence of the 3rd paragraph and the last paragraph of section 1007 of Title 12 of the Revised Statutes are amended to read as follows:

'In emergencies the State Entomologist ~~or~~ and his agents, under the supervision of the commissioner, may enter into agreement with municipal officials to pay up to ½ the cost of control if state funds are available for this purpose.'

'In emergency control programs spraying and dusting, by ground equipment or aircraft, eradication or other control measures may be done directly by the State or may be done on a contract basis with responsible private companies or individuals with the State assuming partial or all costs in either case.'

Sec. 27. R. S., T. 12, §§ 1051, 1052, amended. Sections 1051 and 1052 of Title 12 of the Revised Statutes are amended to read as follows:

§ 1051. Declared a public nuisance

For the purpose of this section and section 1052 the gypsy moth and brown-tail moths are declared public nuisances, and their suppression is authorized but no owner or occupant of real estate infested ~~by~~ with such nuisances shall by reason thereof be liable to ~~an~~ any action, civil or criminal.

The State Entomologist ~~or~~ and his agents, under the supervision of the Forest Commissioner, may assist in enforcing gypsy and brown-tail moth quarantine laws using such funds in the Division of Entomology as may be available.

§ 1052. Control of

Whenever any ~~city or town~~ municipality shall appropriate or raise a sum of money and shall pay the same into the State Treasury for the purpose of controlling the gypsy and brown-tail moths within its borders, the Forest Commissioner shall cause such amount to be expended in such ~~city or town~~ municipality, together with such sum as may be determined by the commissioner from the state appropriation made therefor. If the commissioner finds it to be unnecessary or impracticable to expend such entire amount or any part thereof during the year following such payment to the Treasurer of State, the unexpended proportion shall be reimbursed to such ~~city or town~~ municipality.'

Sec. 28. R. S., T. 12, § 1101, amended. Section 1101 of Title 12 of the Revised Statutes is amended to read as follows:

§ 1101. Declared a dangerous disease

The fungus disease commonly known as the white pine blister rust, *Cronartium ribicola*, is declared to be a dangerous ~~pest~~ disease and a public nuisance in ~~all~~ any one of its stages. It is the duty of the ~~officials named to prosecute~~ State Entomologist and his agents under the supervision of the commissioner to pursue the measures specified for the control of ~~this pest~~ said disease.'

Sec. 29. R. S., T. 12, § 1102, repealed. Section 1102 of Title 12 of the Revised Statutes is repealed.

Sec. 30. R. S., T. 12, § 1103, amended. Section 1103 of Title 12 of the Revised Statutes is amended to read as follows:

§ 1103. Entry on lands; cooperation

The Forest Commissioner ~~or~~ and his authorized agents shall have the right to enter upon any private or public lands to determine the presence or absence of the white pine blister rust in any of its stages and to carry out the necessary control or eradication measures. The commissioner may cooperate with **municipalities, individuals**, departments of the Federal Government, the State Department of Agriculture and the Agricultural Experiment Station for the control ~~or~~ and eradication of said disease in the State and for the carrying out of such investigations as he deems advisable.

Sec. 31. R. S., T. 12, §§ 1104, 1105, repealed. Sections 1104 and 1105 of Title 12 of the Revised Statutes are repealed.

Sec. 32. R. S., T. 12, § 1106, amended. Section 1106 of Title 12 of the Revised Statutes is amended to read as follows:

§ 1106. Shipment prohibited

The Forest Commissioner is authorized and empowered to prohibit and prevent or to regulate the entry into the State or movement within the State from any part thereof to any other part, of any living five-leaved pine trees, or any plants of the genus ~~Ribes~~ **Ribes** or other nursery ~~stock~~ **wildling plants, stock or parts of** plants, which in his judgment may cause the introduction or spread of a dangerous plant disease or insect pest. ~~The commissioner~~ **He** is authorized to issue such orders, notifications and permits as may be necessary to carry out this section, and any person violating any of the provisions of this section ~~and section 1105~~ shall be punished by a fine of not more than ~~\$20~~ **\$100** for each and every offense. ~~The expenses necessary for carrying out section 1105 shall be paid from the appropriation for nursery inspection or other funds of the Department of Agriculture.~~

Sec. 32-A. R. S., T. 12, §§ 1151, 1152, amended. Sections 1151 and 1152 of Title 12 of the Revised Statutes are amended to read as follows:

§ 1151. Proclamation by Governor

Whenever, during periods of drought, it shall appear to the Governor that hunting or fishing is likely to be a menace to the forests of this State, he may by proclamation suspend the open season for hunting or fishing for such time and in such sections of the State as he may in such proclamation designate, or prohibit smoking or building **and using** fires out-of-doors in the woods for any such time and sections. The type and manner of **hunting and** fishing prohibited shall be designated in the proclamation ~~and public~~. **Public camp sites** maintained by the Forestry Department shall not be closed. **Other public and commercially operated camp sites having received on-site inspections and approval by the commissioner prior to a proclamation shall not be closed.**

§ 1152. Posting and publishing

Such proclamation shall be published in such newspapers of the State and posted in such places as the Governor deems necessary and a copy of such proclamation shall be filed with the Secretary of State. A like ~~attested~~ copy shall be

furnished to the Forest Commissioner, who shall attend to the posting and publication of the proclamation. All expense thereof and all the expense of enforcing the proclamation shall be paid by ~~said~~ the commissioner, after allowance by the State Controller, from the appropriation for general forestry purposes.'

Sec. 33. R. S., T. 12, § 1154, amended. Section 1154 of Title 12 of the Revised Statutes is amended to read as follows:

§ 1154. Failure to observe

Whoever, while the proclamation provided for in section 1151 is in effect, violates any provision thereof shall be punished by a fine of not less than \$10 nor more than \$100 ~~and costs~~ for each offense.'

Sec. 34. R. S., T. 12, § 1201, repealed and replaced. Section 1201 of Title 12 of the Revised Statutes is repealed and the following enacted in place thereof:

§ 1201. Designation

The administrative district known as the Maine Forestry District, heretofore established and incorporated, shall include the following territory:

Aroostook County. Townships W.E.L.S.: A,R.2; C,R.2; D,R.2; Cox Patent; 3,R.2; 3,R.3; 4,R.3; 7,R.3; 8,R.3; 9,R.3; 10,R.3; 17,R.3; 1,R.4; 2,R.4; 3,R.4; 7,R.4; 8,R.4; 9,R.4; 10,R.4; 11,R.4; 16,R.4; 17,R.4; A,R.5; 1,R.5; 7,R.5; 8,R.5; 9,R.5; 13,R.5; 14,R.5; 15,R.5; 16,R.5; 17,R.5; 10,R.6; 14,R.6; 15,R.6; 16,R.6; 9,R.7; 10,R.7; 11,R.7; 12,R.7; 13,R.7; 14,R.7; 9,R.8; 10,R.8; 11,R.8; 12,R.8; 13,R.8; 14,R.8; 15,R.8; 16,R.8; 11,R.9; 12,R.9; 13,R.9; 14,R.9; 15,R.9; 16,R.9; 11,R.10; 12,R.10; 13,R.10; 14,R.10; 15,R.10; 18,R.10; 11,R.11; 12,R.11; 13,R.11; 14,R.11; 15,R.11; 18,R.11; 19,R.11; 11,R.12; 12,R.12; 13,R.12; 14,R.12; 15,R.12; 16,R.12; 17,R.12; 18,R.12; 19,R.12; 20,R.11 and 12; 11,R.13; 12,R.13; 13,R.13; 14,R.13; 15,R.13; 16,R.13; 17,R.13; 18,R.13; 11,R.14; 12,R.14; 13,R.14; 14,R.14; 15,R.14; 16,R.14; 17,R.14; 11,R.15; 12,R.15; 13,R.15; 14,R.15; 15,R.15; 11,R.16; 12,R.16; 13,R.16; 14,R.16; 11,R.17; 12,R.17; Silver Ridge. Municipalities: Allagash Plantation, E Plantation, Garfield Plantation, Glenwood Plantation, Hammond Plantation, Macwahoc Plantation, Nashville Plantation, Ox-bow Plantation, Reed Plantation, Wallagrass Plantation, Westmanland Plantation, Winterville Plantation.

Franklin County. Townships B.K.P., W.K.R.: 4,R.1; 3,R.2; 4,R.2; 4,R.3. Townships W.B.K.P.: 1,R.2; 2,R.3; 3,R.3; 2,R.4; 3,R.4; 1,R.5; 2,R.5; 3,R.5; 1,R.6; 2,R.6; 3,R.6; Gore N. 2 and 3,R.6; 1,R.7; 2,R.7; 1,R.8; Gore N. 1,R.8; 2,R.8. Other townships: D; E; 6,N. of Weld; Perkins; Washington; Freeman; Salem. Municipalities: Coplin Plantation, Dallas Plantation, Rangeley Plantation, Sandy River Plantation.

Hancock County. Townships N.D.: 3 and Strip North; 4 and Strip North. Townships S.D.: 7, 8, 9, 10. Townships M.D.: 16, 22, 28, 32, 34, 35, 39, 40, 41. Islands: Beach, Bear, Bradbury's, Butter or Dirigo, Eagle, Hog, Little Spruce, Marshall's, Pickering's, Pond, Resolution, Spruce Head, Western. Municipalities: Osborn Plantation, No. 33 Plantation.

Oxford County. Townships W.B.K.P.: 4,R.1; 4,R.2; 4,R.3; 5,R.3; 4,R.4;

5,R.4; 4,R.5; 5,R.5; 4,R.6. Other townships: A,₁ (Riley); A,₂ (Grafton); Andover North Surplus; Andover West Surplus; C; C Surplus; Albany; Mason. Municipalities: Lincoln Plantation, Magalloway Plantation.

Penobscot County. Townships N.B.P.P.: 3,R.1; 5,R.1. Townships N.W.P.: 1,R.7; 2,R.8; 2,R.9; 3,R.9. Townships W.E.L.S.: 1,R.6; 2,R.6; 6,R.6; 7,R.6; 8,R.6; A,R.7; 1,R.7; 2,R.7; 3,R.7; 4,R.7; 5,R.7; 6,R.7; 7,R.7; 8,R.7; 1,R.8; 2,R.8; 3,R.8; 4,R.8; 5,R.8; 6,R.8; 7,R.8; 8,R.8; Hopkins Academy Grant A,R.8 and 9; Veazie Gore. Other townships: 3 Indian Purchase, 4 Indian Purchase; 1, N.D.; Kingman. Municipalities: Medway, Drew Plantation, Grand Falls Plantation, Lakeville Plantation, Seboeis Plantation, Webster Plantation.

Piscataquis County. Townships N.W.P.: 6,R.8; 4,R.9; 5,R.9; 6,R.9; 7,R.9; 7,R.10; 8,R.10. Townships E.K.R.: 3,R.5; 2,R.6. Townships W.E.L.S.: 1,R.9; 2,R.9; 3,R.9; 4,R.9; 5,R.9; 6,R.9; 7,R.9; 8,R.9; 9,R.9; 10,R.9; A,R.10; B,R.10; 1,R.10; 2,R.10; 3,R.10; 4,R.10; 5,R.10; 6,R.10; 7,R.10; 8,R.10; 9,R.10; 10,R.10; A,R.11; B,R.11; 1,R.11; 2,R.11; 3,R.11; 4,R.11; 5,R.11; 6,R.11; 7,R.11; 8,R.11; 9,R.11; 10,R.11; A,R.12; 1,R.12; 2,R.12; 3,R.12; 4,R.12; 5,R.12; 6,R.12; 7,R.12; 8,R.12; 9,R.12; 10,R.12; A,R.13; A₂,R.13 and 14; 1,R.13; 2,R.13; 3,R.13; 4,R.13; 5,R.13; 6,R.13; 7,R.13; 8,R.13; 9,R.13; 10,R.13; A,R.14; 1,R.14; X,R.14; 3,R.14; 4,R.14; 5,R.14; 6,R.14; 7,R.14; 8,R.14; 9,R.14; 10,R.14; East Middlesex Canal; Day's Academy Grant; 3,R.15; 4,R.15; 5,R.15; 6,R.15; 7,R.15; 8,R.15; 9,R.15; 10,R.15. Other townships: Harford's Point; Cove Point; All islands in Moosehead; Medford; Orneville. Municipalities: Bowerbank; Barnard Plantation; Elliottsville Plantation, Kingbury Plantation, Lakeview Plantation.

Somerset County. Townships B.K.P., W.K.R.: 2,R.1; 1,R.3; 2,R.3; 3,R.3; 4,R.3; 1,R.4; 2,R.4; 3,R.4; 4,R.4; 2,R.5; 3,R.5; 4,R.5; 1,R.6; 2,R.6; 3,R.6; 4,R.6; 5,R.6; 1,R.7; 2,R.7; 3,R.7; Gore N. of T.1, 2 and 3,R.7; 4,R.7; 5,R.7; 6,R.7. Townships B.K.P., E.K.R.: 2,R.2; 2,R.3; 2,R.4; 1,R.5; 2,R.5; 1,R.6. Townships N.B.K.P.: 1,R.1 (Taunton and Raynham); Sand Bar Tract; 1,R.1 (Rockwood Strip); 2,R.1 (Sandwich Academy Grant); 2,R.1 (Rockwood Strip); 3,R.1; 5,R.1; 6,R.1; 1,R.2; 2,R.2; 3,R.2; 6,R.2; Big W; Little W; 1,R.3; 2,R.3; 3,R.3; 4,R.3; 5,R.3; Sebocmook, R.4; 1,R.4; 2,R.4; 3,R.4; 4,R.4; 5,R.4; 3,R.5; 4,R.5. Townships W.E.L.S.: 4,R.16; 5,R.16; 6,R.16; 7,R.16; 8,R.16; 9,R.16; 10,R.16; 4,R.17; 5,R.17; 6,R.17; 7,R.17; 8,R.17; 9,R.17; 10,R.17; 4,R.18; 5,R.18; 6,R.18; 7,R.18; 8,R.18; 9,R.18; 5,R.19; 6,R.19; 7,R.19; 8,R.19; 5,R.20. Other townships: Concord. Municipalities: Moose River, Moscow, Caratunk Plantation, Brighton Plantation, Dennistown Plantation, Highland Plantation, Pleasant Ridge Plantation, The Forks Plantation, West Forks Plantation.

Washington County. Townships E.D.: 18; 19; 26; 27. Townships M.D.: 18; 19; 24; 25; 29; 30; 31; 36; 37; 42; 43. Townships N.D.: 5, and strip North; 6, and strip North. Townships T.S.: 1,R.1; 1,R.2; 1,R.3. Townships N.B.P.P.: 6,R.1; 7,R.2; 8,R.3; 10,R.3; 11,R.3; 8,R.4; 9,R.4. Other townships: Brookton, Edmunds, Indian, Marion, Trescott. Municipalities: Beddington, Centerville, Cooper, Crawford, Deblois, Northfield, Topsfield, Wesley, Baring Plantation, Codyville Plantation, Grand Lake Stream Plantation, No. 14 Plantation, No. 21 Plantation.

Whenever it shall appear to the State Tax Assessor that any part of the unorganized territory of the State, including any areas previously incorporated but which have been deorganized by Act of the Legislature, is in need of fire protection the State Tax Assessor with the approval of the Forest Commissioner and the Attorney General may declare such territory to be a part of the Maine Forestry District.'

Sec. 35. R. S., T. 12, §§ 1202, 1203, amended. Sections 1202 and 1203 of Title 12 of the Revised Statutes are amended to read as follows:

'§ 1202. Adjacent municipalities as part of district

Any ~~incorporated town or organized plantation~~ municipality adjoining any part of the Maine Forestry District may, by vote at any meeting of its inhabitants duly called and held, become a part of said Forestry District and subject to all the provisions of this subchapter, and subchapter IV and X. A copy of such vote, certified by the ~~town municipal clerk or plantation assessors~~, shall be forwarded forthwith to the State Tax Assessor, to the Treasurer of State and to the commissioner, and from the time such certified copy is filed in the office of the Treasurer of State, the ~~town or plantation~~ municipality so voting shall be and continue a part of said Forestry District. All ~~incorporated towns or organized plantations~~ municipalities which shall become a part of said district and all officers of such ~~towns or plantations~~ municipalities shall be and are exempt from the duties and obligations imposed by Title 25, chapter 319.

§ 1203. Control and extinguishment of fires; lookout stations

The commissioner shall take measures for the prevention, control and extinguishment of forest fires in said Forestry District, and to this end he shall establish such ~~subforestry districts~~ administrative divisions as he may deem necessary for effective protection against loss or damage by fire. He may establish lookout stations connected by telephone and equip and maintain ~~depots for necessary tools for the extinguishment of forest fires, and for the purposes mentioned in this section only may construct and maintain trails and roads, and may assume the maintenance, operation and utilization of forest truck trails, built for the purpose of preventing and suppressing forest fires, constructed by the Civilian Conservation Corps or other agency of the United States Government.~~

He may construct and maintain roads, trails, lookout towers, storehouses, living quarters and other facilities reasonably necessary for use in the forest fire control program. He shall provide and maintain such equipment as required to effectively implement this program.'

Sec. 36. R. S., T. 12, §§ 1251 & 1253, repealed. Sections 1251 and 1253 of Title 12 of the Revised Statutes are repealed.

Sec. 37. R. S., T. 12, § 1252, amended. Section 1252 of Title 12 of the Revised Statutes is amended to read as follows:

'§ 1252. Fire control districts

The commissioner shall be responsible for the prevention, control and ex-

tinguishment of forest fires in all areas of the State and shall have an unbroken chain of command down to and including town forest fire wardens. He shall divide the organized municipalities of the State, outside the limits of the Maine Forestry District, into major forest fire control districts. The major districts shall be subdivided into as many smaller units districts, areas or units, as he deemed deems necessary for effective protection against loss or damage by forest fires. The commissioner may establish lookout stations connected by telephone or and radio, and construct, equip and maintain office-storehouse headquarters for necessary supplies, tools and equipment and provide for any other construction facilities essential for forest fire prevention and control work.

The 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.

Sec. 38. R. S., T. 12, § 1254, repealed and replaced. Section 1254 of Title 12 of the Revised Statutes is repealed and the following enacted in place thereof: '§ 1254. Duties of forest rangers in the incorporated sections

Forest rangers under the direction of the commissioner shall have supervision of the forest fire prevention and control program for their assigned areas in the incorporated sections of the State, including all personnel and facilities of all types. They shall enforce all laws relating to forests and forest preservation, cause the arrest of all violators thereof, prosecute all offenses against the same and in this connection shall have the same power to serve criminal processes against such offenders as a sheriff or his deputy and shall have and enjoy the same rights as a sheriff to require aid in executing the duties of their office, including the right to deputize temporary aids.

They shall be responsible for carrying out a comprehensive program of forest fire prevention education and train men at all levels of command to meet supervisory needs during forest fire emergencies. They shall prepare and revise annually a forest fire plan for their districts, including town forest fire plans, correlate the use of such resources and carry out such other duties as may be assigned by the commissioner.'

Sec. 39, R. S., T. 12, § 1255, amended. Section 1255 of Title 12 of the Revised Statutes is amended to read as follows:

'§ 1255. Control and extinguishment of forest fires

State Forest rangers and town forest fire wardens shall take immediate charge to control and extinguish forest fires, using and coordinating all forest fire protection facilities at their disposal. The management of town municipal forest fires shall be the responsibility of the town forest fire warden until in the judgment of a state forest fire warden forest ranger the situation makes it advisable for him to take over. Final authority and responsibility on forest fires shall be that of the state forest fire warden forest ranger. Town Municipal fire department personnel and equipment are an important part of the state forest fire plan. They shall not be moved within or outside town municipal limits except with the

approval of the fire chief or proper ~~town municipal official~~. Such officials shall have the authority to determine whether ~~town municipal~~ fire department personnel or equipment is needed on a forest fire or to protect buildings.

~~State forest fire wardens~~ Forest rangers shall have the authority to set backfires to ~~extinguish a control a going forest fire actually burning.~~

Sec. 40. R. S., T. 12, § 1255-A, additional. Title 12 of the Revised Statutes is amended by adding a new section 1255-A to read as follows:

§ 1255-A. General deputy wardens

The commissioner may appoint general deputy wardens as an adjunct to the commissioner regularly employed in the forest fire control program. They shall aid in forest fire prevention and shall take immediate action to control any unauthorized forest fires, employ assistance when required and notify the nearest forest ranger or town forest fire warden with dispatch. Such general deputy wardens and those they employ may receive the prevailing local fire fighting wages for the period so engaged.'

Sec. 41. R. S., T. 12, § 1256, amended. Section 1256 of Title 12 of the Revised Statutes is amended to read as follows:

§ 1256. Coordinating protective agencies

The ~~Forestry Department~~ commissioner shall formulate emergency plans of action to establish manpower pools, equipment reserves, facilities for feeding, transportation and communication on forest fires. In preparing the plan other agencies and organizations having needed facilities should be contacted such as fire chiefs, civil defense units, Red Cross, sheriffs, American Legion, State Police, National Guard, State Highway, State Fish and Game Department, State Grange, colleges, civil air patrol and any other protective group ~~so~~ as determined by the commissioner. Whenever or wherever a major forest fire occurs or threatens, the department shall be the coordinating agency until the Governor declares an emergency.'

Sec. 42. R. S., T. 12, §§ 1301, 1302, repealed and replaced. Sections 1301 and 1302 of Title 12 of the Revised Statutes are repealed and the following enacted in place thereof:

§ 1301. Personnel in Maine Forestry District

The commissioner shall appoint forest rangers and such other field and office personnel as in his judgment may be required to carry out subchapters II and X, sections 1302 and 1652. All such personnel so appointed shall hold office during the pleasure of the commissioner; they shall be sworn to the faithful discharge of their duties and a certificate thereof shall be returned to the office of the commissioner. Each shall receive compensation as set by the commissioner with the approval of the Governor and Council.

§ 1302. Duties

Forest rangers under the direction of the commissioner shall have supervision of the forest fire prevention and control program for their assigned areas in the

Maine Forestry District including all personnel and facilities of all types. They shall investigate and gather evidence regarding the causes of fires, enforce all laws relating to forests and forest preservation, arrest all violators thereof, prosecute all offenses against the same, and in this connection shall have the same power to serve criminal processes against such offenders and shall be allowed the same fees as a sheriff or his deputy for like services, and shall have and enjoy the same right as a sheriff to require aid in executing the duties of their office, including the right to deputize temporary aids. The forest ranger shall perform such other duties, at such times, and under such rules and regulations as the commissioner may prescribe.'

Sec. 43. R. S., T. 12, § 1303, repealed. Section 1303 of Title 12 of the Revised Statutes is repealed.

Sec. 44. R. S., T. 12, §§ 1351, 1352, amended. Sections 1351 and 1352 of Title 12 of the Revised Statutes are amended to read as follows:

§ 1351. Hazard clearance

Any ~~town~~ municipal or private dump within the State established and maintained for the disposal of waste, rubbish or debris of any nature which might facilitate either the origin or spread of forest fires shall ~~observe~~ **be operated under the following preventive measures:** A cleared strip 10 feet wide ~~cleared~~ to mineral soil must be constructed on all sides of the dump ~~except when bordering on or near a large constant supply of water sufficient for protection to be determined by state and town forest fire wardens.~~ **A water supply, the suitability of which shall be determined by the forest ranger and town forest fire warden, may be substituted for the cleared strip along any portion of the perimeter;** all grass, weeds, slash, brush and debris and other inflammable material shall be removed for a distance of 100 feet in all directions ~~from outside~~ the cleared mineral soil strip; live trees need not be removed except that ~~dead and green branches of conifers or evergreen trees and dead branches of all trees~~ shall be pruned to a height of 10 feet above the ground; dead snags of all trees shall be removed. Dumps ~~without a nearby supply of water shall be provided with piles of sand or barrels filled with water and shall be equipped with a tool box containing 2 pails, 2 axes and 2 shovels or any other hand tools deemed necessary by the town forest fire warden during the forest fire season.~~ During periods of high forest fire hazard if a **municipal dump is burning municipal officers of towns and plantations shall maintain a guard or watchman at such dumps and owners and operators of private dumps shall do the same.**

§ 1352. Closing for violations

Such ~~town~~ municipal or private dumps within the State not carrying out this subchapter shall be posted as "Closed to Dumping" by the town forest fire warden, ~~or the commissioner or his representatives.~~ Thereafter no person shall deposit refuse of any kind within, along the road **leading to or on land** adjacent to such closed dump.'

Sec. 45. R. S., T. 12, §§ 1401 - 1403, amended. Sections 1401 to 1403 of Title 12 of the Revised Statutes are amended to read as follows:

§ 1401. Restrictions

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, **state parks, and state highway picnic areas**, or when the ground is covered with snow. ~~Out of door~~ Such 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~~. This subchapter shall not apply to the ~~authority~~ **rights of state forest fire wardens forest rangers** to set backfires to control a going forest fire.

§ 1402. Permits

To better accommodate recreational and sporting users of the woods and to prevent forest fires in the Maine Forestry District, the commissioner ~~or his representatives are~~ **is** authorized to issue permits for out-of-door fires ~~and camping~~, except on areas ~~that where~~ the majority ownerships ~~of any given area may withdraw at any time thereof has~~ **withdraw permission** in writing to the 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 commissioner ~~or his representatives~~ may declare void permits already issued. Forest fire danger ~~indexes~~ **indices** 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.

§ 1403. Penalties

Whosoever violates this subchapter shall on conviction be punished by a fine of not **less than \$10 nor** more than \$300 or by imprisonment for not more than 90 days, or by both. 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~~ **Maine Forestry District** for forest fire purposes.'

Sec. 46. R. S., T. 12, §§ 1451 - 1453, amended. Sections 1451 to 1453 of Title 12 of the Revised Statutes are amended to read as follows:

§ 1451. Patrol along tracks

Whenever in the judgment of the Forest Commissioner the woodlands along the railroads traversing the forest lands of the State are in a dry and dangerous condition, he shall maintain a competent and efficient fire patrol along the right-of-way or lands of such railroads, **if in his judgment a satisfactory railroad fire patrol is not being provided.**

§ 1452. Report of fires

All fires ~~started~~ **starting** upon the right-of-way of any railroad or lands adjacent thereto shall be immediately reported to the ~~commissioner, upon blanks to be furnished by him~~ **forest ranger or town forest fire warden**, by the ~~patrolman within whose limits the fire originated, setting forth any railroad employee stating the location and origin of such fire, the quantity and quality of the land burned over~~ and, if the fire was started by a locomotive, the number thereof.

§ 1453. Expense of fire patrol paid by railroad

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

Sec. 47. R. S., T. 12, § 1455, amended. Section 1455 of Title 12 of the Revised Statutes is amended to read as follows :

§ 1455. Removal of inflammable material

Every railroad company whose road passes through waste or forest lands shall during each year cut and burn off or remove from its right-of-way all grass, brush or other inflammable material, ~~but~~ under proper care and at times when fires are not liable to spread beyond control. No railroad employee shall build a fire to burn ~~rubbish any material~~ along the right-of-way through forest lands when forbidden to do so by the commissioner ~~or his wardens.~~ All burning shall be done in accordance with section 1551.'

Sec. 48. R. S., T. 12, § 1456, repealed and replaced. Section 1456 of Title 12 of the Revised Statutes is repealed and the following enacted in place thereof :

§ 1456. Devices to prevent fires

Every railroad operating locomotives powered by diesel or other type fuel shall equip the same with devices designed to prevent the escape of live coals, sparks or carbon deposits which may cause fires. Employees shall exercise due care to keep such devices in effective operating condition. Every such railroad shall make and enforce regulations concerning the use of open-flame type signals or flares in such manner as to prevent the spread of fire upon the right-of-way or to adjacent land. No person shall throw or drop burning matches, burning cigars, burning cigarettes or parts thereof from any railroad equipment.'

Sec. 49. R. S., T. 12, §§ 1457, 1458, repealed. Sections 1457 and 1458 of Title 12 of the Revised Statutes are repealed.

Sec. 50. R. S., T. 12, § 1459, amended. Section 1459 of Title 12 of the Revised Statutes is amended to read as follows :

§ 1459. Penalties

Any railroad company or person violating any of the provisions of sections 1455 ~~to 1457~~ and 1456 shall be punished by a fine of \$100 for each offense.'

Sec. 51. R. S., T. 12, §§ 1501 - 1504, repealed. Sections 1501 to 1504 of Title 12 of the Revised Statutes are repealed.

Sec. 51-A. R. S., T. 12, § 1505, amended. Section 1505 of Title 12 of the Revised Statutes is amended to read as follows :

§ 1505. Annual timber-cut report

Owners or operators of all primary wood-using sawmills, ~~stationary or portable~~ and primary processors of **vener wood**, 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~~ **processed** 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~~ by reference to individuals.'

Sec. 52. R. S., T. 12, § 1551, amended. Section 1551 of Title 12 of the Revised Statutes is amended to read as follows :

§ 1551. Burning permits

It shall be unlawful for any person to kindle or use a fire for purposes of clearing land or burning logs, stumps, roots, brush, slash, fields of dry grass, pasture and blueberry lands, except when the ground is covered with snow, without first obtaining a written permit. Requests for permits to burn under this Section may be obtained from ~~state forest fire wardens~~ **forest rangers** within the State and from town forest fire wardens outside of the limits of the Maine Forestry District. For this purpose the Forest Commissioner shall prepare and cause to be furnished to all such ~~state forest rangers~~ and town forest fire wardens blank permits signed by him. They shall have authority to countersign and grant such permits signed by the commissioner but shall not delegate such authority to subordinates except by written approval of the commissioner. ~~State forest fire wardens working in the incorporated sections of the State shall have authority to countersign and grant such permits signed by the commissioner for any deorganized town or plantation not a part of the Maine Forestry District and for state parks~~ The commissioner's representatives in the incorporated sections of the State shall have authority to countersign and grant such permits for any deorganized town or plantation not a part of the Maine Forestry District and may temporarily grant authority to deputy town wardens or other persons to issue permits in case town wardens are incapacitated or absent from their town.

This section shall not exempt any person from securing a permit to burn on his own land. Moisture, wind, time of day, length of burning period needed, sufficient force and equipment and any other condition deemed necessary for granting such permits for burning shall be at the discretion of ~~state forest rangers~~ and town forest fire wardens. Whenever possible town forest fire wardens of ~~towns and plantations~~ **municipalities** outside the limits of the Maine Forestry District shall notify their ~~state forest fire warden~~ **forest ranger** of any permit issued ~~and particularly of any special burning job~~. Whenever in the opinion of the commissioner there is as serious forest fire hazard, due to dry weather conditions, he may prohibit all burning under this section and in such periods ~~state forest rangers~~ and town forest fire wardens shall refuse all requests to burn and declare void all permits already issued. Any person to

whom a burning permit is granted is in no way relieved of legal responsibility if the fire is ~~allowed to escape~~ escapes or causes damage to property of another. Nothing herein contained shall limit restrictions of any ~~town or plantation~~ municipal ordinance regulating burning of refuse or debris. This section shall not apply to the rights of ~~state forest fire wardens~~ forest rangers to set a ~~backfire for the purpose of stopping a backfires to control a going forest fire~~ actually burning. This section shall not conflict with the laws on kindling fires on land of another.

Whoever violates any of the provisions of this section shall on conviction be punished by a fine not exceeding \$100 or by imprisonment for not more than 30 days, or by both.'

Sec. 53. R. S., T. 12, § 1551-A, additional. Title 12 of the Revised Statutes is amended by adding a new section 1551-A to read as follows:

§ 1551-A. Slash defined

For the purposes of this chapter "slash" is defined as branches, bark, tops, chunks, cull logs, uprooted stumps and broken or uprooted trees and shrubs left on the ground as a result of logging, right-of-way construction or maintenance and land clearance.'

Sec. 54. R. S., T. 12, §§ 1552 - 1555, amended. Sections 1552 to 1555 of Title 12 of the Revised Statutes are amended to read as follows:

§ 1552. Disposal; along highways

Whoever, as stumpage owner, operator, landowner or agent, cuts, causes or permits to be cut any forest growth on lands which are within or border upon the right-of-way of any public highway within the State shall dispose of the slash ~~and brush~~ in the manner described: All slash ~~and brush~~ resulting from such cutting of forest growth shall not remain on the ground within ~~the right-of-way or within~~ 50 feet of the nearer side of the wrought portion of ~~any state highway or within 50 feet of any other public road~~ such right-of-way.

§ 1553. Along railroads and utility lines

Whoever, as stumpage owner, operator, landowner or agent, cuts, causes or permits to be cut any forest growth on lands which are within or border upon the rights-of-way of any railroad, electric power, telegraph, telephone or pipelines ~~within the State~~ shall dispose of the slash ~~and brush~~ in the manner described: All slash ~~and brush~~ resulting from such cutting of forest growth shall not remain on the ground within ~~the right-of-way or within~~ 25 feet of ~~all such rights of way~~ the nearer side of such right-of-way.

Slash accumulated by the construction and maintenance of railroads, highways, electric power, telegraph, telephone or pipelines shall not be left on the ground but shall be either hauled away, burned or chipped.

§ 1554. Along land bordering on another

Whoever, as stumpage owner, operator, landowner or agent, cuts, causes or permits to be cut any forest growth on land which borders ~~forest growth land~~

of another ~~within the State~~ outside the limits of the Maine Forestry District or within the Maine Forestry District which borders property outside shall dispose of the slash ~~and brush~~ in the manner described: All slash ~~and brush~~ resulting from such cutting of forest growth shall not remain on the ground within 25 feet of the property line, provided that the commissioner on his own initiative or upon written complaint of another declares that the situation constitutes a fire hazard.

§ 1555. By dwelling houses

The commissioner or his representatives by written notice to any stumpage owner, operator, landowner or agent, cutting forest growth ~~within the State outside the limits of the Maine Forestry District~~ may require the removal of slash ~~or brush~~ within 100 feet of ~~dwelling~~ **buildings and trailers currently used for human occupancy**, when in his or their judgment such slash ~~and brush~~ constitutes an unusual hazard endangering other property through the setting or spreading of forest fires.'

Sec. 55. R. S., T. 12, § 1556, repealed. Section 1556 of Title 12 of the Revised Statutes is repealed.

Sec. 56. R. S., T. 12, §§ 1557 - 1559, amended. Sections 1557 to 1559 of Title 12 of the Revised Statutes are amended to read as follows:

'§ 1557. Manner of

All slash ~~and brush~~ resulting from cutting of forest growth shall be removed the required distances under this subchapter and scattered **or chipped** and not piled in windrows, within 30 days after cutting or **within** 30 days of notification to remove by the commissioner or his representatives **as provided**.

§ 1558. Primary processors

All primary processors of wood products, including but not limited to sawmills, except a person processing for his own domestic use, and owners of lands on which such processing plants are located shall keep any slash resulting from cutting forest growth removed for a distance of 50 feet in all directions from the mill, sawdust pile and any open incinerator; live trees need not be removed from the 50-foot cleared area but coniferous trees shall bepruned to a height of 10 feet above the ground and dead snags shall be removed. The sawdust pile shall be clear of all trees, free of slabs and edgings and located not less than 25 feet from any open incinerator and mill. All ~~owners or operators of primary wood using portable sawmills cutting forest growth within the State~~ such processors and **owners** shall observe the slash ~~and brush~~ provisions of this subchapter when on or after change of location.

§ 1559. Penalties

Whoever violates any of the provisions of this subchapter **whether the person responsible therefor or his employer and whether person, firm or corporation**, shall on conviction be punished by a fine of not exceeding \$100 or by imprisonment for not more than 30 days, or by both. The failure of any person to comply with this subchapter shall constitute a continuing offense and he shall be subject to the penalties provided **for each day** until he complies therewith.'

Sec. 57. R. S., T. 12, § 1601, amended. The 1st, 2nd and 4th sentences of section 1601 of Title 12 of the Revised Statutes are amended to read as follows: '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~~ is the total previous year's assessed value of all property taxable by the municipality. ~~Such Said~~ tax shall be paid on or before the first day of October, annually.'

'The State Tax Assessor shall determine, in accordance with Title 36, section 1142, 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 Title 36, section 1145.'

Sec. 58. R. S., T. 12, § 1603, amended. Section 1603 of Title 12 of the Revised Statutes is amended to read as follows:

§ 1603. Appropriation for payment of claims, accounts and demands

So much of the funds raised by the tax imposed and paid into the treasury, as may be necessary to pay the claims, accounts and demands arising under this subchapter and subchapters II and IV, is appropriated to pay the same, and the Governor and Council ~~may shall~~ authorize the State Controller to draw his warrant therefor at any time. Any balance remaining shall continue from year to year as a fund available for the ~~purpose~~ purposes defined in section 1605 and 1607.'

Sec. 59. R. S., T. 12, §§ 1606, 1607, amended. Sections 1606 and 1607 of Title 12 of the Revised Statutes are amended to read as follows:

§ 1606. Assessments on plantations

The Treasurer of State shall annually send his warrant, together with a copy of the assessment of taxes upon the plantations in the Maine Forestry District, directed to the municipal officers of said plantations, requiring them respectively to assess, in dollars and cents, the sum so charged according to the law for the assessment of such taxes, and to add to the amount of such tax the amount of state, county and plantation taxes to be ~~by them~~ assessed ~~by them~~ in each plantation respectively.

§ 1607. Use of funds; deficiency; payments from State Treasury; audit

The tax assessed by authority of section 1601 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~~ Maine Forestry District, and to pay expenses incidental thereto, including payment of wages of clerks in the department's offices, 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, such sum or sums as shall be recommended by the commissioner. If the tax assessed by authority of section 1601 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 purposes, 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 purposes. 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 provided. Except as provided, the expenditures of forestry district funds shall be in accordance with Title 5, chapters 7, 11, 141 to 155. Said chapters shall 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.

Sec. 60. R. S., T. 12, § 1652, amended. Section 1652 of Title 12 of the Revised Statutes is amended to read as follows:

§ 1652. Jurisdiction for prosecutions

The District Court shall have original and concurrent jurisdiction with the Superior Court in all prosecutions under any provisions of this subchapter and subchapters I, II, IV and X chapter. Any person, arrested as a violator of said subchapters, 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 jurisdiction is granted or to the District Court in adjoining divisions to said division, jurisdiction to be exercised in the same manner as if the offense had been committed in that such division.

Any forest ranger making an arrest for any violation of this chapter at a point more than 50 miles distant from the nearest District Court, may accept the personal recognizance of the prisoner in a sum not exceeding \$100 for his appearance before the court on a specified date and a deposit in money to the amount of said recognizance. Said forest ranger shall forthwith report all such recognizances and forward such deposits to the court to which such recognizance is returnable.

If such person fails to appear in court on the day specified, either in person or by counsel, the court shall order the recognizance and money deposited forfeited.

All fines, penalties and all other moneys collected by the court shall be paid

to the Treasurer of State and credited to the Maine Forestry District for forest fire purposes.'

Sec. 61. R. S., T. 12, § 2253, amended. The first paragraph of section 2253 of Title 12 of the Revised Statutes is amended to read as follows:

~~It shall be unlawful for any person or persons to erect~~ **No person shall place** any trailer, camper, 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 department and leave~~ **keep** such trailer, shelter or tent **so** located, vacant or occupied, for more than one week in any 30-day period. ~~It shall 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~~ **placed** a trailer, camper, shelter or tent at such a camp site or lunch ground maintained or authorized by the Forestry Department for more than one week shall ~~remove any such item and leave at the request of the Forest Commissioner or his representatives~~ **commissioner or of any fish and game warden.**

Sec. 62. R. S., T. 16, § 458, amended. Section 458 of Title 16 of the Revised Statutes is amended to read as follows:

§ 458. Copies of deeds of Forest Commissioner

A copy from the records in the office of the Forest Commissioner of a deed from the State of the land of the State, or of a deed from the State and from the Commonwealth of Massachusetts of the undivided lands of the State and of said Commonwealth, or of a deed from said Commonwealth, of the lands of said Commonwealth in Maine, certified by the Forest Commissioner or other legal custodian of such records as a true copy thereof, may be filed and recorded in the registry of deeds in the county or registry district where the land lies, with the same effect as if the deed itself had been recorded, whether said deed shall or shall not have been acknowledged by the ~~agent or other~~ person making the same. Such record shall have all the force and effect of a record of deeds duly acknowledged, and certified copies thereof from such registry shall be evidence when the original would be.'

Sec. 63. R. S., T. 20, § 2354, amended. Section 2354 of Title 20 of the Revised Statutes is amended to read as follows:

§ 2354. Elementary instruction in forestry

The Forest Commissioner ~~shall~~ **may** take such measures as ~~the Commissioner of Education and the President of the University of Maine may approve for~~ **awakening** he finds necessary to encourage an interest in ~~behalf of~~ forestry and shade trees in the public schools, ~~academies and colleges and among the general public~~ of the State and ~~of imparting to give some degree of elementary instruction upon this subject therein~~ **in forestry and conservation of related natural resources.'**

Sec. 64. R. S., T. 30, § 4152, amended. The last sentence of section 4152 of Title 30 of the Revised Statutes is repealed as follows:

~~'The petition may be filed and the proceedings under it had in any county.'~~

Sec. 65. R. S., T. 30, § 4162, repealed and replaced. Section 4162 of Title 30 of the Revised Statutes is repealed and the following enacted in place thereof:

‘§ 4162. Sale of timber and grass rights, gravel; leases; mining rights

The Forest Commissioner shall have the care of the public reserved lands in all townships or tracts until they are incorporated as a town and the fee becomes vested in the town. He may under the direction of the Governor and Council on such terms as they direct take the following action on such lands until such town is incorporated.

1. **Sell. Sell: Timber and grass rights.**
2. **Lease. Lease: Campsites, mill privileges, dam sites, flowage rights, the right to set poles and maintain utility service lines.**
3. **Grant. Grant: Mining rights after approval of the Mining Bureau. Rights to construct and maintain public roads.**

He may sell for such sum as consented to by the assessors of any plantation or county commissioners in the case of unorganized or deorganized territory:

1. **Stumpage. Timber and grass stumpage.**
2. **Gravel. Gravel existing in the soil but only for the construction of public highways or other public works in the vicinity of the location of the land from which the gravel is taken, and then only when in the opinion of the commissioner, there will be an increase in the value of said land by reason of the construction of said public highway or public works.**

Preference in such sales or leases shall be given to persons, firms or corporations of this State.’

Sec. 65-A. R. S., T. 30, § 4163, amended. Section 4163 of Title 12 of the Revised Statutes is amended to read as follows:

‘§ 4163. Accounts; commissioner

The Forest Commissioner shall keep an account ~~with~~ **for** each township and tract wherein there are public reserved lots, in which shall be entered all expenditures made on account thereof and all sums received therefrom. In making deposits with the Treasurer of State, he shall specify each township and tract from which such deposits were received.’

Sec. 66. R. S., T. 30, § 4165, amended. The first and last paragraphs of section 4165 of Title 30 of the Revised Statutes are amended to read as follows:

‘The money arising from the ~~sale of timber and grass or from trespasses on~~ public reserved lots as set forth in section 4162, or trespasses thereon, paid into the treasury of the county in which the township is situated or into the State Treasury shall be held by the Treasurer of State in 2 separate funds, the income of which only shall be expended and applied as is by law provided for school purposes.’

'Upon the second fund to be known as the Organized Townships Fund, the State shall allow interest annually as earned, the income from said fund to be dealt with as provided in section 4166.'

Sec. 67. R. S., T. 30, § 4166, 4167, amended. Sections 4166 and 4167 of Title 30 of the Revised Statutes are amended to read as follows:

§ 4166. Disposal of fund income

The 2nd fund shall be known as the Organized Townships Fund and interest shall be allowed annually as earned. The income of the Organized Townships Fund as provided in section 4165 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 first day of January next preceding the date upon which the treasurer of said plantation shall call for such interest municipality, unless previously expended according to law. When any such township or tract 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 by the Treasurer of State to the treasurer of such plantation to be applied toward the support of schools according to the number of scholars in each school. Before interest of said fund is so distributed to the treasurers of such plantations an amount equaling 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 first 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.

§ 4167. Trespass; duty of assessors

If any person unlawfully enters and trespasses upon the public state lands or upon any public reserved lots, while under care of the Forest Commissioner, and cuts, takes or carries away any trees or, grass or materials upon said lands, he and all persons who furnish teams, implements, apparatus or supplies of provisions or of other articles used in committing and carrying on such trespasses participating therein, are trespassers, jointly and severally liable in damages for such trespasses, and they may be sued therefor in any county. The measure of damages is the highest price which such timber, logs or other, lumber or, hay or materials would bring at the usual place of sale thereof. If the trespass was willful the court may assess double damages. Nothing in this

section affects the right of the State to seize and sell any timber, logs, lumber ~~or~~, hay ~~and~~ or materials taken as aforesaid. At such sale, no person who was in any way willfully concerned in committing such trespass, or in supplying or aiding those who committed it, shall become a purchaser directly or indirectly.

The assessors in the organized plantations of the State shall help police the ~~said~~ reserved public lots within the boundaries of their respective plantations without any expense to the commissioner. Any cutting or removal of timber or other materials of value ~~will~~ shall immediately be reported to the commissioner in writing.'

Sec. 68. R. S., T. 30, § 4168, repealed. Section 4168 of Title 30 of the Revised Statutes is repealed.

Sec. 69. R. S., T. 30, § 5704, amended. Section 5704 of Title 30 of the Revised Statutes is amended to read as follows:

§ 5704. School funds

When the incorporation of a ~~town~~ municipality is repealed, the care and custody of the school lands therein **if not previously disposed of** revert to the Forest Commissioner and he has the same powers in relation thereto which he would have if such ~~town~~ municipality had never been incorporated. The school funds of such ~~town~~ municipality shall be collected and transmitted to the Treasurer of State and by him made a part of the permanent school fund belonging to such township or tract. The commissioner is charged with the duty of enforcing this section, and is authorized to commence and maintain actions in the name of the State for this purpose.'

Sec. 70. R. S., T. 32, §§ 1951 - 1955, amended. Sections 1951 to 1955 of Title 32 of the Revised Statutes are amended to read as follows:

§ 1951. Definitions

As used in this subchapter, unless the context otherwise specifies, the following words shall have the following meanings:

1. **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 any purpose treats or cares for such trees or parts thereof; or takes down or fells such trees by topping or by sections;~~ or for control of any diseases, 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.~~

2. **Board.** "Board" means the Arborist Examining Board ~~provided for in section 2001.~~

3. **Department.** "Department" means the Forestry Department ~~as the official governmental unit to which jurisdiction of this subchapter is assigned.~~

4. **Director of the Board.** "Director of the Board" means the ~~head commis-~~

sioner of the ~~Forestry Department~~ **department** or department staff member designated by him.

5. Ornamental trees. "Ornamental trees" means trees of shade, beauty or landscape value, or those trees intended to become such.

6. Person. "Person" means an individual, partnership or any group of persons, whether incorporated or not.

7. 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, or those trees intended to become such.

8. Takes down or fells. "Takes down or fells" means taking down trees by **topping or by sections**. Taking down of those trees which can safely be felled whole, and similar to a woodsman felling a forest tree, does not require licensing.

9. Treats or cares for. "Treats or cares for" means **pruning, trimming, shaping, installing lightning protections, cabling, bracing, feeding or fertilizing and excavating, draining or filling decayed and cavity areas of trees.**

§ 1952. Exemptions

This subchapter shall not apply to:

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

2. 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, **foremen and salesmen** are required to qualify for and hold a license;

3. Certain employees. State, county, municipal, **quasi-municipal** or public utility employees while engaged in their regular line of duty;

3-A. Scientific specialists. Scientific specialists such as plant pathologists, entomologists, botanists, foresters, horticulturists and others who are not arborists, but who by academic training are professionally qualified, provided that any services performed for a fee are limited to consultation, advisory or expert diagnostic services and that all other activities of practicing arborists are prohibited them without examination;

4. Others. Highway contractors, sub-contractors, and their employees in the removal of trees during the performance of contracts for the construction or maintenance of highways, and the **felling, pruning, trimming or shaping of shade or ornamental trees by a general contractor in the conduct of his business.**

§ 1953. Appeals

A person whose license has been suspended or revoked may secure review thereof through ~~Title 5, chapters 301 to 307~~ **appeal to the Superior Court of Kennebec County within 30 days after decision.** Findings of the board as to

facts, if supported by the evidence and in the absence of fraud, shall be conclusive and the jurisdiction of said court shall be confined to questions of law.

§ 1954. Enforcement

If any person violates this subchapter, the director may, in the name of the State, through the Attorney General apply, in any court of competent jurisdiction, for an order enjoining such violation or for an order enforcing compliance with this subchapter. Upon filing of a verified petition in such court, the court, if satisfied by affidavit that such person has violated this subchapter, may issue a ~~temporary injunction, without notice or bond~~ **restraining order**, enjoining such ~~civil actions~~ **violation**. If it is established that such person has violated or is violating this subchapter, the court may enter a decree perpetually enjoining such violation or enforcing compliance with this subchapter. 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 this subchapter.

§ 1955. Penalties

Any person violating this subchapter shall be punished by a fine of not less than \$50 nor more than \$200 for each offense, or by imprisonment for not more than 2 months, or by both.'

Sec. 71. R. S., T. 32, § 2001, amended. The last sentence of the 2nd paragraph of section 2001 of Title 32 of the Revised Statutes is amended to read as follows:

'Each succeeding ~~commercial arborist~~ **member of the board** shall serve for a term of 5 years.'

Sec. 72. R. S., T. 32, § 2001, amended. The last sentence of the 4th paragraph and the last paragraph of section 2001 of Title 32 of the Revised Statutes are amended to read as follows:

'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 hearing 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~~ on those days. Members of state agencies shall be paid expenses not covered by state agencies in which they are employed.'

Sec. 72-A. R. S., T. 32, § 2003, amended. The first sentence of the first paragraph and the first sentence of the 2nd paragraph of section 2003 of Title 32 of the Revised Statutes are amended to read as follows:

'The director of the ~~department~~ board shall compile and maintain a complete and up-to-date list of all licensed arborists in the State.

Any person within the meaning of this subchapter who violates any of the provisions of this subchapter or any of the rules and regulations of the board promulgated as provided in this subchapter 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 **suspended or** 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.'

Sec. 73. R. S., T. 32, § 2051, amended. Section 2051 of Title 32 of the Revised Statutes is amended to read as follows :

'§ 2051. License 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 the provisions of this subchapter.'

Sec. 74. R. S., T. 32, § 2052, amended. The first sentence of section 2052 of Title 32 of the Revised Statutes is amended to read as follows :

'No license shall be issued under this subchapter, except to an individual who is 18 years or over in age, who is specifically qualified as defined in this subchapter, who passes an examination, and who gives proof of financial responsibility in amounts to be determined under rules and regulations ~~made by~~ of the board.'

Sec. 75. R. S., T. 32, §§ 2053 - 2057, amended. Sections 2053 to 2057 of Title 32 of the Revised Statutes are amended to read as follows :

'§ 2053. Applications

Applications for examination shall be in writing on forms prescribed by the department, shall be notarized and shall be accompanied by ~~an~~ the 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.

§ 2054. Nonresidents

Each nonresident applicant, a resident of ~~a different~~ another 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~~ district of this State, 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 a copy of the~~ process to the applicant **by registered mail** at the address shown on the records of the department ~~by registered mail~~.

§ 2055. Examinations

Any person shall, upon payment of the application ~~for examination~~ fee, be entitled to a 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 ~~the~~ 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.

§ 2056. Forms

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~~ on a form prescribed by the department ~~signed by that~~ the 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 2058.

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.

§ 2057. Term

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

Any arborist whose license ~~expired~~ expires while he ~~was~~ is in federal service on active duty with the Armed Forces of the United States, or the ~~State Militia~~ **National Guard** 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 renewed without paying any intervening renewal license fees if within one year after termination of such service, training or edu-

cation other than by dishonorable discharge, **and if** 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.'

Sec. 76. R. S., T. 32, § 2060, amended. Section 2060 of Title 32 of the Revised Statutes is amended to read as follows:

‘§ 2060. 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 **of** examination by the board, provided that the other state or province in which he holds such license requires qualification and examination ~~as indicated in~~ **equivalent to** this subchapter. If said other state **or province** law partially meets the standards of this subchapter, the board ~~will~~ **may** decide in which respect it is lacking and what requirements the applicant must meet for waiver of examination or whether examination shall be waived.'

Sec. 77. R. S., T. 32, § 2061, amended. The first paragraph of section 2061 of Title 32 of the Revised Statutes is amended to read as follows:

'The ~~department board~~ may refuse to issue or renew or may suspend or revoke a license on any one or more of the following grounds:

Sec. 78. R. S., T. 32, §§ 4401, 4402, amended. Sections 4401 and 4402 of Title 32 of the Revised Statutes are amended to read as follows:

‘§ 4401. Definitions

For the purpose of this chapter **the following words shall have the following meanings:**

1. **Christmas tree.** "Christmas tree" means any ~~evergreen tree species of coniferous tree~~ severed from the stump and ~~includes fir, hemlock, spruce, cedar and pine~~ cut for commercial purposes as a Christmas tree.

2. **Evergreen boughs.** "Evergreen boughs" mean boughs or tips of all species of coniferous trees cut for commercial purposes.

3. **Roadside.** "Roadside" is defined as the nearest public way accessible to the cutting area or initial loading point.

§ 4402. Owner's permission required

It shall be unlawful for any person, firm **or 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~~ **his** authorized agents. Only one permit is needed for men working in crews. Any officer authorized to make inspections and investigations under this chapter may require of each person, firm **or corporation or partnership** to show on request:

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

2. 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 ~~at a charge of 25c each~~. 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.'

Sec. 79. R. S., T. 32, §§ 4404 - 4406, amended. Sections 4404 to 4406 of Title 32 of the Revised Statutes are amended to read as follows:

§ 4404. Seizure or attachment

Any officer authorized to make inspections, investigations and arrests under this chapter 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, **or ownership cannot be determined**, 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.

§ 4405. Federal quarantine regulations

Under this chapter, no person, firm ~~or corporation or partnership~~ issued such registration is in any way relieved or exempt ~~of from~~ legal responsibility ~~of~~ for complying with the federal regulations concerning the gypsy moth ~~or other~~ quarantine law.

§ 4406. Trees from out of State

When Christmas trees and evergreen boughs harvested in any Canadian Province or ~~neighboring other~~ state are transported over the highways in this State to points outside the State, some proof of ownership will be required such as customs clearance at points of entry or landowner ~~or owner of growth~~ permit. **No certificate of registration is required for vehicles hauling only Canadian or other state Christmas trees, boughs or tips over the highways of this State if no transfer of the load from one vehicle to another is made within the State of Maine.**

Sec. 80. R. S., T. 32, § 4407, repealed. Section 4407 of Title 32 of the Revised Statutes is repealed.

Sec. 81. R. S., T. 32, § 4408, amended Section 4408 of Title 32 of the Revised Statutes is amended to read as follows:

§ 4408. 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 **and disposals of trees and boughs** under this chapter and shall report violations to the Forest Commissioner.'

Sec. 82. R. S., T. 32, §§ 4451, 4452, amended. Sections 4451 and 4452 of Title 32 of the Revised Statutes are amended to read as follows:

§ 4451. Registration required

It shall be unlawful for any person, firm ~~or 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 Forestry Department or persons designated by the Forest 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 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~~ municipal 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 25c 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 commissioner at his office and shall be open to inspection by any person during reasonable business hours. **No certificate of registration will be required for transporting Christmas wreaths, wired sprays, roping or other similar manufactured products.**

§ 4452. Revocation; appeals; penalties

The Forest Commissioner may at any time for sufficient cause **after notice and hearing** suspend or revoke any registration for a period of not more than 2 years for any of the following violations of this chapter:

1. **Cutting without permission.** Cutting Christmas trees ~~or evergreen boughs~~ without **written** permission of the landowner ~~or owner of the growth~~;
2. **Failure to pay.** Failure to pay for Christmas trees ~~and~~ **or** evergreen bough stumpage;
3. **Proof of ownership required.** Buying, accepting or receiving Christmas trees ~~and~~ **or** evergreen boughs from persons without proof of ownership.

No registration shall be issued to any person, firm ~~or corporation or partnership~~ whose registration has been revoked. **The commissioner may for good cause terminate such suspension or revocation.**

Any person, firm ~~or 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~~ for appeal and serve a copy thereof on the commissioner, and in the hearing of the appeal shall be confined to the reasons ~~of~~ for 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 person ~~firm, corporation or partnership who violates any of the provisions mentioned in this section~~ violating this chapter, except for subsection 2 of this section or who offers any resistance to carrying out this chapter, **except for subsection 2 of this section** shall be deemed guilty of a misdemeanor and if convicted thereof shall be punished by a fine of not less than ~~\$25~~ **\$10** nor more than ~~\$100~~ **\$500**, 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.'