

MAINE STATE LEGISLATURE

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ONE HUNDRED AND FOURTH LEGISLATURE

Legislative Document

No. 1381

S. P. 386

In Senate, March 12, 1969

Referred to the Committee on State Government. Sent down for concurrence and 1,000 copies ordered printed.

JERROLD B. SPEERS, Secretary

Presented by Senator Berry of Cumberland.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
SIXTY-NINE

AN ACT Creating the Department of Natural Resources.

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

Sec. 1. R. S., T. 10, § 101, sub-§ 7, amended. Subsection 7 of section 101 of Title 10 of the Revised Statutes is amended to read as follows:

7. **Departments of Natural Resources, Inland Fisheries and Game, Sea and Shore Fisheries and Aeronautics Commission.** The Departments of ~~Forestry~~ **Natural Resources, Inland Fisheries and Game, Sea and Shore Fisheries and the Aeronautics Commission**, particularly as to the hazards, if any, to the natural resources of the State, including wildlife, and as to the protection, if necessary, of rivers, streams, lands and airspace from pollution.

Sec. 2. R. S., T. 10, § 402, amended. The 3rd paragraph of section 402 of Title 10 of the Revised Statutes is repealed and the following enacted in place thereof:

The commissioner shall organize a **Division of Research and Planning, a Division of Industrial Promotion, a Division of Vacation Travel Promotion and a Division of Publicity and Public Relations.**

Sec. 3. R. S., T. 10, § 651, repealed and replaced. Section 651 of Title 10 of the Revised Statutes, as repealed and replaced by chapter 204 of the public laws of 1965, is repealed and the following enacted in place thereof:

§ 651. Establishment; purposes; organization

There is established within the Department of Natural Resources a **Division of Geology and Mineral Resources**, hereinafter to be called the "division."

The purpose of this division is to administer and control the programs of the Maine Geological Survey and other natural resource functions of the State as directed by law, and to provide administrative and fiscal assistance for the Maine Mining Bureau. The Commissioner of Natural Resources shall employ a geologist as director of the division and such other geologists as deemed necessary. The director shall act as Administrator of the Maine Mining Bureau. The director may employ, subject to the Personnel Law, such employees as are necessary to carry out the duties imposed by law and tradition upon the division. The present State Geologist shall, for the duration of his existing contract, succeed to the position of director.

The division shall:

1. Information. Gather and compile geologic information of both the bedrock and surficial features of the State; present this information in printed maps and reports for the general public and the mining industry; assist existing mining operations in the State; and promote the development of the mineral potential of the State.

2. Employees. Employ professional geologists, subject to the Personnel Law, or as contractual employees, under contracts approved by the Governor and the Executive Council, to perform geologic mapping on specific projects in Maine and to provide basic geologic information and the location and environment of mineral deposits. The results obtained from the projects shall be compiled and published, the cost of such publication to be borne by the printing fund, as established.

3. Assistance. Provide advisory assistance to any mining company interested in exploring the mineral resources of the State. Members of the staff shall visit the executive offices of mining companies from time to time in order to maintain the interest of company executives in mineral development within the State.

4. Research projects. Initiate and develop research projects in the field of economic geology and basic geology which are necessary to advance the total geologic knowledge of the State.

5. Investigations. Conduct investigations of natural and physical resources so as to assist other state agencies in providing information on the physical environment of the State. Such investigation shall include, but not be limited to, physical marine resources and urban environmental studies.

Sec. 4. R. S., T. 10, § 652, additional. Title 10 of the Revised Statutes is amended by adding a new section 652, to read as follows:

§ 652. Printing fund established

There is established within the division a revolving fund for the use of the division to cover printing and distribution costs for geological and related technical literature. The director is authorized to fix the price at which publications of the division may be sold and delivered. The division shall receive without charge 10% of all such publications for complimentary distribution. The director is further authorized to fix the price at which the

United States Geological Survey and other United States Government maps, charts and other publications may be sold and delivered, provided such publications are specifically authorized for resale by the originating agency and are specifically concerned with technical information on the State of Maine. Income from the sale of publications shall be credited to the revolving fund to be used as a continuing carrying account to carry out the purpose of the printing fund.

Sec. 5. Transfer of appropriation. Any appropriation provided by the 104th Legislature to the Department of Economic Development for the operation of the Division of Geological Survey shall be transferred to the Division of Geology and Mineral Resources.

Sec. 6. Transfer of personnel. All personnel presently employed or authorized for employment by action of the 104th Legislature within the Division of Geological Survey of the Department of Economic Development shall be transferred to the Division of Geology and Mineral Resources.

Sec. 7. R. S., T. 10, § 2101, amended. The first sentence of section 2101 of Title 10 of the Revised Statutes is amended to read as follows:

The Maine Mining Bureau ~~as heretofore established~~ **is established within the Department of Natural Resources** and shall consist of ~~7~~ **8** members, one each from the State Departments of Agriculture, ~~Forestry~~ State, Economic Development ~~and~~, Inland Fisheries and Game, **Division of Forestry** and the Water and Air **Environmental** Improvement Commission, each of whom shall be appointed by the head of his respective department, ~~plus~~ the State Geologist ~~and the Commissioner of Natural Resources who shall be its chairman.~~

Sec. 8. R. S., T. 12, § 3, sub-§ 1, repealed and replaced. Subsection 1 of section 3 of Title 12 of the Revised Statutes, as amended by section 2 of chapter 190 of the public laws of 1965, is repealed and the following enacted in place thereof:

1. Division. "Division of Soil and Water Conservation" means the agency created in subchapter II.

Sec. 9. R. S., T. 12, § 4, amended. Section 4 of Title 12 of the Revised Statutes, as amended by section 3 of chapter 190 of the public laws of 1965, is further amended to read as follows:

§ 4. Limitation of authority

The powers and duties conferred upon the **Division of Soil and Water Conservation** ~~Committee~~ or the soil and water conservation districts under this chapter shall not infringe upon or impair in any way the rights of any owner of riparian lands located upon, or any rights heretofore or hereafter granted by the Legislature to any person, firm, corporation, association, public or quasi-public body to use or take the water in or from, any lake, pond, river, stream, brook or any other body of water located wholly or partly in the State of Maine.

Sec. 10. R. S., T. 12, § 7, amended. The first sentence of section 7 of Title 12 of the Revised Statutes, as amended by section 5 of chapter 190 of the public laws of 1965, is further amended to read as follows:

At any time after 5 years after the organization of a district under this chapter, any 25 occupiers of land lying within the boundaries of such district may file a petition with the ~~State Division of Soil and Water Conservation Committee~~ requesting that the operations of the district be terminated and the existence of the district discontinued.

Sec. 11. R. S., T. 12, § 51, amended. Section 51 of Title 12 of the Revised Statutes, as amended, is further amended to read as follows:

§ 51. Membership; seal; rules and regulations

The ~~State Soil and Water Conservation Committee~~ **Division of Soil and Water Conservation**, as heretofore established, shall ~~serve as an agency of the State~~ **be under the control and supervision of the Director of the Division of Soil and Water Conservation** who shall be appointed by the Commissioner of Natural Resources and who shall be counseled and advised by an advisory committee and shall perform the functions conferred upon ~~it~~ **him** in this chapter.

~~It shall~~ **The advisory committee** shall consist of the following 11 members: The Dean of the College of Agriculture, the State Commissioner of Agriculture, the ~~State Forest Commissioner~~ **Director of the Division of Forestry**, State Commissioner of Inland Fisheries and Game and State Commissioner of Sea and Shore Fisheries, who shall serve ex officio; and 4 Soil and Water Conservation District supervisors, one of which shall represent each of the following 4 areas: Area 1, composed of the soil and water conservation districts of St. John Valley, Central Aroostook, Southern Aroostook and Washington County; Area 2, composed of the districts of Piscataquis County, Somerset County, Franklin County and Kennebec County; Area 3, composed of the districts of Oxford County, Androscoggin Valley, Cumberland County and York County; Area 4, composed of Penobscot County, Waldo County, Knox-Lincoln and Hancock County, and 2 soil conservation representatives to be appointed by the 4 district supervisors. Any district organized after September 21, 1963 shall be included in one of these 4 areas as determined by the ~~state committee~~ **director**. The representative of each such area shall be elected at an annual meeting of the supervisors in the area held at a time specified by the ~~state committee~~ **director**. Persons now serving as appointed members of the committee shall continue to serve until the representatives from the 4 named areas are elected and qualify. The ~~committee~~ **director** may invite the Secretary of Agriculture of the United States of America to appoint one person to serve with the above-mentioned members as an advisory member of the committee. **The commission shall counsel and advise the director who shall have such powers as may be necessary for the execution of the functions under this chapter.** The committee shall keep an accurate record of its official actions, shall adopt a seal, which seal shall be judicially noticed, shall have the authority to sue and be sued, and shall perform such acts, execute such contracts and other instruments, hold such public hearings

and promulgate such rules and regulations as may be necessary for the execution of its functions under this chapter.

Sec. 12. R. S., T. 12, § 52, repealed and replaced. Section 52 of Title 12 of the Revised Statutes is repealed and the following enacted in place thereof:

§ 52. Legal services; administrative officer; delegation of powers

The director may call upon the Attorney General for such legal services as he may require. He shall employ such temporary or permanent employees as he may require. He shall have authority to delegate to any agent or employee such powers and duties as he may deem proper.

Sec. 13. R. S., T. 12, § 53, amended. The last sentence of section 53 of Title 12 of the Revised Statutes is repealed and the following enacted in place thereof:

The committee shall provide for the keeping of an accurate record of all proceedings and of all resolutions and advice and counsel given.

Sec. 14. R. S., T. 12, § 54, amended. The first paragraph of section 54 of Title 12 of the Revised Statutes, as amended, is further amended to read as follows:

In addition to the duties and powers conferred upon the **State Division of Soil and Water Conservation Committee**, it shall have the following duties and powers:

Sec. 15. R. S., T. 12, § 54, sub-§ 4, amended. Subsection 4 of section 54 of Title 12 of the Revised Statutes is amended to read as follows:

4. United States and state agencies. To secure the cooperation and assistance of the United States and any of its agencies, and of agencies of this State, in the work of such districts, and in carrying out the functions of the ~~committee~~ **division** under this chapter; to accept grants, services and materials, and to borrow money from the United States or from any corporation or agency of the United States or from the State of Maine or any of its subdivisions or from any other source, but in no event shall the faith and credit of the State of Maine or any county or other political subdivision thereof be pledged by the ~~committee~~ **division** for the repayment of any indebtedness;

Sec. 16. R. S., T. 12, § 54, sub-§ 10, amended. Subsection 10 of section 54 of Title 12 of the Revised Statutes, as amended by section 10 of chapter 190 of the public laws of 1965, is further amended to read as follows:

10. Fund. To have supervision and control of the Soil and Water Conservation Districts Fund which shall consist of all moneys appropriated thereto, and any moneys received as donations, repayments of loans or from other sources. The ~~committee~~ **division** may use such fund for carrying out any of its authorized functions, for furnishing financial and other assistance to districts, for making allocations of funds to districts, and for making loans to districts under such terms and conditions as the ~~committee~~ **division** may prescribe. Any balance in this fund, except moneys appropriated by the

State, shall not lapse but shall be carried forward from year to year to be expended for the purposes set forth in this subchapter;

Sec. 17. R. S., T. 12, § 101, amended. Section 101 of Title 12 of the Revised Statutes is amended to read as follows:

§ 101. Nomination and election

Within 30 days after the date of issuance of a certificate of organization of a district, nominating petitions may be filed with the ~~committee division~~ to nominate candidates for supervisors of such district. The ~~committee division~~ shall have authority to extend the time within which nominating petitions may be filed. No such nominating petition shall be accepted by the ~~committee division~~, unless it shall be subscribed by 25 or more occupiers of lands lying within the boundaries of such district. Land occupiers may sign more than one such nominating petition to nominate more than one candidate for supervisor. The ~~committee director~~ shall give due notice of and hold an election for the election of 3 supervisors for the district. All occupiers of lands lying within the district and only such land occupiers shall be eligible to vote in such election. The 3 candidates who shall receive the largest number, respectively, of the votes cast in such election shall be the elected supervisors for such district. The ~~committee division~~ shall pay all the expenses of such election, shall supervise the conduct of such election, shall prescribe regulations governing the conduct of such election and shall publish the results thereof in some newspaper of general circulation in the area.

Sec. 18. R. S., T. 12, § 102, amended. Section 102 of Title 12 of the Revised Statutes, as amended by sections 11 and 12 of chapter 190 of the public laws of 1965, is further amended to read as follows:

§ 102. Organization

The governing body of the district shall consist of 5 supervisors, elected or appointed. The 2 supervisors appointed by the ~~committee division~~ shall be persons who are by training and experience qualified to perform the services which will be required of them in the performance of their duties. In appointing supervisors, the ~~state committee division~~ shall take into consideration the recommendations of the representative of the state committee from the area in which the district is located, as well as representation of the various interests of the district such as agricultural, woodland, wildlife, recreation, community and area development.

The supervisors shall elect one of their members to be chairman and may, from time to time, change such designation. The term of office of each supervisor shall be 3 years except that the first appointed supervisors shall be appointed to serve terms of one and 2 years respectively, and the first elected supervisors shall be elected to serve for terms of one, 2 and 3 years respectively. A supervisor shall hold office until his successor has been elected or appointed and has qualified. Vacancies shall be filled for the unexpired term. The selection of successors to fill an unexpired term, or for a full term, shall be made in the same manner in which the retiring super-

visors shall, respectively, have been selected, except that all elections of supervisors other than the first election, as provided in section 101, shall be supervised and conducted by the district supervisors of the districts involved. Such election shall be held during a period prescribed or approved by the ~~State Soil and Water Conservation Committee~~ **Division of Soil and Water Conservation** and in such manner and under such rules and regulations as the ~~committee~~ **division** shall prescribe. The cost of conducting such elections shall be borne by the district involved. The board of supervisors shall certify to the ~~committee~~ **division** the names of the elected supervisors. The ~~committee~~ **division** shall issue certificates of election to each elected supervisor so certified. In existing soil and water conservation districts, the successors to the present elected supervisors shall be elected to serve one, 2 and 3 year terms, respectively, and thereafter their successors shall be elected to serve a regular term of 3 years, and in any district where the terms of office of appointed supervisors now expire concurrently, their successors shall be appointed to serve one and 2 year terms, respectively, and thereafter the successors of such supervisors shall be appointed to serve a regular term of 3 years.

A majority of the supervisors shall constitute a quorum and the concurrence of a majority of the said quorum in any matter within their duties shall be required for its determination. A supervisor may receive compensation for his services and he shall be entitled to expenses, including traveling expenses, necessarily incurred in the discharge of his duties, if and when funds are available.

The supervisors may employ a secretary and such other employees as they may require, if and when funds are available. The supervisors may call upon the Attorney General for such legal services as they may require. The supervisors may delegate to one or more supervisors, or to any agents or employees, such powers and duties as they may deem proper. The supervisors shall furnish to the ~~State Soil and Water Conservation Committee~~ **Division of Soil and Water Conservation**, upon request, any information concerning their activities as it may require in the performance of its duties under this chapter.

The supervisors shall require the execution of surety bonds by all employees and officers who shall be entrusted with funds or property, and shall provide for the keeping of an accurate record of all proceedings and of all resolutions, regulations and orders issued or adopted.

Sec. 19. R. S., T. 12, § 151, amended. The first paragraph of section 151 of Title 12 of the Revised Statutes, as amended by section 13 of chapter 190 of the public laws of 1965, is further amended to read as follows:

Any 25 occupiers of land lying within the limits of the territory proposed to be organized into a district may file a petition with the ~~State~~ **Division of Soil and Water Conservation** ~~Committee~~ asking that a soil and water conservation district be organized to function in the territory described in the petition. Such petition shall set forth:

Sec. 20. R. S., T. 12, § 151, sub-§ 4, amended. Subsection 4 of section 151 of Title 12 of the Revised Statutes, as amended by section 14 of chapter 190 of the public laws of 1965, is further amended to read as follows:

4. **Referendum.** A request that the ~~committee~~ **division** duly define the boundaries for such district; that a referendum be held within the territory so defined on the question of the creation of a soil and water conservation district in such territory; and that the ~~committee~~ **division** determine that such a district be created.

Sec. 21. R. S., T. 12, § 151, amended. The last paragraph of section 151 of Title 12 of the Revised Statutes is amended to read as follows:

Where more than one petition is filed covering parts of the same territory, the ~~committee~~ **division** may consolidate all or any such petitions.

Sec. 22. R. S., T. 12, § 152, amended. Section 152 of Title 12 of the Revised Statutes, as amended by sections 15 and 15-A of chapter 190 of the public laws of 1965, is further amended to read as follows:

§ 152. Hearing; determination

Within 30 days after such a petition has been filed with the ~~committee~~ **division**, it shall cause due notice to be given of a proposed hearing upon the question of the desirability and necessity, in the interest of the public health, safety and welfare, of the creation of such district, upon the question of the appropriate boundaries to be assigned to such district and upon all questions relevant to such inquiries. All occupiers of land within the limits of the territory described in the petition, and of lands within any territory considered for addition to such described territory, and all other interested parties shall have the right to attend such hearings and to be heard. If it shall appear upon the hearing that it may be desirable to include within the proposed district territory outside of the area within which due notice of the hearing has been given, the hearing shall be adjourned and due notice of further hearing shall be given throughout the entire area considered for inclusion in the district, and such further hearing held. After such hearing, if the ~~committee~~ **division** shall determine, upon the facts presented at such hearing and upon such other relevant facts and information as may be available, that there is need, in the interest of the public health, safety and welfare, for a soil and water conservation district to function in the territory considered at the hearing, it shall make and record such determination and shall define the boundaries of such district. In making such determination and in defining such boundaries, the ~~committee~~ **division** shall give due weight and consideration to the topography of the area considered and of the state, the composition of soils in the proposed district, the distribution of erosion, the prevailing land-use practices, the desirability and necessity of including within the boundaries the particular lands under consideration and the benefits such lands may receive from being included within such boundaries, the relation of the proposed area to existing watersheds and agricultural regions, and to other districts already organized under this chapter, and such other physical, geographical and economic factors as are relevant. The territory to be included within such boundaries need not be contiguous. If the ~~com-~~

~~mittee~~ **division** shall determine after such hearing, after due consideration of the said relevant facts, that there is no need for a soil and water conservation district to function in the territory, or any part thereof, considered at the hearing, it shall make and record such determination and shall deny the petition. After 6 months shall have expired from the date of the denial of any such petition, subsequent petitions covering the same or substantially the same territory may be filed, new hearings held and determinations made thereon.

Sec. 23. R. S., T. 12, §§ 153 to 158, amended. Sections 153 to 158 of Title 12 of the Revised Statutes, as amended, are further amended to read as follows:

§ 153. Referendum

After the ~~committee~~ **division** has made and recorded a determination that there is need for the organization of a district in a particular territory and has defined the boundaries thereof, it shall consider the question whether the operation of a district within such boundaries is administratively practicable and feasible. To assist the ~~committee~~ **division** in the determination of such administrative practicability and feasibility, it shall, within a reasonable time after entry of the finding that there is need for the organization of the proposed district, cause due notice of a referendum to be given, and hold such referendum within the proposed district. The question shall be submitted by ballots. The usual voting places available for regular elections within the district shall be available for the purposes of such referenda, and city and town officials are directed to assist in the carrying out of such referenda.

All occupiers of lands lying within the boundaries of the territory, as determined by the ~~State Soil and Conservation Committee~~ **Division of Soil and Water Conservation**, and only such land occupiers, shall be eligible to vote in such referendum.

§ 154. Expenses; regulations; informalities

The ~~committee~~ **division** shall pay all expenses for the issuance of such notices and the conduct of such hearings and referenda. It shall issue appropriate regulations governing the conduct of such hearings and referenda. No informalities in the conduct thereof shall invalidate said referendum.

§ 155. Results of referendum; determination

The ~~committee~~ **division** shall publish the result of such referendum in a newspaper of general circulation in the territory affected and shall thereafter again consider and determine whether the operation of the district is administratively practicable and feasible. If the ~~committee~~ **division** shall determine that the operation of such district is not administratively practicable and feasible, it shall record such determination and deny the petition. If the ~~committee~~ **division** shall determine that the operation of such district is administratively practicable and feasible, it shall record such determination and shall proceed with the organization of the district in the manner pro-

vided. In making such determination the ~~committee~~ **division** shall give due regard and weight to the attitude of the occupiers of lands lying within the defined boundaries, the number of land occupiers eligible to vote in such referendum who shall have voted, the proportion of the votes cast in such referendum in favor of the creation of the district to the total number of votes cast, the probable expense of carrying on erosion-control operations within such district and such other economic and social factors as may be relevant to such determination. The ~~committee~~ **division** shall not have authority to determine that the operation of the proposed district is administratively practicable and feasible unless at least a majority of the votes cast in the referendum shall have been cast in favor of the creation of such district.

§ 156. Appointment of governing body; application to Secretary of State

If the ~~committee~~ **division** shall determine that the operation of the proposed district is administratively practicable and feasible, it shall appoint 2 supervisors to act, with the 3 supervisors elected, as the governing body of the district. Such district shall be an agency of the State and a public body corporate and politic, upon the taking of the following proceedings:

The 2 appointed supervisors shall present to the Secretary of State an application signed by them, which shall set forth:

1. **Petition.** That a petition for the creation of the district was filed with the ~~State Soil and Water Conservation Committee~~ **Division of Soil and Water Conservation**, and that the proceedings specified in this chapter were taken pursuant to such petition; that the application is being filed in order to complete the organization of the district; and that the ~~committee~~ **division** has appointed them as supervisors;

2. **Supervisors.** The name and official residence of each of the supervisors, together with a certified copy of the appointments evidencing their right to office;

3. **Term of office.** The term of office of each of the supervisors;

4. **Name of district.** The name which is proposed for the district.

The application shall be subscribed and sworn to by each of the said supervisors. The application shall be accompanied by a statement by the ~~State Soil and Water Conservation Committee~~ **Division of Soil and Water Conservation**, which shall certify that a petition was filed, notice issued and hearing held; that the ~~committee~~ **division** did duly determine that there is need for a soil and water conservation district to function in the proposed territory and it did define the boundaries thereof; that notice was given and a referendum held on the question of the creation of such district, and that the result of such referendum showed a majority of the votes cast to be in favor of the creation of the district; that thereafter the ~~committee~~ **division** did duly determine that the operation of the proposed district is administratively practicable and feasible. The said statement shall set forth the boundaries of the district as they have been defined by the ~~committee~~ **division**.

The Secretary of State shall file the application and statement and shall record them in an appropriate book of record in his office. When the applica-

tion and statement have been made, filed and recorded, the district shall constitute an agency of the State and a public body corporate and politic. The Secretary of State shall make and issue to the said supervisors a certificate, under the seal of the State, of the due organization of the said district, and shall record a copy of such certificate with the application and statement.

§ 157. Subsequent petitions

After 6 months shall have expired from the date of entry of a determination by the ~~committee~~ **division** that operation of a proposed district is not administratively practicable and feasible, and denial of a petition, subsequent petitions may be filed and action taken by the ~~committee~~ **division**.

§ 158. Petition for additional territory

Petitions for including additional territory within an existing district may be filed with the ~~committee~~ **division**, and the proceedings provided for in the case of petitions to organize a district shall be observed in the case of petitions for such inclusion. Where the total number of land occupiers in the area proposed for inclusion shall be less than 25, the petition may be filed when signed by a majority of the occupiers of such area, and in such case no hearing or referendum need be held. In referenda upon petitions for such inclusion, all occupiers of land lying within the proposed additional area shall be eligible to vote.

Sec. 24. R. S., T. 12, § 201, amended. Section 201 of Title 12 of the Revised Statutes, as amended, is further amended to read as follows:

§ 201. Allocation of funds

1. **Division to districts.** Unless otherwise provided by law, moneys which may be under the control of the ~~state committee~~ **division** in the Soil and Water Conservation Districts Fund, or in any other account, shall be allocated by the ~~State Soil and Water Conservation Committee~~ **Division of Soil and Water Conservation** among the districts already organized or to be organized, in accordance with the procedure specified in subsection 2. All moneys allocated to any district by the said ~~committee~~ **division** shall be available to the supervisors of such district for all administrative and other expenses of the district under this chapter.

2. **Budget and allocations.** Allocations to soil and water conservation districts shall be made on the basis of a budget submitted by each district to the ~~state committee~~ **division** by February 1st of each year. In making such allocations of such moneys, the ~~committee~~ **division** shall retain an amount estimated by it to be adequate to enable it to make subsequent allocations in accordance with this section from time to time among newly organized districts.

Sec. 25. R. S., T. 12, Part 1-A, additional. Title 12 of the Revised Statutes is amended by adding a new Part 1-A, to read as follows:

PART 1-A

NATURAL RESOURCES

CHAPTER 101

DEPARTMENT OF NATURAL RESOURCES

§ 301. Commissioner

The Department of Natural Resources is established and hereinafter in this chapter called the "department" and shall be under the supervision and control of a Commissioner of Natural Resources hereinafter in this chapter called the "commissioner." He shall be appointed by the Governor with the advice and consent of the Council for a term of 6 years and shall hold office until his successor is appointed and qualified.

The commissioner may be removed by the Governor and the Council. Any vacancy in said office shall be filled by appointment for a like term in the same manner as hereinbefore provided. He shall receive such salary as the Governor and Council may determine.

§ 302. Powers and duties

The commissioner may employ division directors, deputies, assistants, specialists not subject to the Personnel Law, and such other employees as may be necessary, subject to the Personnel Law; employ or engage with the approval of the Governor and Council such outside technical or professional consultants as may be necessary or appropriate to assist the department in carrying out its functions; and may enter into contracts with other boards, commissions, departments and divisions of the State or with the University of Maine to assist him or any division of the department in carrying out this chapter.

The commissioner shall have the overall supervision and control of the Division of Forestry, the Division of Parks and Recreation, the Division of Geological Survey, the Division of Soil and Water Conservation, the Forestry Appeals Board, the Board of Pesticides Control, the Maine Mining Bureau and such other departments, divisions, commissions, committees, bureaus and boards as the Legislature shall authorize. The commissioner shall hold staff meetings with division directors monthly or more often as deemed necessary for ascertaining progress on current programs and discussion for the need of new programs. The division directors shall hold similar staff meetings with the personnel of their respective divisions.

The commissioner is authorized and empowered to accept for the State any federal funds apportioned under federal law to do such acts as are necessary for the purposes of carrying out such federal law; and to accept from any other agency of government, individual, group or corporation such funds as may be available in carrying out this chapter.

The commissioner shall submit an annual report on or before January 15th of the department's activities and expenditures to the Governor.

§ 303. Others to cooperate

The several officers, boards, commissions, departments and divisions of the State, and the city and town officials may consult with the department and furnish or make available to it data and information within their knowledge and control.

§ 304. Division of Forestry

A Director of the Division of Forestry shall be appointed by the Commissioner of Natural Resources and hereinafter in chapters 201 to 215 be called the "director." He shall be a trained forester or a person of skill and experience in the care and preservation of forest lands and shall hold office for a term of 6 years. He shall not when appointed, nor while in office, be directly or indirectly concerned in the purchase of state-owned lands nor of timber or grass growing or cut thereon except in his official capacity. He shall receive an annual salary of \$14,000 and not be subject to the Personnel Law.

Sec. 26. R. S., T. 12, § 501, repealed. Section 501 of Title 12 of the Revised Statutes, as amended, is repealed.

Sec. 27. R. S., T. 12, § 501-A, amended. The first paragraph of section 501-A of Title 12 of the Revised Statutes, as enacted by section 3 of chapter 226 of the public laws of 1965, is amended to read as follows:

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

Sec. 28. R. S., T. 12, § 501-B, amended. The first and last sentences of section 501-B of Title 12 of the Revised Statutes, as enacted by section 3 of chapter 226 of the public laws of 1965, are amended to read as follows:

The ~~director with the approval of the commissioner~~ shall appoint, subject to the Personnel Law, a Deputy ~~Commissioner~~ **Director**, a State Entomologist, foresters, officers, forest rangers and other expert and clerical assistants as may be necessary.

Wherever the term "commissioner" or "director" is used in chapters 201 to 215 it shall include his agents and representatives.

Sec. 29. R. S., T. 12, § 505, amended. The first sentence of section 505 of Title 12 of the Revised Statutes, as amended by section 6 of chapter 226 of the public laws of 1965, is further amended to read as follows:

The ~~commissioner~~ director 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 to furnish at cost forest tree seedlings and transplants for use in planting the waste, cut over lands and potential

forest lands of the State and he may furnish at cost shrub material for wild-life development to other state agencies.

Sec. 30. R. S., T. 12, § 506, amended. The first sentence of section 506 of Title 12 of the Revised Statutes, is amended to read as follows:

The ~~commissioner~~ director shall carry out a forest rehabilitation program on unstocked and poorly stocked potential forest land either public or private with first priority to burned areas.

Sec. 31. R. S., T. 12, § 508, amended. Section 508 of Title 12 of the Revised Statutes, as amended by section 9 of chapter 226 of the public laws of 1965, is further amended to read as follows:

§ 508. Execution of deeds

The ~~commissioner~~ director shall execute deeds on behalf of the State, for lands under his management and control, conveying lands which have been authorized by the Legislature or sold by lawful authority.

Sec. 32. R. S., T. 12, § 509, amended. The first sentence of section 509 of Title 12 of the Revised Statutes, as amended by section 10 of chapter 226 of the public laws of 1965, is further amended to read as follows:

The ~~commissioner~~ director 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 the effect of the diminution of the wooded surface of the land upon the watersheds of the lakes, rivers, water powers and other natural resources of the State.

Sec. 33. R. S., T. 12, § 511, amended. Section 511 of Title 12 of the Revised Statutes, as amended by section 12 of chapter 226 of the public laws of 1965, is further amended to read as follows:

§ 511. Printing and distribution of laws

The ~~commissioner~~ director, at the expense of the State, may cause copies of sections or parts of sections of chapters 201 to 215, and of other laws of the State relating to shade trees, forestry, forest pathology and entomology to be printed and freely distributed. Whoever tears down, destroys or defaces any notice relative to such matters posted over the name and title of the ~~commissioner~~ director, or the name of any association organized for the protection of the forests of the State, shall on conviction thereof be punished by a fine of not more than \$50.

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

Sec. 34. R. S., T. 12, § 512, amended. The first and last sentences of section 512 of Title 12 of the Revised Statutes, as amended by section 12 of chapter 226 of the public laws of 1965, are further amended to read as follows:

The ~~commissioner~~ director may, with the advice and consent of the Governor and Council, accept on the part of the State gifts of land for forest purposes. Net revenues, including but not limited to stumpage, shall be paid to the Treasurer of State by said ~~commissioner~~ director and constitute a fund to be applied to the care and improvement of these lands or 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.

Sec. 35. R. S., T. 12, § 513, amended. Section 513 of Title 12 of the Revised Statutes, as amended by section 12 of chapter 226 of the public laws of 1965, is further amended to read as follows:

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

The ~~department~~ division is designated the public agency of the State 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 matters, excepting federal funds received under the Stennis-McIntire bill, Public Law 87-788. The Treasurer of State shall be the appropriate fiscal officer to receive 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~~ division and the Governor and Council.

Sec. 36. R. S., T. 12, § 514, amended. The first paragraph of section 514 of Title 12 of the Revised Statutes, as repealed and replaced by section 13 of chapter 226 of the public laws of 1965, is amended to read as follows:

The ~~commissioner~~ director 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:

Sec. 37. R. S., T. 12, § 515, amended. Section 515 of Title 12 of the Revised Statutes, as repealed and replaced by section 13 of chapter 226 of the public laws of 1965 is amended to read as follows:

§ 515. Permits for timber and grass stumpage

The ~~commissioner~~ director 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~~ director 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. 38. R. S., T. 12, § 516, amended. The first sentence of section 516 of Title 12 of the Revised Statutes, as amended by section 14 of chapter 226 of the public laws of 1965, is further amended to read as follows:

Foresters under the direction of the ~~commissioner~~ director shall 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.

Sec. 39. R. S., T. 12, § 601-A, additional. Title 12 of the Revised Statutes is amended by adding a new section 601-A, to read as follows:

§ 601-A. Director of the Division of Parks and Recreation

The Director of the Division of Parks and Recreation under the supervision of the commissioner shall be the executive head of the Division of Parks and Recreation hereinafter in chapter 203 called the "division."

Sec. 40. R. S., T. 12, § 602, amended. The first and last sentences of the 2nd paragraph of section 602 of Title 12 of the Revised Statutes are amended to read as follows:

The commission shall counsel and advise the director who shall have jurisdiction, custody and control in, over and upon all state parks and memorials and national parks which are under control and management of the State, excepting Baxter State Park.

Said ~~commission~~ director shall have and exercise the following powers and authority:

Sec. 41. R. S., T. 12, § 602, sub-§ 3, amended. The last paragraph of subsection 3 of section 602 of Title 12 of the Revised Statutes is amended to read as follows:

Before promulgating such rules and regulations, they shall submit them to the Attorney General, and if he shall certify that in his opinion they are in conformity with the law, they shall thereupon, together with section 606, be published once a week for 2 successive weeks in a newspaper published in the towns or counties of this State wherein parks are located and posted in at least 3 conspicuous places in or about said park or parks whereupon they shall take effect, and a certificate of such publication and posting shall be executed by ~~one of the members of said commission~~ the director of the division and filed with the Secretary of State, who shall record the same.

Sec. 42. R. S., T. 12, § 602, sub-§ 5, amended. Subsection 5 of section 602 of Title 12 of the Revised Statutes is amended to read as follows:

5. Police supervision. To exercise police supervision over all state parks and memorials. The agents or representatives of the ~~State Park and Recreation Commission~~ Division of Parks and Recreation designated for that purpose by ~~said commission~~ the director of the division are authorized and empowered to arrest with or without warrant any person within the State who is committing, or to detain until a warrant has been obtained, any person within the State who has been seen by said agents or representatives committing any offense against the state laws, or any violation of any rule or regulation of the ~~State Park and Recreation Commission~~ Division of Parks and Recreation within a state park or memorial, but no dwelling house shall be searched for the purpose of such arrest without a warrant, and then only

in the daytime, and no sealed railroad car shall be entered for the purpose of such arrest without such warrant.

Sec. 43. R. S., T. 12, § 602, sub-§ 9, amended. The last sentence of subsection 9 of section 602 of Title 12 of the Revised Statutes is amended to read as follows:

The Treasurer of State shall be the appropriate fiscal officer to receive such federal funds, subject to the approval of the Governor and Council, and the State Controller shall authorize expenditures therefrom as approved by the ~~commission~~ **Commissioner of Natural Resources** and the Governor and Council.

Sec. 44. R. S., T. 12, § 602, sub-§ 11, repealed. Subsection 11 of section 602 of Title 12 of the Revised Statutes is repealed.

Sec. 45. R. S., T. 12, § 602-A, additional. Title 12 of the Revised Statutes is amended by adding a new section 602-A, to read as follows:

§ 602-A. Employees

The Commissioner of Natural Resources shall fix the duties of and employ permanently or part time such employees and other personnel, subject to the Personnel Law, as he may from time to time deem necessary in the discharge of his duties under this chapter; and to accept gifts and bequests of money or other personal property to be used in advancing the recreational and conservation interests in state parks.

Sec. 46. R. S., T. 12, §§ 603 - 605, amended. Sections 603 to 605 of Title 12 of the Revised Statutes are amended to read as follows:

§ 603. Surveys

The ~~commission~~ **director**, ~~its~~ his authorized agents and employees may enter upon any lands, waters and premises in the State for the purpose of making surveys and examinations as ~~it~~ he may deem necessary or convenient in the discharge of ~~its~~ his duties under this chapter, and such entry shall not be deemed a trespass.

§ 604. Restrictions

The powers and duties of the ~~commissioner~~ **director** as set forth in this chapter shall not be so construed as to interfere or conflict in any way with the powers and duties of the United States and its national park areas under national control, Baxter State Park, Department of Inland Fisheries and Game or the **Division of Forestry** ~~Department~~ and their duly appointed wardens, and the enforcement of the inland fisheries and game and forestry laws in respect to state parks or to the State generally.

§ 605. Allocation of funds

All moneys received by the ~~commission~~ **director** shall be deposited with the Treasurer of State to be credited to the General Fund.

Sec. 47. R. S., T. 12, § 632, amended. Section 632 of Title 12 of the Revised Statutes, as enacted by chapter 312 of the public laws of 1965, is amended to read as follows:

§ 632. Powers

The ~~Maine State Park and Recreation Commission~~ **Division of State Parks and Recreation** shall maintain a continuing Keep Maine Scenic program, including necessary research, education, promotion and enforcement, for the protection of Maine's natural beauty and elimination of offensive litter and other unsightly conditions on roadsides, streets, waterways and beaches and in parks and other public areas. The ~~commission~~ **division** shall make full use of voluntary services and contributions from clubs, organizations and associations, individuals, municipalities, business and industry, or other state agencies.

Sec. 48. R. S., T. 12, § 662, sub-§ 2, repealed and replaced. Subsection 2 of section 662 of Title 12 of the Revised Statutes, as enacted by section 1 of chapter 496 of the public laws of 1965, is repealed and the following enacted in place thereof:

2. Division. "Division" means the Division of State Parks and Recreation.

Sec. 49. R. S., T. 12, § 664, repealed and replaced. Section 664 of Title 12 of the Revised Statutes, as enacted by section 1 of chapter 496 of the public laws of 1965 and as amended, is repealed and the following enacted in place thereof:

§ 664. Administration

The Division of State Parks and Recreation shall administer the waterway under this chapter, except for the power to control activities previously delegated by law to the Department of Inland Fisheries and Game, Division of Forestry and to the Water and Air Environmental Improvement Commission.

Sec. 50. R. S., T. 12, § 666, amended. Section 666 of Title 12 of the Revised Statutes, as enacted by section 1 of chapter 496 of the public laws of 1965, is amended to read as follows:

§ 666. Control of land areas

1. Structures. No new structures or expansion of existing structures shall be permitted within the restricted zone, except those structures essential to state service agencies, those structures determined by the ~~commission~~ **division** to be essential in maintaining water level controls, and such temporary structures as may be determined by the ~~commission~~ **division** to be necessary for watercourse crossing and access. All existing structures are to be removed except those deemed necessary by the ~~commission~~ **division** to carry out the intent of this chapter.

2. New construction. Any new construction within $\frac{1}{4}$ mile of the restricted zone shall be done only with the prior approval of the ~~commission~~ **division**.

3. **Camps.** Other than structures permitted under subsection 1, camps shall be prohibited within the restricted zone. Existing commercial sporting camps shall be acquired and may be leased back to present owners or others on terms and conditions determined by the ~~commission~~ **division**.

Sec. 51. R. S., T. 12, §§ 667 - 675, amended. Sections 667 to 675 of Title 12 of the Revised Statutes, as enacted by section 1 of chapter 496 of the public laws of 1965, are amended to read as follows:

§ 667. Authority to acquire property by eminent domain or otherwise

The ~~commission~~ **division** is empowered to acquire on behalf of the State, land, improvements or any interest therein, water and power rights, within the boundaries of the waterway or adjacent thereto, by purchase, lease or gift and to enter into agreements concerning the same. Any land adjacent to the waterway so acquired shall become part of the waterway. The ~~commission~~ **division** is authorized to accept and receive gifts and bequests of money or other property, including funds from the Federal Government, for purposes consistent with the intent of the Legislature in establishing the waterway.

Within the restricted zone, the ~~commission~~ **division** is empowered to acquire by eminent domain on behalf of the State, land, improvements or any interest therein, water and power rights; specifically excluding from the power to acquire by eminent domain the Telos Dam Lot and Lock Dam Lot and water and power rights connected therewith, however, the power and authority of the ~~commission~~ **division** as otherwise provided to accomplish the purposes of this chapter shall apply to the Telos Dam Lot and Lock Dam Lot.

§ 668. Manner of acquisition by eminent domain

Any acquisition of property by the ~~commission~~ **division** by eminent domain pursuant to ~~the provisions of~~ section 667 shall be made in the manner provided in Title 35, chapter 263.

§ 669. Initial plan for acquisition

As soon as possible after availability of funds after ~~the effective date of this Act~~ **May 11, 1965**, the ~~commission~~ **division** shall proceed to acquire title in fee simple to land within the restricted zone. The ~~commission~~ **division** shall also acquire within the restricted zone such other rights as the ~~commission~~ **division** shall determine necessary or convenient to accomplish the purposes of this chapter; provided, that neither anything in this section contained nor any action under this section shall in any way limit any of the powers or authority of the ~~commission~~ **division** under this chapter or the exercise thereof by the ~~commission~~ **division**.

§ 670. Control of timber-harvesting operations

1. **Limitations.** No timber-harvesting operation shall be permitted within the restricted zone, except

A. By direction of the ~~commission~~ **division** for the purpose of maintaining healthy forest conditions, or

B. By direction of the ~~commission~~ **division** for the purpose of correcting situations arising from natural disasters.

2. Exceptions. Subject to limitations set forth in subsection 1, timber-harvesting operations shall be permitted within the waterway provided as follows:

A. A management plan shall be submitted to and approved by the ~~commission~~ **division** before cutting. Such plan shall designate:

- (1) The amount of timber to be removed, and
- (2) The time of cutting and removal;
- (3) The location of principal haulroads and crossings of the waterway;
- (4) The plan for reforestation.

§ 671. Use of roads

1. New roads. The ~~commission~~ **division** shall have sole control of access to the waterway from any public road.

2. Existing roads. Existing private roads within the waterway shall remain privately owned as existing. The ~~commission~~ **division** may direct the discontinuance and relocation of such portions of said roads as may be within the restricted zone, such relocation to be at the expense of the ~~commission~~ **division**.

§ 672. Access points and control stations

Access points, control stations and watercourse crossings may be located at such places as may be determined by the ~~commission~~ **division**.

§ 673. Rules and regulations

The ~~commission~~ **division** may from time to time establish such rules and regulations as it deems necessary and desirable for the protection and safety of the public, and for the proper observance of the conditions and restrictions of this chapter. The rules and regulations shall provide for proper observance of rules of human behavior to preserve the natural beauty and wilderness character of the waterway. The rules and regulations may provide for the registration of users of the waterway and the ~~commission~~ **division** may collect fees for the use of the waterway and its services.

Before promulgating rules and regulations, 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 be published once a week for 2 successive weeks in the state newspaper, and posted in at least 4 places within said waterway, whereupon they shall take effect. A certificate of such publication and posting shall be executed by a ~~majority of the members of the~~

~~commission~~ director and filed with the Secretary of State, who shall record the same.

§ 674. Penalties

Whoever violates any provision of this chapter except section 670, or whoever violates any rules and regulations of the ~~commissions~~ **division** promulgated in conformity with section 673, other than those properly promulgated rules and regulations pertaining to section 670, shall be punished by a fine of not more than \$50 for each day of such violation or by imprisonment for not more than 30 days, or by both.

Any person, corporation or other legal entity who shall violate any of the provisions of section 670 or any properly promulgated rule and regulation pertaining to section 670 shall be punished by a fine of not less than \$200 nor more than \$1,000 for each day of such violation.

§ 675. Police supervision

The ~~commission~~ **division** shall exercise police supervision over the waterway with the powers and in the manner provided in ~~Title 12~~ section 602, subsection 5.

Sec. 52. R. S., T. 12, §§ 677 - 680, amended. Sections 677 to 680 of Title 12 of the Revised Statutes, as enacted by section 1 of chapter 496 of the public laws of 1965, are amended to read as follows:

§ 677. Employees

The ~~commission~~ **division** shall fix the duties of and employ permanently or part-time such employees and other personnel, subject to the Personnel Law, as the ~~commission~~ **division** may from time to time deem necessary in the discharge of its duties under this chapter.

§ 678. Allocation of funds

All moneys received by the ~~commission~~ **division** shall be deposited with the Treasurer of State to be credited to the General Fund.

§ 679. Payments to Maine Forestry District

Within the one-mile area encompassed in the total boundary of the waterway, the ~~commission~~ **division** shall make payments to the Maine Forestry District, in respect to that part of the waterway to which the State holds title, on the same basis per acre per year as it does in other state park areas within the Maine Forestry District.

§ 680. Appeals

Any owner of land within the waterway or any timber harvester within the waterway aggrieved by order of the ~~commission~~ **division** relating to timber-harvesting operations within the waterway may appeal therefrom to the Superior Court. Such appeal must be taken within 30 days of the date of the order appealed from unless the court shall for cause shown allow a longer time. The appellant shall file with the court a complaint, setting forth

the grounds for appeal, and the court shall fix the time and place for hearing and cause notice thereof to be given the ~~commission~~ **division** and other interested parties. The appeal shall be heard de novo and after such hearing the court may affirm, modify or reverse the decision of the ~~commission~~ **division**, and may award such damages to the appellant as the court finds legally results from the enforcement of the aforesaid order.

Any party may appeal from the decision of the Superior Court to the Supreme Judicial Court as in other civil cases.

Sec. 53. R. S., T. 12, §§ 701 - 702, amended. Sections 701 and 702 of Title 12 of the Revised Statutes, as amended by section 16 of chapter 226 of the public laws of 1965, are further amended to read as follows:

§ 701. Appointment; oath; duties

Surveyors or scalers may be appointed by the ~~Forest Commissioner~~ **Director of Division of Forestry**, and sworn. They shall scale all timber cut under permits, superintend the cutting thereof and make return to the ~~commissioner~~ **director** of the quantity of products cut, whether hauled or not, and shall see that the timber is cut 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 of the~~ **Director of Division of Forestry** and therein filed within 3 months after 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 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 to inspection at all times under the supervision of the ~~department~~ **division**. The ~~department~~ **division** shall aid in furnishing information about public lands to all who seek ~~for~~ it at the office.

Sec. 54. R. S., T. 12, § 901, amended. Section 901 of Title 12 of the Revised Statutes, as repealed and replaced by section 17 of chapter 226 of the public laws of 1965 and as amended by chapter 504 of the public laws of 1967, is further amended to read as follows:

§ 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~~ **Director of the Division of Forestry**, the Commissioner of Inland Fisheries and Game and the Attorney General, and the said ~~commissioners~~ **director and commissioner** 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 6¢ 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. 55. R. S., T. 12, § 906, amended. Section 906 of Title 12 of the Revised Statutes, as amended by section 20 of chapter 226 of the public laws of 1965, is further 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 Division of State Park Parks and Recreation Commission, Department of Inland Fisheries and Game or the Division of 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. 56. R. S., T. 12, §§ 1002 - 1005, amended. Sections 1002 to 1005 of Title 12 of the Revised Statutes, as amended by section 24 of chapter 226 of the public laws of 1965, are further amended to read as follows:

§ 1002. Survey work

The State Entomologist and his agents, under the supervision of the commissioner or the **Director of the Division of Forestry**, may go onto any lands for the purpose of surveying and inspecting any shade, ornamental 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 shall first notify the 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 and his agents, under the supervision of the commissioner or the **Director of the Division of Forestry**, shall give this information to the owner of the land involved and to the municipal officials if in a municipality. He and his agents may 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 **or the Director of the Division of Forestry** 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 their property. The State Entomologist and his agents, under the supervision of the commissioner **or the Director of the Division of Forestry** 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 overall health of trees, the State Entomologist and his agents, under the supervision of the commissioner **or the Director of the Division of Forestry**, 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. 57. R. S., T. 12, § 1007, amended. The 2nd paragraph and the 3rd paragraph, as amended by section 26 of chapter 226 of the public laws of 1965, of section 1007 of Title 12 of the Revised Statutes are further amended to read as follows:

Emergencies shall be so considered when in the opinion of the commissioner **or the Director of the Division of Forestry** the infestation or infection is likely to kill or seriously injure trees in large numbers, or is so localized that immediate control will prevent a large possible outbreak, or is of recent foreign origin or is apt to create a public health nuisance.

In emergencies the State Entomologist and his agents, under the supervision of the commissioner **or the Director of the Division of Forestry**, may enter into agreement with municipal officials to pay up to $\frac{1}{2}$ the cost of control if state funds are available for this purpose. Whenever the State does contribute funds for this purpose it shall have the authority to determine the control methods to be used. The State may make similar agreements with groups of private owners if the project is approved by municipal officials.

Sec. 58. R. S., T. 12, §§ 1051 - 1052, amended. Sections 1051 and 1052 of Title 12 of the Revised Statutes, as amended by section 27 of chapter 226 of the public laws of 1965, are further 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 with such nuisances shall by reason thereof be liable to any action, civil or criminal.

The State Entomologist and his agents, under the supervision of the ~~For-
est Commissioner~~, **Commissioner of Natural Resources, or Director of the**

Division of Forestry, 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 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~~ **the Director of the Division of Forestry** shall cause such amount to be expended in such municipality, together with such sum as may be determined by the ~~commissioner~~ **director** from the state appropriation made therefor. If the ~~commissioner~~ **director** 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 municipality.

Sec. 59. R. S., T. 12, § 1101, amended. Section 1101 of Title 12 of the Revised Statutes, as amended by section 28 of chapter 226 of the public laws of 1965, is further amended to read as follows:

§ 1101. Declared a dangerous disease

The fungus disease commonly known as the white pine blister rust, *cratium ribicola*, is declared to be a dangerous disease and a public nuisance in any one of its stages. It is the duty of the State Entomologist and his agents under the supervision of the ~~commissioner~~ **Commissioner of Natural Resources or the Director of the Division of Forestry** to pursue the measures specified for the control of said disease.

Sec. 60. R. S., T. 12, § 1103, amended. Section 1103 of Title 12 of the Revised Statutes, as amended by section 30 of chapter 226 of the public laws of 1965, is further amended to read as follows:

§ 1103. Entry on lands; cooperation

The ~~Forest Commissioner~~ **Commissioner of Natural Resources or the Director of the Division of Forestry** and his authorized agent 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~~ **Commissioner of Natural Resources or the Director of the Division of Forestry** may cooperate with municipalities, individuals, departments of the Federal Government, the State Department of Agriculture and the Agricultural Experiment Station for the control and eradication of said disease in the State and for the carrying out of such investigations as he deems advisable.

Sec. 61. R. S., T. 12, § 1106, amended. Section 1106 of Title 12 of the Revised Statutes, as amended by section 32 of chapter 226 of the public laws of 1965, is further amended to read as follows:

§ 1106. Shipment prohibited

The ~~Forest Commissioner~~ **Commissioner of Natural Resources or the Director of the Division of Forestry** is authorized and empowered to prohibit and prevent or to regulate the entry into the State or movement within the State from any part thereof to any other part, of any living five-leaved pine trees, or any plants of the genus Ribes or other nursery or wilding plants, stock or parts of plants, which in his judgment may cause the introduction or spread of a dangerous plant disease or insect pest. 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 shall be punished by a fine of not more than \$100 for each and every offense.

Sec. 62. R. S., T. 12, § 1125, amended. Section 1125 of Title 12 of the Revised Statutes, as enacted by section 1 of chapter 485 of the public laws of 1967, is amended to read as follows:

§ 1125. Compact administrator

The compact administrator for this State shall be the ~~Forest Commissioner~~ **Director of the Division of Forestry**. The duties of the compact administrator shall be deemed a regular part of the duties of his office.

Sec. 63. R. S., T. 12, §§ 1151 - 1152, amended. Sections 1151 and 1152 of Title 12 of the Revised Statutes, as amended by section 32-A of chapter 226 of the public laws of 1965, are further 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. Public camp sites maintained by the ~~Forestry Department~~ **Division of Forestry** ~~shall not be closed~~ **may be excepted from such closing**. Other public and commercially operated camp sites having received on-site inspections and approval by the ~~commissioner~~ **director** 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 copy shall be furnished to the ~~Forest Commissioner~~ **Commissioner of Natural Resources**, 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 the ~~commissioner~~ **Commissioner of Natural Resources**, after allowance by the State Controller, from the appropriation for general forestry purposes.

Sec. 64. R. S., T. 12, § 1201, amended. The last paragraph of section 1201 of Title 12 of the Revised Statutes, as repealed and replaced by section 34 of chapter 226 of the public laws of 1965, is amended to read as follows:

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 de-organized by Act of the Legislature, is in need of fire protection, the State Tax Assessor with the approval of the ~~Forest Commissioner~~ **Director of the Division of Forestry** and the Attorney General may declare such territory to be a part of the Maine Forestry District.

Sec. 65. R. S., T. 12, § 1252, amended. Section 1252 of Title 12 of the Revised Statutes, as amended, is further amended to read as follows:

§ 1252. Fire control districts

The ~~commissioner~~ **Director of the Division of Forestry** shall be responsible for the prevention, control and extinguishment 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 as many districts, areas or units, as he deems necessary for effective protection against loss or damage by forest fires. The ~~commissioner~~ **Director of the Division of Forestry** may establish lookout stations connected by telephone and radio, and construct, equip and maintain office-storehouse headquarters for necessary supplies, tools and equipment and provide for any other facilities essential for forest fire prevention and control work.

Sec. 66. R. S., T. 12, § 1254, amended. Section 1254 of Title 12 of the Revised Statutes, as repealed and replaced by section 38 of chapter 226 of the public laws of 1965, is amended to read as follows:

§ 1254. Duties of forest rangers in the incorporated sections

Forest rangers under the direction of the ~~commissioner~~ **Director of the Division of Forestry** 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~~ **Director of the Division of Forestry**.

Sec. 67. R. S., T. 12, § 1255-A, amended. Section 1255-A of Title 12 of the Revised Statutes, as enacted by section 40 of chapter 226 of the public laws of 1965, is amended to read as follows:

§ 1255-A. General deputy wardens

The ~~commissioner~~ Director of the Division of Forestry may appoint general deputy wardens as an adjunct to the personnel 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. 68. R. S., T. 12, § 1256, amended. Section 1256 of Title 12 of the Revised Statutes, as amended by section 41 of chapter 226 of the public laws of 1965, is further amended to read as follows:

§ 1256. Coordinating protective agencies

The ~~commissioner~~ Director of the Division of Forestry shall formulate emergency plans of action to establish manpower pools, equipment reserves and facilities for feeding, transportation and communication on forest fires. In preparing the plan other agencies and organizations having needed facilities ~~should be contacted~~ shall be consulted 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 as determined by the ~~commissioner~~ Director of the Division of Forestry. Whenever or wherever a major forest fire occurs or threatens, the department shall be the coordinating agency until the Governor declares an emergency.

Sec. 69. R. S., T. 12, §§ 1301 - 1302, amended. Sections 1301 and 1302 of Title 12 of the Revised Statutes, as repealed and replaced by section 42 of chapter 226 of the public laws of 1965, are amended to read as follows:

§ 1301. Personnel in Maine Forestry District

The ~~commissioner~~ Director of the Division of Forestry 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~~ Director of the Division of Forestry; ~~they~~. They shall be sworn to the faithful discharge of their duties and a certificate thereof shall be returned to the office of the ~~commissioner~~ Director of the Division of Forestry. Each shall receive compensation as set by the ~~commissioner~~ Director of the Division of Forestry with the approval of the Governor and Council.

§ 1302. Duties

Forest rangers under the direction of the ~~commissioner~~ Director of the Division of Forestry 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~~ **Director of the Division of Forestry** may prescribe.

Sec. 70. R. S., T. 12, § 1352, amended. Section 1352 of Title 12 of the Revised Statutes, as amended by section 44 of chapter 226 of the public laws of 1965, is further amended to read as follows:

§ 1352. Closing for violations

Such 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~~ **Director of the Division of Forestry**. Thereafter no person shall deposit refuse of any kind within, along ~~the road~~ **roads** leading to or on land adjacent to such closed dump.

Sec. 71. R. S., T. 12, §§ 1401 - 1402, amended. Sections 1401 and 1402 of Title 12 of the Revised Statutes, as amended, are further 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~~ **Division of Forestry**, state parks, and state highway picnic areas, or when the ground is covered with snow. Such fires include the use of ~~sterno~~ **solid fuel**, gasoline, charcoal or other fuel fires in or out of tents and collapsible shelters. This subchapter shall not apply to the rights of 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~~ **Director of the Division of Forestry** is authorized to issue permits for out-of-door fires except on areas where the majority ownerships thereof have withdrawn permission in writing to the ~~commissioner~~ **Director of the Division of Forestry**. 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~~ **Director of the Division of Forestry** may declare void permits already issued. Forest fire danger 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 instead of individual permits.

Sec. 72. R. S., T. 12, § 1451, amended. Section 1451 of Title 12 of the Revised Statutes, as amended by section 46 of chapter 226 of the public laws of 1965, is further amended to read as follows:

§ 1451. Patrol along tracks

Whenever in the judgment of the ~~Forest Commissioner~~ **Director of Division of Forestry** 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.

Sec. 73. R. S., T. 12, § 1453, amended. Section 1453 of Title 12 of the Revised Statutes, as amended by section 46 of chapter 226 of the public laws of 1965, is further amended to read as follows :

§ 1453. Expense of fire patrol paid by railroad

The ~~commissioner~~ **Director of the Division of Forestry** shall keep, or cause to be kept, an account of the cost of 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~~ **Director of the Division of Forestry** by the railroad company along whose land or right-of-way such patrol is maintained. All such funds received by said ~~commissioner~~ **Director of the Division of Forestry** shall be credited to the fund for the protection of the forests against fire from which it was drawn.

Sec. 74. R. S., T. 12, § 1505, amended. Section 1505 of Title 12 of the Revised Statutes, as amended, is further amended to read as follows :

§ 1505. Annual timber-cut report

Owners or operators of all primary wood-using sawmills, and primary processors of veneer 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~~ **Director of the Division of Forestry** during the month of January of each year of the amount of softwoods and hardwoods processed by species within the State by 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~~ **Director of the Division of Forestry**. Information contained in said reports shall not be made public by reference to individuals.

Sec. 75. R. S., T. 12, § 1551, amended. Section 1551 of Title 12 of the Revised Statutes, as amended by section 52 of chapter 226 of the public laws of 1965, is further 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 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~~ **Director of the Division of Forestry** shall prepare and cause to be furnished to all such 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~~ **Director of the Division of Forestry** but shall not delegate such authority to subordinates except by written approval of the ~~commissioner~~ **Director of the Division of Forestry**. The ~~commissioner's~~ **representatives of the Director of the Division of Forestry** 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 forest rangers and town forest fire wardens. Whenever possible town forest fire wardens of municipalities outside the limits of the Maine Forestry District shall notify their forest ranger of any permit issued. Whenever in the opinion of the ~~commissioner~~ **Director of the Division of Forestry** there is a serious forest fire hazard, due to dry weather conditions, he may prohibit all burning under this section and in such periods 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 escapes or causes damage to property of another. Nothing herein contained shall limit restrictions of any municipal ordinance regulating burning of refuse or debris. This section shall not apply to the rights of forest rangers to set backfires to control a going forest fire. 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. 76. R. S., T. 12, § 1553, amended. The last paragraph of section 1553 of Title 12 of the Revised Statutes, as enacted by section 54 of chapter 226 of the public laws of 1965, is amended to read as follows:

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. In the event of drought which prevents burning the ~~commissioner~~ **Director of the Division of Forestry** shall allow logs which are too large to be chipped to remain in the right-of-way until it is economically feasible for their removal.

Sec. 77. R. S., T. 12, §§ 1554 - 1555, amended. Sections 1554 and 1555 of Title 12 of the Revised Statutes, as amended by section 54 of chapter 226 of the public laws of 1965, are further amended to read as follows:

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

§ 1555. By dwelling houses

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

Sec. 78. R. S., T. 12, § 1557, amended. Section 1557 of Title 12 of the Revised Statutes, as amended by section 56 of chapter 226 of the public laws of 1965, is further amended to read as follows:

§ 1557. Manner of

All slash 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~~ **Director of the Division of Forestry** or his representatives as provided.

Sec. 79. R. S., T. 12, § 1580, amended. Section 1580 of Title 12 of the Revised Statutes, as enacted by chapter 147 of the public laws of 1965, is amended to read as follows:

§ 1580. Obstruction of discontinued woods roads prohibited

No person, unless authorized by the ~~Forest Commissioner~~ **Director of the Division of Forestry**, shall obstruct any improved woods road or way used for the removal of forest growth, upon the discontinuance from use or abandonment of the same, if it may be reasonably utilized for preventing or suppressing forest fires. This provision shall not prohibit a landowner from his right to close or cause to be closed such woods roads or way by chains or gates.

Whoever violates this section shall be punished by a fine of not more than \$500.

Sec. 80. R. S., T. 12, § 1601, amended. The 2nd sentence of section 1601 of Title 12 of the Revised Statutes, as enacted by chapter 101 of the public laws of 1967, is amended to read as follows: Such tax shall be increased by $\frac{1}{2}$

mill on the dollar assessed only for the year 1967 upon all the property in the unorganized territory located within the Maine Forestry District, including rights in public reserved lots, to be used by the ~~Forestry Department~~ **Division of Forestry** for spruce budworm control.

Sec. 81. R. S., T. 22, § 1452, amended. Section 1452 of Title 22 of the Revised Statutes, as enacted by chapter 447 of the public laws of 1965, is amended to read as follows :

§ 1452. Board of Pesticides Control

There is established **within the Department of Natural Resources** a Board of Pesticides Control to be composed of the Commissioner of Agriculture, the Commissioner of Health and Welfare, the ~~Forest Commissioner~~ **Director of the Division of Forestry**, the Commissioner of Inland Fisheries and Game, the Commissioner of Sea and Shore Fisheries, the Chairman of the Public Utilities Commission, the Chairman of the Highway Commission and the Chairman of the Water **and Air Environmental** Improvement Commission. The commissioners **and directors** of the state departments may appoint agents to serve in their absence. ~~The board shall elect annually a chairman from its own membership and be authorized to employ necessary personnel.~~ **The Commissioner of the Department of Natural Resources shall be the chairman of the board and the board may employ necessary personnel.**

Sec. 82. R. S., T. 22, § 1462, sub-§ 2, amended. Subsection 2 of section 1462 of Title 22 of the Revised Statutes, as enacted by chapter 447 of the public laws of 1965, is amended to read as follows :

2. Forestry. This chapter shall not apply to applications made by the **Division of Forestry** ~~Department~~ under the emergency authority contained in Title 12, chapter 213.

Sec. 83. R. S., T. 25, § 2501, amended. The first sentence of section 2501 of Title 25 of the Revised Statutes is amended to read as follows :

The ~~Forest Commissioner~~ **Director of the Division of Forestry** shall appoint a forest fire warden for a 3-year term in each organized municipality within the State outside the limits of the Maine Forestry District for the prevention, control and extinguishment of forest fires.

Sec. 84. R. S., T. 30, § 3751, amended. The last sentence of section 3751 of Title 30 of the Revised Statutes is amended to read as follows :

The ~~Forest Commissioner~~ **Director of the Division of Forestry** shall, upon application in such form as he may prescribe, furnish said cities and towns, at cost, with seedlings or transplants for the planting of town forest lands and shall be ready to offer advice as to the planting, management and protection of said forest lands.

Sec. 85. R. S., T. 30, § 3951, amended. Section 3951 of Title 30 of the Revised Statutes is amended to read as follows :

§ 3951. Free-trees for roadside planting

The ~~Forest Commissioner~~ **Director of the Division of Forestry** may provide and distribute free of charge at the state nursery, to the several cities and town, trees for roadside planting.

Sec. 86. R. S., T. 30, § 3952, amended. The 3rd sentence of section 3953 of Title 30 of the Revised Statutes is amended to read as follows:

The ~~Forest Commissioners~~ **Director of the Division of Forestry** shall furnish to the municipal officers of the several cities and towns, at cost, galvanized iron disks not more than one inch in diameter, which disks shall have stamped on them the letter "M".

Sec. 87. R. S., T. 32, § 2001, amended. The 4th sentence of section 2001 of Title 32 of the Revised Statutes is amended to read as follows:

Two of these shall be the ~~Forest Commissioner~~ **Director of the Division of Forestry** and the State Entomologist.

Sec. 88. R. S., T. 32, § 4451, amended. Section 4451 of Title 32 of the Revised Statutes, as amended by section 82 of chapter 226 of the public laws of 1965, is further amended to read as follows:

§ 4451. Registration required

It shall be unlawful for any person, firm or corporation, 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~~ **Division of Forestry of the Department of Natural Resources** or persons designated by the ~~Forest Commissioner~~ **Director of the Division of Forestry**, 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~~ **director**. The annual fee for such registration, when obtained from the ~~Forestry Department~~ **Division of Forestry of the Department of Natural Resources**, shall be \$1 payable to the Treasurer of State and credited to the General Fund; and if such registration is obtained from any 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 25¢ shall be retained by the clerk for the service of issuing the certificates of registration. All such registrations shall expire on December 31st of the year issued. A record of all registrations issued shall be kept by the ~~commissioner~~ **director** 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.

Sec. 89. R. S., T. 32, § 4452, amended. The first paragraph of section 4452 of Title 32 of the Revised Statutes, as amended by section 82 of chapter 226 of the public laws of 1965, is further amended to read as follows:

The ~~Forest Commissioner~~ **Director of the Division of Forestry** 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 :

Sec. 90. R. S., T. 36, § 565, amended. Section 565 of Title 36 of the Revised Statutes, as enacted by section 1 of chapter 426 of the public laws of 1965, is amended to read as follows :

§ 565. Forestry Appeal Board

To further implement sections 563 and 564, there shall be created **within the Department of Natural Resources** a Forestry Appeal Board, composed of 3 members; one selected by the aggrieved owner, one selected by the assessors of the municipality wherein the land lies, and one shall be the ~~Forest Commissioner~~ **Director of the Division of Forestry** or a person designated by him; all such members to be designated from among persons deemed by the appointing authority to be knowledgeable in forest land values. The board shall elect a chairman. Each member shall be compensated for time spent in service on the board and actual expenses incurred from funds available representing his agency or aggrieved landowner. Prior to any hearing, such owner shall pay to the ~~Forest Commissioner~~ **Director of the Division of Forestry** a sum of \$25 to assure his appearance at such hearing, which sum shall be refunded to the owner upon his appearance. The municipality shall pay its share of the costs upon notification of the amount by the ~~Forest Commissioner~~ **Director of the Division of Forestry** following the conclusion of the activities of the board. Any amount remaining unpaid may be added to the next state tax levied against such municipality or may be recovered in a civil action brought in the name of the Treasurer of State.

Sec. 91. R. S., T. 36, § 843-A, amended. The first sentence of the 2nd paragraph of section 843-A of Title 36 of the Revised Statutes, as enacted by section 2 of chapter 426 of the public laws of 1965, is amended to read as follows :

The application to the Forestry Appeal Board shall be filed with the ~~Forest Commissioner~~ **Director of the Division of Forestry**, with a copy to the assessors of the municipality concerned, and shall include the name and address of the Forestry Appeal Board member selected by the applicant.

Sec. 92. R. S., T. 36, § 843-B, amended. The first and 4th sentences of section 843-B of Title 36 of the Revised Statutes, as enacted by section 2 of chapter 426 of the public laws of 1965, are amended to read as follows :

On receipt of an application for review by the Forestry Appeal Board, the ~~Forest Commissioner~~ **Director of the Division of Forestry** shall notify the applicant of the review and shall secure the designation of the 2 other members of the board for the case in question, and with the approval of the board members, designate a time and place for hearing and make such other arrangements for such hearing as may be necessary.

The decision of the board shall be filed with the ~~Forest Commissioner~~ **Director of the Division of Forestry** who shall notify the county commissioners and the assessors of the municipality in question.

Sec. 93. R. S., T. 36, §§ 1545 - 1546, amended. Sections 1545 and 1546 of Title 36 of the Revised Statutes are amended to read as follows:

§ 1545. Timber and grass forfeited held for benefit of towns

All timber and grass forfeited under section 1544 shall be held in trust by the State for the benefit of the townships in which such public reserved lots lie, and shall be under the control of the ~~Forest Commissioner~~ **Director of the Division of Forestry**, as provided in the case of public reserved lots in plantations.

§ 1546. Division of lots partially forfeited

The ~~Forest Commissioner~~ **Director of the Division of Forestry** shall cause a division to be made, if found necessary from time to time, of the public reserved lots which have been partially forfeited, and shall set off and hold the forfeited portions for the benefit of townships in which they lie, as provided in section 1545.