

# MAINE STATE LEGISLATURE

The following document is provided by the  
**LAW AND LEGISLATIVE DIGITAL LIBRARY**  
at the Maine State Law and Legislative Reference Library  
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied  
(searchable text may contain some errors and/or omissions)

---

---

ONE HUNDRED AND FIFTH LEGISLATURE

---

---

Legislative Document

No. 291

---

---

S. P. 112

In Senate, January 21, 1971

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

HARRY N. STARBRANCH, Secretary

Presented by Senator Shute of Franklin.

---

---

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED  
SEVENTY-ONE

---

**AN ACT to Clarify Certain Forestry Laws.**

---

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

**Sec. 1. R. S., T. 4, § 163, sub-§ 1, amended.** The first sentence of subsection 1 of section 163 of Title 4 of the Revised Statutes is amended to read as follows:

~~All~~ **Except as otherwise provided by law, all fines, bail forfeitures and fees collected in the District Court of any division shall be paid to a clerk thereof, who shall deposit them in a special account within 72 hours of their receipt.**

**Sec. 2. R. S., T. 4, § 173, sub-§ 1, amended.** The last paragraph of subsection 1 of section 173 of Title 4 of the Revised Statutes is repealed and the following enacted in place thereof:

The term "law enforcement officer" shall include a state police officer, inland fish and game warden, forest ranger, state liquor inspector, sheriff, deputy sheriff, municipal police officer, constable, authorized representative of the Environmental Improvement Commission and any person whose duty it is to enforce any criminal law of this State by making arrests.

**Sec. 3. R. S., T. 12, § 519, additional.** Title 12 of the Revised Statutes is amended by adding a new section 519, to read as follows:

**§ 519. 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

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. Information contained in said reports shall not be made public by reference to individuals.

Sec. 4. R. S., T. 12, § 1257, additional. Title 12 of the Revised Statutes is amended by adding a new section 1257, to read as follows:

§ 1257. Providing assistance to other states

The Forest Commissioner may enter into agreements with other states and the Federal Government to provide assistance and to accept assistance in forest protection emergencies which may include training of personnel and loan of equipment. Any employment of personnel of the department in duties or training programs outside the State shall be considered the same as employment within the State for purposes of workmen's compensation and other employee benefits.

Employees of the department assigned to forest protection duties or training outside this State are subject to recall upon request by the Forest Commissioner before termination of assignment.

Sec. 5. R. S., T. 12, § 1402-A, additional. Title 12 of the Revised Statutes is amended by adding a new section 1402-A, to read as follows:

§ 1402-A. Seasonal use only

No person shall place any trailer, camper, shelter or tent from May 1st to November 30th at any public campsite maintained or authorized by the department and keep such trailer, camper, shelter or tent so located, vacant or occupied, for more than one week in any 30-day period. Persons already having placed a trailer, camper, shelter or tent at such campsite for more than one week shall remove any such item and leave at the request of the commissioner or of any fish and game warden.

Any person who fails to comply with this section shall, on conviction, be punished by a fine of not less than \$10 nor more than \$100, or by imprisonment for not more than 30 days, or by both.

Sec. 6. R. S., T. 12, § 1505, repealed. Section 1505 of Title 12 of the Revised Statutes, as amended, is repealed.

Sec. 7. R. S., T. 12, § 2253, repealed. Section 2253 of Title 12 of the Revised Statutes, as amended, is repealed.

Sec. 8. R. S., T. 17, § 2952, amended. The first sentence of section 2952 of Title 17 of the Revised Statutes is amended to read as follows:

Whoever assaults, intimidates or in any manner willfully obstructs, intimidates or hinders any sheriff, deputy sheriff, constable, inland fish and game warden, coastal warden, forest ranger, employee or authorized representative of the Environmental Improvement Commission, Insurance Commissioner or

his authorized representative, liquor inspector, police officer or state probation-parole officer while in the lawful discharge of his official duties, whether with or without process, shall be punished by a fine of not more than \$500 or by imprisonment for not more than 11 months.

**Sec. 9. R. S., T. 25, § 2502, amended.** The first sentence of section 2502 of Title 25 of the Revised Statutes is amended to read as follows:

State **forest rangers** and town forest fire wardens shall be responsible for the control and extinguishment of forest fires in any municipality within the State, outside the limits of the Maine Forestry District.

**Sec. 10. R. S., T. 25, § 2502, amended.** The 4th sentence of section 2502 of Title 25 of the Revised Statutes is amended to read as follows:

All called and employed assistance shall proceed to help control and extinguish forest fires as directed by the state **forest ranger** or town forest fire warden in charge.

**Sec. 11. R. S., T. 25, § 2504, amended.** Section 2504 of Title 25 of the Revised Statutes is amended to read as follows:

**§ 2504. Hindering state forest ranger or town forest fire warden**

Any person who shall prevent or obstruct, or attempt to prevent or obstruct, a state **forest ranger** or town forest fire warden in the performance of his duties, or the exercise of the rights of entry, access or examination by any state **forest ranger** or town forest fire warden, shall upon conviction ~~pay be punished~~ by a fine not exceeding \$100 or by a 30-day jail sentence, or by both.

**Sec. 12. R. S., T. 25, § 2505, amended.** The last sentence of section 2505 of Title 25 of the Revised Statutes is amended to read as follows:

A town going to the aid of another, even to protect itself, when requested by the state forest ~~fire warden~~ **ranger** in charge, shall be paid by the town aided if the total suppression cost of the town is not over 1% of its state valuation.

**Sec. 13. R. S., T. 25, § 2506, amended.** The last sentence of section 2506 of Title 25 of the Revised Statutes is amended to read as follows:

Any municipality in order to pay labor quickly may pay beyond 1% of its state valuation and submit for full state reimbursement or forward the unpaid bills, approved by the state forest ~~fire warden~~ **ranger** in charge, for payment.

**Sec. 14. R. S., T. 25, § 2507, amended.** The first sentence of section 2507 of Title 25 of the Revised Statutes is amended to read as follows:

Town ~~and state~~ forest fire wardens and state **forest rangers** shall promptly prepare a report of their investigation as to the cause, extent and damage on all forest fires in their charge.

**Sec. 15. R. S., T. 25, § 2507, amended.** The last sentence of the 2nd paragraph of section 2507 of Title 25 of the Revised Statutes is amended to read as follows:

Forest fire suppression costs qualifying for town and state payment are labor, transportation, food, fire department equipment from outside the affected town, privately owned equipment and other costs approved by the state forest ~~fire warden~~ ranger in charge.

### STATEMENT OF FACT

The purpose of this bill is stated in the following sections of the Act:

**Sections 2, 3 and 8**—Forest rangers need authority to carry out enforcement of disorderly conduct cases, interfering with officer in conduct of his duties, etc., at remote campsites.

**Section 1**—This change is to avoid conflict of Title 4, section 163 and Title 12, section 1652. The latter provides that all fines resulting from enforcement of forest preservation laws in Maine Forestry Districts are credited to that account.

**Section 5**—To provide protection for employees responding to forest protection emergencies out of the State.

**Sections 4 & 7**—This is for the purpose of placing under Forestry Department laws, since this department maintains the campsites and carries out the enforcement. The fish and game wardens should continue to be mentioned as enforcement officers, but reference to "department" and "commissioner" under present section 2253 makes it appear this is Inland Fisheries and Game function only.

**Section 6**—This is for the purpose of placing this activity under general department operations rather than fire prevention and protection.

**Sections 9 to 15**—This is to substitute title of forest ranger for forest warden.

**Section 14**—This section pertains to exemption of river drivers having fires in connection with the drives. Current practice is for these persons to get permits from state forest rangers whether on company owned lands or the lands of others.