

# 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. 1226**

---

---

S. P. 411

In Senate, March 4, 1971

Referred to Committee on State Government. 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 Relating to Powers and Duties of Personnel of the Forestry  
Department.**

---

---

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

**Sec. 1.** R. S., T. 12, § 501-B, repealed. Section 501-B of Title 12 of the Revised Statutes, as enacted by section 3 of chapter 226 of the public laws of 1965, is repealed.

**Sec. 2.** R. S., T. 12, § 516, repealed. Section 516 of Title 12 of the Revised Statutes, as amended, is repealed.

**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. Coordinating protective agencies**

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

**Sec. 4.** R. S., T. 12, c. 201, sub-c. II, additional. Chapter 201 of Title 12 of the Revised Statutes, as amended, is further amended by adding a new subchapter II to read as follows:

## SUBCHAPTER II PERSONNEL

### § 521. Appointment of personnel

The commissioner shall appoint, subject to the Personnel Law, a Deputy Forest Commissioner, a State Entomologist, foresters, officers, forest rangers and other expert and clerical assistants as may be necessary. All forest rangers shall be sworn to the faithful discharge of their duties and all persons employed by him shall not be concerned directly or indirectly in the purchase of state lands, nor of timber or grass growing or cut thereon except in their official capacity. They may be allowed actual necessary expenses of travel. Whenever the term "commissioner" is used in chapters 201 to 215 it shall include his agents and representatives.

### § 522. Duties of foresters

Foresters under the direction of the commissioner 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.

Whenever foresters are used to practice forest management on lands belonging to the State and on Township numbered 2 on the St. Croix River, called the Indian Township, reimbursement for the time and expenses of the foresters, advertising of stumpage and similar expenses incidental thereto shall be deducted from the income received from the sale of stumpage before it is credited to the department that has administration of said lands.

### § 523. General deputy wardens

The commissioner 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.

### § 524. Duties of forest rangers

Forest rangers under the direction of the commissioner shall have supervision of the forest fire protection program, including all personnel and facilities of all types. They shall investigate and gather evidence regarding the causes of fires, enforce all laws relating to forest 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 process 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 aides.

They shall have final authority and responsibility for the control and extinguishment of forest fires.

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 each administrative unit, incorporating annual forest fire plans of municipalities wherein town forest fire wardens are appointed as provided in Title 25, section 2501. They shall coordinate the use of all forest fire fighting resources and carry out such other duties as may be assigned by the commissioner.

Sec. 5. R. S., T. 12, § 1203, repealed and replaced. Section 1203 of Title 12 of the Revised Statutes, as last amended by chapter 339 of the public laws of 1967, is repealed and the following enacted in place thereof:

§ 1203. Control and extinguishment of fires; lookout stations

The commissioner shall be responsible for the prevention, control and extinguishment of forest fires in the Maine Forestry District. To this end he shall establish such administrative divisions within such district as he deems necessary, construct and maintain roads, trails, lookout towers, storehouses, living quarters and other necessary facilities and provide and maintain necessary equipment.

The commissioner may construct and maintain public campsites in said district and may establish a schedule of fees for the use thereto.

Sec. 6. R. S., T. 12, § 1254, repealed. 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 repealed.

Sec. 7. R. S., T. 12, § 1255, repealed and replaced. Section 1255 of Title 12 of the Revised Statutes, as amended by section 39 of chapter 226 of the public laws of 1965, is repealed and the following enacted in place thereof:

§ 1255. Control and extinguishment of forest fires

Responsibility for the control and extinguishment of forest fires in municipalities outside the Maine Forestry District lies in the first instance with the town forest fire wardens appointed for such municipalities by the commissioner. When in the judgment of a forest ranger the situation so warrants, he may relieve a town forest fire warden of responsibility for control and extinguishment of a forest fire within a municipality, and assume responsibility therefor. Final authority and responsibility for the control and extinguishment of a forest fire shall be that of the forest ranger.

Municipal fire department personnel and equipment shall not be moved within or without municipal limits upon the order of a town forest fire warden or a forest ranger except with the approval of the fire chief or proper municipal official having authority to grant such approval.

Forest rangers shall have the authority to set backfires to control a going forest fire.

Sec. 8. R. S., T. 12, § 1255-A, repealed. 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 repealed.

**Sec. 9. R. S., T. 12, § 1256, repealed.** Section 1256 of Title 12 of the Revised Statutes, as amended by section 41 of chapter 226 of the public laws of 1965, is repealed.

**Sec. 10. R. S., T. 12, §§ 1301 - 1302, repealed.** 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, is repealed.

**Sec. 11. R. S., T. 5, § 711, sub-§ 9, repealed.** Subsection 9 of section 711 of Title 5 of the Revised Statutes is repealed as follows:

9. ~~Maine forestry District. All officers and employees of the Maine Forestry District.~~

#### STATEMENT OF FACT

At present there are 2 classes of forest rangers employed by the Forestry Department—rangers in the Maine Forestry District and rangers in organized towns outside the District. Prior to 1969, the rangers in the Forestry District were in the unclassified service and the rangers in organized towns outside the District were in the classified service. Chapter 147 of the private and special laws of 1969 put all employees of the Forestry Department into the classified service. Present law, however, still contains provisions recognizing the Forest Commissioner's responsibilities to the Maine Forestry District and to forest fire control in municipalities financed by the General Fund. Sections 4, 6, 8, 10 and 11 of this bill would repeal all inconsistent and conflicting provisions and combine all the laws relating to Forestry personnel in a new subchapter.

Sections 5 and 7 of the bill are housekeeping revisions of existing law intended to clarify certain duties of the Forest Commissioner, town forest fire wardens and forest rangers.

Sections 1 and 2 of the bill relocate a section of law having statewide application from its present place in the subchapter on local control to that part of Title 12 dealing generally with the powers of the Forest Commissioner.