

MAINE STATE LEGISLATURE

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Sixty-Fourth Legislature.

HOUSE.

No. 5.

STATE OF MAINE.

IN THE YEAR OF OUR LORD ONE THOUSAND EIGHT HUNDRED AND
EIGHTY-NINE.

AN ACT to create a Forest Commissioner, and for the protection of forests, and for the encouragement of the growth of forests.

Be it enacted by the Senate and House of Representatives in Legislature assembled, as follows:

SECTION 1. By and with the advice and consent of the
2 Council, the Governor shall appoint one Forest Commis-
3 sioner, a suitable person, skilled in matters relating to
4 forestry, who shall be a resident and citizen of this State,
5 a person not directly or indirectly engaged in the manu-
6 facture of lumber, or railroad ties, or telegraph poles, or
7 any business which requires a large consumption of grow-
8 ing timber, who shall be known as the "Forest Commis-
9 sioner of the State of Maine." The compensation of the
10 said Forest Commissioner shall be eighteen hundred
11 dollars per annum and his actual travelling expenses

12 incurred in the performance of his duty, and the term of
13 his office shall be for six years, or until his successor shall
14 be duly appointed and confirmed, unless sooner removed
15 by the Governor for cause.

SECT. 2. The Forest Commissioner shall, at the expense
2 of the State, be provided with an office at the capitol,
3 where his official records shall be kept.

SECT. 3. Said Forest Commissioner shall have the care
2 of all lands now owned or controlled, or which may be
3 hereafter owned or controlled by the State, and he shall
4 perform all the duties and be subject to all the liabilities
5 now imposed by law upon the land agent; and the office
6 of land agent is hereby abolished. He shall make and
7 publish reasonable rules and regulations for the preven-
8 tion of trespass upon said lands, for the prevention and
9 extinguishment of fire thereon, and for the conservation
10 of forest growth. He shall, from time to time, recommend
11 such measures as in his judgment shall promote the gradual
12 extension of the forest area, encourage the planting of
13 trees, and thus preserve the source of water supply.

SECT. 4. It shall be the duty of the said Forest
2 Commissioner to make a collection and classification of
3 trustworthy statistics relating to the forests and connected
4 interests of this State, and such other information,
5 gathered by him, as he may regard material, all of which
6 shall be included in a report to be by him annually made
7 to the Governor on or before the first day of December,
8 and the State printer, under the direction of said Com-
9 missioner, shall cause to be printed as many copies of
10 said report for distribution as the legislature may deem
11 expedient. It shall be further the duty of the said

12 Commissioner to institute an inquiry into the extent to
13 which the forests of Maine are being destroyed by fires,
14 used by wasteful cutting for consumption, or for the
15 purpose of clearing lands for tillage or pasturage; also,
16 as to the effect of the diminution of the wooded surface
17 of the land upon the ponds, rivers and water power of
18 the State, and in disturbing and deteriorating the natural
19 conditions of the climate. And said Commissioner shall
20 include in his annual report the result of these inquiries,
21 together with such legislation as seems to him expedient
22 to propose to restore and protect the forest wealth of the
23 State.

SECT. 5. It shall be the duty of the assessors of each
2 town, on or before the first day of September, eighteen
3 hundred ninety-three, to make a careful estimate of the
4 area and condition, as to the stage of growth, density and
5 character of forest land in their several towns; also the
6 area of waste and barren land on which valuable
7 forest trees might be grown; also the area of forest
8 wild land and forests connected with farms in their
9 several towns, together with the acreage of meadow, cul-
10 tivated and land pasturage severally, and to report the
11 same to the Forest Commissioner. And blanks for the
12 making of such reports shall be furnished said assessors,
13 by the Forest Commissioner at the expense of the State.

SECT. 6. The selectmen in towns shall be *ex officio*
2 forest fire wardens therein.

SECT. 7. Within one year after the passage of this act,
2 the selectmen of every town in this State, shall insert in
3 the warrant calling a town meeting for the election of offi-
4 cers, or for other purposes, an article to this effect, to

5 wit: To see if the town will accept the provisions of the
6 act of the legislature making the selectmen fire wardens.
7 The selectmen of any town in this State, which by a vote
8 passed at any lawful town meeting shall accept the pro-
9 visions of this act, shall divide said town into three dis-
10 tricts, bounded as far as may be by roads, streams of
11 water, or lot lines, and assign to one of their number the
12 charge and oversight of each district as district fire
13 warden therein. A description of each district and the
14 name of the fire warden thereof shall be recorded with
15 the town clerk. The said selectmen may also cause a
16 map of said districts in their respective towns to be
17 posted in some public place with the name of the fire
18 warden assigned to the same. The cost of such map, not
19 exceeding five dollars, shall be made a town charge, and
20 the services of such selectmen, acting as said fire wardens,
21 shall be paid for at the same rate as is paid for their other
22 official services. It shall be the duty of the fire warden
23 of the district in which a fire is discovered, to take such
24 measures as may be necessary for its control or extinction.
25 For this purpose he shall have authority to call upon any
26 person in the territory in which he acts, for assistance.
27 If any person so ordered to assist, and not excused from
28 said service by said forest fire warden on account of sick-
29 ness, disability, or some important business or engage-
30 ment, shall refuse or neglect to comply with any such
31 order, he shall forfeit the sum of twenty dollars, to be
32 recovered in an action of debt in the name and to the use
33 of the town, by the treasurer thereof.

SECT. 8. Whoever shall set or cause to be set a fire for
2 the purpose of clearing lands or consuming waste material

3 thereon at any time when the general surface of the ground
4 is not covered with snow, without a permit in writing
5 signed by the fire warden of that district, and in any town
6 where no district fire wardens have been appointed, by the
7 selectmen, shall be liable on conviction therefor to a fine
8 not exceeding \$1,000, or to imprisonment not exceeding
9 three years. The provisions of this act shall not apply
10 to fires set by persons on their own enclosed lands within
11 the limits of any closely peopled town or village.

SECT. 9. Upon application being made as provided in
2 section 8 for a permit, it shall be the duty of the officer
3 applied to to proceed to the place at the time appointed
4 where such fire is sought to be kindled, and to examine
5 carefully the situation, especially with reference to the
6 proximity thereof to a forest or forests, and to consider
7 carefully all circumstances which are pertinent in deciding
8 whether a fire may prudently be set.

SECT. 10. It shall be the duty of the officer granting
2 said permit to make a return of the same to the town
3 clerk, and in said return such officer shall certify that
4 immediately before granting such permit he had carefully
5 examined the premises whereon said fires were to be set,
6 and found the precautions taken to prevent the spreading
7 of the same sufficient. The town clerk shall record the
8 said permits and certificates in a book kept for that
9 purpose, and blanks for such permit and certificate shall
10 be furnished by the Forest Commissioner to the several
11 towns at the expense of the State.

SECT. 11. Any person who shall build a camp or cook-
2 ing fire in or adjoining any woods in this State, shall
3 before or at the time of breaking or leaving such camp,

4 totally extinguish such fire, or otherwise effectually pro-
5 vide against the spread of the same, and upon failure to
6 do so, such person shall be deemed guilty of a misde-
7 meanor, and upon conviction thereof shall be punished by
8 a fine not exceeding one hundred dollars, or by imprison-
9 ment in the county jail not exceeding one month, or by
10 both such fine and imprisonment, provided that such fires
11 built upon the sea beach in such situation that they cannot
12 spread into forest wood or cultivated lands or meadows,
13 shall not be construed as prohibited by this act.

SECT. 12. It shall be the duty of the selectmen in
2 towns within thirty days after this act shall take effect,
3 to cause to be erected in a conspicuous place at the side
4 of each and every travelled highway, as they may deem
5 proper, and at suitable distances alongside the rivers and
6 lakes of the State frequented by camping parties, tourists,
7 hunters and fishermen, in their respective towns, a notice
8 in large letters, substantially in the following form, to
9 wit: Camp fires must be totally extinguished before
10 breaking camp, under penalty of not to exceed one
11 month's imprisonment or one hundred dollars fine, or
12 both, as provided by law. Signed, A. B., Forest
13 Commissioner. And the Forest Commissioner shall
14 furnish to the owners of timber and wood lands situated
15 within or without the limits of any towns in this State,
16 notices of similar tenor to be posted up at the expense of
17 said owners upon their respective lands.

SECT. 13. Any person who shall wilfully or maliciously
2 set fire on any of the lands belonging to the State, or to
3 any county, city or town therein, upon conviction
4 thereof, shall be fined a sum not less than one hundred

5 dollars, and not exceeding one thousand dollars, or be
6 confined in the county jail not less than thirty days and
7 not exceeding six months, or to fine and imprisonment, at
8 the discretion of the court.

SECT. 14. If any person by the discharge of fire-arms
2 on or over lands not his own shall set on fire said lands,
3 or any building, fence, tree, grass or crops upon the
4 same, he shall be liable to the person or persons injured,
5 in a sum double the value of the property so destroyed,
6 to be recovered in an action of debt; but the liability
7 herein declared, shall not be incurred where the person
8 discharging said fire-arms, was engaged in some lawful
9 purpose, and was actually using noncombustible wads in
10 the loading of said fire-arms.

SECT. 15. No action shall be brought by any owner of
2 land for entry made upon his premises by persons going
3 to assist in extinguishing a forest fire, although it may
4 not be upon his land.

SECT. 16. When a fire occurs in wood-lands, a forest
2 fire warden of a town in which woods are burning, or of
3 a town containing wood-lands endangered by such fire,
4 being present at a place in immediate danger of being
5 burned over, may direct such back fires to be set and
6 maintained, and such other precautions to be taken to
7 prevent the spread of the fire, as he may deem necessary.

SECT. 17. It shall be the duty of the municipal officers
2 in towns, and the county commissioners, the latter with
3 respect to unorganized places within their respective
4 counties, to proceed immediately to a strict inquiry into
5 the cause and origin of fires within wood-lands; and in
6 all cases where such fires are found to have originated

7 from the unlawful act of any person, to cause the offender
8 to be prosecuted without delay. The authority to prose-
9 cute hereby conferred shall extend to all cases where the
10 fire occurred within the town or county, as the case may
11 be, of the municipal officers or county commissioners
12 respectively, whether the fire began in such town or
13 county or not.

SECT. 18. In fixing for the purpose of taxation the
2 value of the forest lands within the limits of any town,
3 the value of the growing timber or wood, standing upon
4 the same, shall not be estimated, so long as the said
5 timber or wood or any part thereof is not cut or leased to
6 be cut to be converted into timber or fuel for market.

SECT. 19. The municipal officers of every town as
2 aforesaid and in which a forest fire of more than one acre
3 in extent has occurred within a year, shall report to the
4 said commissioner the extent of area burned over, to the
5 best of their information, together with the probable
6 amount of property destroyed, specifying the value of
7 timber as near as may be, and amount of cord wood, logs,
8 bark or other forest product, and fencing, bridges and
9 buildings that have been burned. They shall also make
10 inquiries and report as to the cause of these fires, if they
11 can be ascertained, and as to the measures employed and
12 found most effective in checking their progress. Blanks
13 for the reports required in this act shall be furnished by
14 the said commissioner to the several towns at the expense
15 of the State.

SECT. 20. Every railroad company whose road passes
2 through waste or forest lands, or lands liable to be over-
3 run by fires within the State, shall twice in each year, cut

4 and burn off or remove from its right of way, all grass,
5 brush or other inflammable material, but under proper
6 care, and at all times when the fires thus set are not liable
7 to spread beyond control.

SECT. 21. All locomotives which shall be run through
2 forest lands shall be provided with approved and efficient
3 arrangements for preventing the escape of fire, and the
4 escape of sparks.

SECT. 22. No railroad company shall permit its employes
2 to deposit fire, coals or ashes, upon their track, in the
3 immediate vicinity of woodlands, or land liable to be
4 overrun by fires, and in all cases where any engineers,
5 conductors or trainmen discover that fences along the
6 right of way, or woodlands adjacent to the railroad, are
7 burning or in danger from fire, it shall be their duty to
8 report the same at their next stopping place, and the per-
9 son in charge of said station shall take prompt measures
10 for extinguishing such fires. And where a forest fire is
11 raging near the line of their road, they shall concentrate
12 such help and adopt such measures as shall most effectu-
13 ally arrest its progress.

SECT. 23. Any railroad company violating the provi-
2 sions or requirements of this act shall be liable to a fine
3 of one hundred dollars for each offence.

SECT. 24 The Forest Commissioner shall take such
2 measures as the State Superintendent of Common Schools
3 and the President of the State College of Agriculture and
4 the Mechanic Arts may approve, for awakening an interest
5 in behalf of forestry in the public schools, academies and
6 colleges of the State, and of imparting some degree of
7 elementary instruction upon the subject therein.

SECT. 25. The Forest Commissioner shall, as soon as practicable, prepare tracts or circulars of information, giving plain and concise advice for the care of wood-lands upon private lands, and for the starting of new plantations upon lands that have been denuded, exhausted by cultivation, eroded by torrents, or injured by fire, or that are sandy, marshy, broken, sterile, or waste and unfit for other use. These publications shall be furnished without cost to any citizen of the State, upon application, and proper measures may be taken for bringing them to the notice of persons who would be benefitted by this advice.

SECT. 26. It shall be the duty of the Forest Commissioner to cause, at the expense of the State, copies of this chapter and of all other laws of the State, relating to forest fires, to be printed, and freely distributed to the selectmen of all the towns of the State, whose duty it shall be to post them up in school-houses, saw-mills, logging camps, and other places, and similar copies shall be furnished by said commissioner, to the owner of any forest lands not within the limit of any town, who may apply for the same to be posted up at the expense of such owner in such places as he may deem proper. Any person maliciously or wantonly tearing down, destroying or defacing any such notices, so printed, shall on conviction therefor be punished by a fine of five dollars.

SECT. 27. All acts and parts of acts inconsistent with the provisions of this act are hereby repealed, but none of the penalties proposed by this act shall be considered as substituties for or as repealing the provisions of existing laws making persons guilty of such acts of trespass also liable for civil damages to the person or persons injured by such acts.

STATE OF MAINE.

HOUSE OF REPRESENTATIVES, }
January 15, 1889. }

Pending reference to Committee on Agriculture; tabled for printing,
on motion of Mr. ROBIE of Gorham.

NICHOLAS FESSENDEN, *Clerk.*