

MAINE STATE LEGISLATURE

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Sixty-Fifth Legislature.

HOUSE.

No. 269.

STATE OF MAINE.

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

AN ACT to create a Forest Commission and for the Protec-
tion of Forests.

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

SECTION 1. The State land agent is hereby made forest
2 commissioner of the State of Maine, and in addition to the
3 salary now received by him as land agent, he shall receive
4 as compensation for his services as forest commissioner two
5 hundred dollars per annum and his actual traveling expenses
6 incurred in the performance of his duties, an account of
7 which shall be audited by the governor and council.

SECT. 2. It shall be the duty of the forest commissioner
2 to make a collection and classification of statistics relating
3 to the forests and connected interests of the State and to

4 institute an inquiry into the extent to which the forests of
5 Maine are being destroyed by fires and by wasteful cutting
6 and to ascertain so far as he can as to the diminution of
7 the wooded surface of the land upon the water sheds of
8 the lakes, rivers and water powers of the State, and the
9 effect of such diminution upon the water powers and on
10 the natural conditions of the climate. The information so
11 gathered by him, together with his suggestions relative
12 thereto shall be included in a report to be made by him
13 annually to the governor on or before the first day of
14 December.

SECT. 3. The selectmen of towns shall be *ex-officio*
2 forest fire wardens therein and shall divide said towns into
3 three districts, bounded as far as may be by roads, streams
4 of water, or lot lines, and assign to each of their number
5 the charge and oversight of one district as district fire
6 warden therein. A description of each district and the
7 name of the fire warden thereof shall be recorded with
8 the town clerk. The services of such selectmen acting
9 as said fire wardens, shall be paid for at the same rate as
10 is paid for their other official services. It shall be the
11 duty of the fire warden of the district in which a fire is
12 discovered to take such measures as may be necessary for
13 its control or extinction. For this purpose he shall have
14 authority to call upon any persons in the territory in which
15 he acts for assistance, and such persons shall receive such
16 compensation not exceeding fifteen cents per hour as said
17 selectmen may determine, the same to be paid by the
18 town. If any person so ordered to assist, and not excused
19 from said service by said forest fire warden on account of
20 sickness, disability or some important business or engage-

21 ment, shall neglect to comply with any such order he shall
22 forfeit the sum of ten dollars, to be recovered in an action
23 of debt in the name and to the use of the town, by the
24 treasurer thereof.

SECT. 4. County commissioners of each county in
2 which there are unorganized places shall annually appoint,
3 when they deem it necessary, such number of fire wardens
4 as they deem necessary not exceeding ten for all such un-
5 organized places in any county, whose duties and powers
6 shall be the same with respect to such unorganized
7 places as those of the fire wardens of towns, and they
8 shall also have the same authority to call out citizens of the
9 county to aid them in extinguishing fires, that town fire
10 wardens have to call out citizens of the town. The
11 compensation of such fire wardens and the compensation
12 of persons called upon by them as aforesaid to render aid
13 shall be the same as that provided in the case of towns,
14 and shall be paid, one-half by the county and one-half by
15 the owners of all the lands in the unincorporated places
16 in the county.

SECT. 5. Any person who shall build a camp or cook-
2 ing fire in or adjoining any woods in this State shall before
3 leaving such camp, totally extinguish such fire, and upon
4 failure to do so, such person shall be deemed guilty of a mis-
5 demeanor, and upon conviction thereof shall be punished
6 by a fine not exceeding one hundred dollars, or by im-
7 prisonment in the county jail not exceeding one month
8 or by both such fine and imprisonment, provided that such
9 fires built upon the sea beach in such situation that they
10 cannot pread into forest wood or cultivated lands or
11 meadows shall not be construed as prohibited by this act.

SECT. 6. It shall be the duty of selectmen in towns 2 within thirty days after this act shall take effect, to cause 3 to be erected in a conspicuous place at the side of every 4 highway as they may deem proper and at suitable dis- 5 tances along side the rivers and lakes of the State frequented 6 by camping parties, tourists, hunters and fishermen, in 7 their respective towns notices in large letters to be fur- 8 nished by the forest commissioner substantially in the 9 following form, to wit: Camp fires must be totally 10 extinguished before breaking camp under penalty of not 11 to exceed one month's imprisonment or one hundred dol- 12 lars fine or both as provided by law. Signed, A. B. 13 forest commissioner. The forest commissioner shall 14 furnish owners of wood lands situated within this State 15 when called upon so to do notices of similar tenor to be 16 posted at the expense of said owners upon their respective 17 lands.

SECT. 7. All persons engaged in hunting game on any 2 of the wood lands within any town or unincorporated place 3 in this State shall use non-combustible wads in the loading 4 of firearms used by them.

SECT. 8. It shall be the duty of municipal officers in 2 towns and county commissioners, the latter with respect to 3 unorganized places, to proceed immediately to a strict 4 inquiry into the cause and origin of fires within wood lands ; 5 and in all cases where such fires are found to have origin- 6 ated from the unlawful act of any person to cause the 7 offender to be prosecuted without delay.

SECT. 9. The selectmen of towns in which a forest fire 2 of more than one acre in extent has occurred and the 3 county commissioners where a forest fire of more than

4 two acres has occurred in any of the unincorporated places
5 in any county within a year shall report to the forest com-
6 missioner the extent of area burned over to the best of
7 their information, together with the probable amount of
8 property destroyed, specifying the value of timber as near
9 as may be and amount of cord wood, logs, bark or other
10 forest product, fencing, bridges and buildings that have
11 been burned. They shall also report the cause of these
12 fires if they can be ascertained, and the measures em-
13 ployed and found most effective in checking their progress.
14 Blanks for the reports required in this act shall be furnished
15 by said forest commissioner at the expense of the State.

SECT. 10. Every railroad company whose road passes
2 through waste or forest lands shall during each year cut
3 and burn off or remove from its right of way all grass,
4 brush or other inflammable material but under proper care
5 and at times when fires are not liable to spread beyond
6 control.

SECT. 11. 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 sparks.

SECT. 12. No railroad company shall permit its employes
2 to deposit fire, live coals or ashes, upon their track in the
3 immediate vicinity of wood lands or land liable to be over-
4 run by fires, and where engineers, conductors or train men
5 discover that fences along the right of way or wood lands
6 adjacent to the railroads are burning or in danger from
7 fire it shall be their duty to report the same at their next
8 stopping place which shall be a telegraph station.

SECT. 13. For all damages caused by fires set by any
2 person employed in the construction of any railroad here-

3 after to be built in this State the company owning such road
4 shall be primarily liable to the person or persons so dam-
5 aged.

SECT. 14. Any railroad company violating the require-
2 ments of this act shall be liable to a fine of one hundred
3 dollars for each offence.

SECT. 15. 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 the
4 mechanic arts may approve for awakening an interest in
5 behalf of forestry in the public schools, academies and col-
6 leges of the State, and of imparting some degree of elemen-
7 tary instruction upon this subject therein.

SECT. 16. The forest commissioner shall prepare tracts
2 or circulars of information giving plain and concise advice
3 for the care of wood lands and for the preservation of
4 forest growth. These publications shall be furnished to
5 any citizen of the State upon application.

SECT. 17. It shall be the duty of the forest commis-
2 sioner to cause, at the expense of the State, copies of this
3 chapter and all other laws of the State relating to forest
4 fires to be printed and freely distributed to the selectmen
5 of all the towns of the State whose duty it shall be to
6 post them up in school-houses, saw-mills, logging-camps,
7 and other places, and similar copies shall be furnished to
8 owners of forest lands, who may apply for them to be
9 posted up at the expense of such owners. Any person
10 viciously or wantonly tearing down, destroying or defacing
11 any such notices shall on conviction therefor be punished
12 by a fine of five dollars.

SECT. 18. All acts and parts of acts inconsistent with
2 provisions of this act are hereby repealed, but none of the
3 penalties proposed by this act shall be considered as sub-
4 stitutes for or as repealing the provisions of existing laws
5 making persons guilty of acts of trespass or liable for civil
6 damages to persons injured by such acts.

STATE OF MAINE.

HOUSE OF REPRESENTATIVES, }
March 14, 1891. }

Reported by Mr. PEAKS of Dover, from Committee on the Judiciary,
and ordered printed under joint rules.

W. S. COTTON, *Clerk.*