

MAINE STATE LEGISLATURE

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SEVENTY-FOURTH LEGISLATURE

HOUSE.

No. 110

STATE OF MAINE.

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

AN ACT for the preservation, perpetuation and increase of
the forests of the State of Maine.

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

FOREST COMMISSION.

Section 1. A State Forest Commission is hereby created
2 and established. Said commission shall consist of a For-
3 ester, to be appointed by the Governor, with the advice and
4 consent of the Council, who shall hold office for two years
5 from the date of his appointment, unless sooner removed
6 by the Governor, by and with the consent of the Council,
7 for cause, and six Assistant Foresters, who shall be ap-
8 pointed by the Forester, and shall hold office during the
9 term of their chief, unless sooner removed by him. The

10 Forester is hereby authorized to remove any of the Assist-
11 ant Foresters and to appoint others to take their places,
12 when, in his judgment, such action will be for the best in-
13 terests of the State.

BOND AND SALARIES.

Sect. 2. The Forester shall give to the Treasurer of this
2 State a bond for the faithful discharge of his duties, with
3 sufficient sureties. The amount of such bond, and the sure-
4 ties thereon to be approved by the Governor, with the advice
5 and consent of the Council. He shall be duly sworn. He
6 shall receive a salary of twenty-five hundred dollars per
7 year and actual expenses. He may employ in his depart-
8 ment one permanent clerk at a salary not to exceed one
9 thousand dollars per year, and such additional assistants
10 as the Governor and Council shall approve and as may be
11 necessary. The Assistant Foresters shall each receive a
12 salary not to exceed fifteen hundred dollars per year and
13 actual expenses.

POWER OF FORESTER.

Sect. 3. The Forester shall have full charge of all State
2 forests, as the same are hereinafter defined, including the
3 power to reforest and regulate cutting the same, and to
4 provide young trees to private individuals for planting, at
5 the cost to the State of producing the same, and to have
6 charge of enforcing all laws enacted to regulate the cutting
7 of auxiliary State forests, as the same are hereinafter de-
8 fined; to issue licenses to land owners, and scalers, and per-

9 mits to any person, firm or corporation desiring to operate
10 on land of another under permit or contract therefor with
11 the owner of such land, and to have full charge of all men
12 and equipment for the protection of forests within the State
13 against fire, as hereinafter provided.

STATE FORESTS.

Sect. 4. State forests shall include all areas now owned,
2 or hereafter acquired, by the State, which are now covered
3 by trees, or which shall hereafter be planted to trees by the
4 State, excepting, however, the land owned by the State
5 within the city of Augusta.

Sect. 5. The Forester shall, from time to time, recom-
2 mend to the Governor and Council, such entire tracts of
3 land, the acquirement of which will, in his judgment, be
4 most advantageous to the State in preserving existing for-
5 ests, and in reforesting barren areas, especially on the water
6 sheds of the main rivers of the State.

Sect. 6. At such times as there shall be appropriations
2 therefor, the Governor, with the consent of the Council,
3 shall take, in the name of the State, in the manner herein
4 denoted, any of the land recommended by the Forester, to
5 be held by the State.

Sect. 7. When the Governor and Council take any of
2 the land as aforesaid, they shall cause the same to be
3 surveyed, located, and so described that the same can be
4 identified, and plans thereof, with copies of the order in
5 Council, shall be filed in the office of the Secretary of State,

6 and also in the registry of deeds for the county where the
7 land so taken is situated, and there recorded. The filing
8 of such plans and copies shall vest the title to the land afore-
9 said in the State of Maine, to be held during the pleasure
10 of the State.

Sect. 8. The owner of any land taken as aforesaid, shall
2 have a just compensation therefor, to be ascertained and
3 determined in the same manner as, and by proceedings simi-
4 lar to those provided for ascertaining damages in locating
5 highways in Chapter 23 of the Revised Statutes of 1903.

AUXILIARY STATE FORESTS.

Sect. 9. Auxiliary State forests shall include all areas
2 owned by private individuals and now covered by trees, or
3 which shall be planted to trees for use as fuel, or manu-
4 facture.

LICENSES TO CUT.

Sect. 10. Owners of auxiliary State forests proposing to
2 cut, or to permit cutting, on such forests, trees for market
3 or manufacture, shall, by themselves, or by their agents,
4 file an application in duplicate with the Forester, on blanks
5 furnished by said Forester, stating therein the location of
6 the tracts proposed to be cut, the maximum estimated num-
7 ber of feet, or cords, of each kind of logs intended to be
8 cut therefrom, with the names and addresses of the per-
9 mitees, if any, and scalers, together with a copy of con-
10 tracts or permits, if the same be in writing, but in any
11 event, the stumpage price per thousand feet, or per cord,

12 if the same be sold by the thousand feet, or cord, shall be
13 stated in said application, or, if the standing timber on
14 a given tract be sold for a gross sum, then the location and
15 bounds of such tract, and such gross sum shall be stated.
16 On receipt of the aforesaid application, license to cut from
17 such tract, or tracts, the amount and kinds as estimated,
18 with a ten per cent increase, shall issue to such owner within
19 one week thereafter, which license shall remain in force
20 until May first, following the date of said application, unless
21 sooner revoked by the Forester for failure of said owner,
22 either by himself, his agents, or permittees, to conform to
23 law in cutting such forests. If such owner desires to in-
24 crease the estimated amount covered by his permit, he shall
25 give notice in writing to the Forester of the estimated in-
26 crease.

PENALTY FOR NON-OBSERVANCE.

Sect. 11. Any owner or owners failing to comply with
2 the provisions of section ten of this act, shall, for every
3 such failure, be punished by a fine not to exceed one thou-
4 sand dollars.

EXCEPTIONS.

Sect. 12. No person desiring to clear land for agricul-
2 tural purposes, for buildings, or for highways, unless the
3 wood so cut is to be sold for fuel, or sold or used for man-
4 ufacture, or to cut trees for use in building camps, dams,
5 or construction of ways, or for use as fuel in course of a
6 lumbering operation, nor any person cutting wood or timber
7 from his own land for use upon his farm in the ordinary

8 course of good husbandry, shall, for such purposes, be re-
9 quired to comply with section ten of this act.

CUTTING RULES.

Sect. 13. No pine or spruce trees under ten inches in
2 diameter, four feet from the ground, shall be cut, except
3 when such cutting be necessary in the clearing of roads or
4 yards during an operation, or from localities in which trees
5 are unduly exposed to destruction from wind, and neither
6 of these woods shall be cut or used for camps, bridges,
7 roads, corduroy or road skids.

EXCEPTIONS.

Sect. 14. Exceptions to the rules as set forth in section
2 thirteen may be made under written authority from the
3 Forester.

Sect. 15. All trees shall be sawed down. They shall be
2 sawed not more than twelve inches above the ground. All
3 limbs shall be trimmed from the tops of the trees so cut
4 and placed in separate piles, suitable and safe for burning,
5 and the same shall be burned by the owner in the season
6 following the operation, at such time as there is not less
7 than six inches of snow upon the ground.

SEED TREES LEFT.

Sect. 16. At least three pine, or at least three spruce seed-
2 bearing trees shall be left standing on each acre of land
3 from which pine or spruce growth is being cut.

MARKING LOGS.

Sect. 17. All logs shall be plainly marked on each end, 2 either with the number of feet therein, or by numbers in 3 rotation, and with distinguishing landing marks; and if by 4 numbers in rotation, then the number of feet in each log 5 shall be recorded opposite a corresponding number and 6 landing mark in a scale record.

SPECIAL FORESTRY PLANS.

Sect. 18. Any plans for the cutting or cultivation of for- 2 ests prepared by the owners thereof, and approved by the 3 Forester, may be pursued by the owner of such forest, in 4 stead of conforming to sections thirteen and sixteen of this 5 act.

PERMITEES.

Sect. 19. Any person, firm or corporation desiring to cut 2 from the land of another, under permit or contract therefor, 3 with the owner of such land, trees for market or manu- 4 facture, shall make application in duplicate to the Forester, 5 upon blanks furnished by said Forester, for a permit so to 6 cut, stating therein the location of the tract proposed to be 7 cut, and the estimated amount, and the Forester shall there- 8 upon issue to the applicant a permit so to operate, which 9 permit shall remain in force until the first day of May fol- 10 lowing the date of application, unless sooner revoked by 11 the Forester for failure of said permittee to conform to law 12 in cutting such tract.

Sect. 20. Any person, firm or corporation failing to comply with the provisions of section nineteen of this act shall, for every such failure, be punished by a fine not to exceed one thousand dollars.

SCALERS.

Sect. 21. Any person, on application to the Forest Commission for license as a scaler, shall, on satisfying said Forester of his qualifications, be licensed for one year, to date from the first day of May.

Sect. 22. All returns required by this act to be made by scalers, must be made by scalers duly licensed.

TAXES.

Sect. 23. All growing trees on auxiliary State forests within the State are hereby exempt from taxation.

Sect. 24. State assessors, town assessors and plantation assessors, shall, for the purpose of taxation, appraise the soil only in all auxiliary forests by them to be assessed, independent of the value of the growth thereon, and also independent of the area of any great pond therein, and assess upon such soil, a tax in the same manner, and at the same rate as other property is by them assessed.

Sect. 25. All persons, firms or corporations owning auxiliary State forests, and who are, either by themselves, their agents, or permittees, engaged in the business of cutting trees therefrom for market, or manufacture, shall pay to the State Treasurer, for the use of the State, when the soil from which said trees so cut is located in unincorporated

7 places, and to tax collectors of the various cities, towns or
8 plantations for the use of said cities, towns or plantations,
9 where the soil from which said trees so cut is located, an
10 excise tax of five per cent upon the stumpage value of all
11 trees so cut during the year ending the first day of May;
12 the value of the stumpage so cut to be determined by the
13 assessors who assess the soil on which such trees were cut,
14 and as an aid thereto, the Forester shall furnish to said
15 assessors duplicate copies of such licenses, permits and re-
16 turns as shall be on file at his office on the first day of May.

Sect. 26. If any owner fails to make the returns of the
2 amount cut as hereinafter provided, such fact shall be cer-
3 tified by the Forester to the assessors, and thereupon the
4 assessors shall ascertain, as nearly as may be, the amount
5 so cut, and the amount so found shall be assessed, and the
6 owner is thereby barred of his right of appeal, provided
7 for by this act, unless he offers such return with his appeal,
8 and satisfies the court that he was unable to make such
9 return on the date hereinafter fixed.

COUNTY TAXES.

Sect. 27. The State shall credit to each county assessing
2 the soil in tracts designated in Section 40 of chapter 9 of
3 the Revised Statutes of 1903, with an amount which shall
4 bear the same ratio to the amount of the excise tax received
5 on stumpage from such tracts for the year prior to such
6 credit, as the rate of the county tax bears to the rate of the
7 State tax. This amount is to be credited in addition to the

8 credit to be given under Section 4 of Chapter 150 of the
9 Laws of 1905, and shall be certified to the County Treasurer
10 at the time and in the manner provided by said Section 4.

APPLICATIONS FOR ABATEMENT.

Sect. 28. The State, city, town and plantation assessors
2 for the time being, on written application, stating the ground
3 therefor, within two years from the assessment, may make
4 such reasonable abatement as they think proper. They shall
5 keep in suitable book form a record of such abatements
6 with the reasons for each and report the same in their
7 annual reports.

Sect. 29. They shall give to any person applying to them
2 for an abatement of taxes, notice in writing of their decision
3 upon such application within ten days after they take final
4 action thereon.

Sect. 30. If they refuse to make the abatement asked for,
2 the applicant shall have the right to appeal direct to the
3 Supreme Judicial Court for the county in which the prop-
4 erty assessed is situated, where said appeal shall be tried,
5 heard and determined in the same manner and by proceed-
6 ings similar to those provided for by Sections 79, 80, 81,
7 82 and 83 of Chapter 9 of the Revised Statutes of 1903.

SWORN RETURNS OF CUT.

Sect. 31. Land owners, permittees and scalers shall make
2 a return in duplicate to the Forester, not later than the first
3 day of May of each year, of the number and amount of
4 each kind of logs cut, or, if it has been cut into four-foot

5 lengths, of the number of cords of each kind of wood cut,
6 all hardwood trees being designated under the general head-
7 ing "Hardwoods," from such owner's land during the pre-
8 vious year, for market or manufacture, and such owners,
9 permittees, and scalers shall make oath that such return is
10 a true and correct statement of the amount so cut according
11 to their best knowledge and belief.

Sect. 32. If any land owner, permittee or scaler fails to
2 make the returns provided for by section thirty-one of this
3 act, on or before the date named therein, no further license
4 or permit shall be issued to said owner, permittee or scaler
5 until such return be made, and until said owner, permittee
6 or scaler satisfies the Forester that he will henceforth com-
7 ply with the law.

PENALTIES FOR FALSE RETURN.

Sect. 33. Any land owner, permittee or scaler who shall
2 knowingly or wilfully make a false return of the number
3 and amount of logs cut, or of the number of cords of wood
4 cut, during any season, shall be punished by a fine not
5 exceeding one thousand dollars, or by imprisonment not
6 exceeding one year, or by both fine and imprisonment.

PREVENTION OF FIRES—FOREST WARDENS.

Sect. 34. One Forest Warden to every two hundred thou-
2 sand acres of forest land, as near as the same can be esti-
3 mated, shall be appointed by the Forester to serve for one
4 year, unless sooner removed by said Forester; such wardens
5 to be experienced woodsmen and scalers and they to be

6 constantly on duty under the direction and control of the
7 Forester. Such wardens shall receive a salary not to ex-
8 ceed seven hundred twenty dollars per year and necessary
9 expenses.

FIRE WARDENS.

Sect. 35. Local fire wardens shall be appointed by the
2 Forester who shall serve under the direction of said For-
3 ester and receive pay for their services, when actually on
4 duty, at the rate of two dollars per day and actual expenses.

DEPUTY FIRE WARDENS.

Sect. 36. All game wardens, proprietors of camps and
2 registered guides shall be Deputy Fire Wardens and when
3 actually on duty shall receive two dollars per day and actual
4 expenses.

PATROLS.

Sect. 37. Whenever, in the judgment of the Forester it
2 is necessary for the protection of the forests, he shall ap-
3 point additional wardens to patrol said forests, they to serve
4 under his direction, and to be paid at the rate of two dollars
5 per day and actual expenses.

POLICE POWERS FOR WARDENS.

Sect. 38. The Forester, his Assistants, all Forest War-
2 dens, all Local Fire Wardens, and all wardens appointed
3 from time to time to patrol the forests as herein provided,
4 are hereby vested with police powers and shall provide them-
5 selves with a suitable metal badge which shall bear the title
6 of their office.

RIGHTS OF WAY OF RAILROADS.

Sect. 39. All railroads shall keep their rights of way
2 through forests cleared of unnecessary inflammable mate-
3 rial, and all such material shall be removed, unless the same
4 can be burned at such times and in such manner as not to
5 endanger adjoining forests. No such material shall be
6 burned, however, when the Forester shall notify said rail-
7 roads that the conditions are such that the burning of such
8 material would endanger adjoining forests.

PATROL OF RIGHTS OF WAY.

Sect. 40. All railroads which have rights of way through
2 forests shall keep their ways through such forests patrolled
3 whenever in the judgment of the Forester such patrol is
4 necessary for the protection of the forests along such rights
5 of way.

BUILDING OF FIRES.

Sect. 41. No fires shall be built in State or auxiliary State
2 forests, except when snow is on the land, unless such fires
3 be built in enclosed stoves, or in stoves and fireplaces in
4 permanent enclosed buildings.

PENALTY.

Sect. 42. Any person violating the provisions of section
2 forty-one of this act shall be punished by a fine not exceed-
3 ing one thousand dollars, or imprisonment not exceeding
4 one year, or by both fine and imprisonment.

Sect. 43. Equipment for the extinguishment of fire, con-
2 sisting of axes, shovels, hoes, rakes, pick axes, crosscut

3 saws and pails, in such numbers as the Forester may think
4 proper, not to exceed an equipment for more than fifty
5 men to each twenty thousand acres of forest, shall be pro-
6 vided by the land owners at their own expense, and de-
7 posited at convenient points, either upon or near the land
8 of the owner so providing such equipment.

APPROPRIATION.

Sect. 44. The sum of one hundred thousand dollars is
2 hereby appropriated for the year 1909, and a like sum for
3 the year 1910 for the purpose of carrying out the provisions
4 of this act, except that no part thereof shall be expended
5 for the purchase of land, and any unexpended balance shall
6 remain in the treasury to meet the need for extraordinary
7 expenditures such as may arise by reason of fires in ex-
8 tremely dry seasons.

Sect. 45. All acts, and parts of acts, inconsistent with this
2 act are hereby repealed.

Sect. 46. This act shall take effect the first day of May,
2 A. D. 1910.

STATE OF MAINE.

HOUSE OF REPRESENTATIVES,

Augusta, Feb. 9, 1909.

Tabled pending reference to a committee by Mr. BUSSELL
of Gardiner and ordered printed.

E. M. THOMPSON, *Clerk.*