

MAINE STATE LEGISLATURE

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NEW DRAFT.

SEVENTY-SIXTH LEGISLATURE

SENATE

NO. 457

In Senate, March 10, 1913.

*Reported by Senator Colby from Committee on State Lands
and Forest Preservation, and ordered printed under joint rules.*

W. E. LAWRY, Secretary.

STATE OF MAINE

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

AN ACT to amend Chapter 193 of the Laws of 1909, entitled
“An Act creating the Maine Forestry District, and providing
for protection against forest fires therein.”

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

Section 1. Section 6 of said chapter is hereby amended
2 by striking out all of said section after the word “purpose”
3 in the fifth line thereof and adding thereto so that said
4 section as amended shall read as follows:

‘Sect. 6. The tax assessed by authority of this act shall
6 be held by the state treasurer as a fund to be used to pro-
7 tect from fire the forests situated upon and within the dis-
8 trict hereby created, and to pay expenses incidental thereto
9 and for no other purpose.

'The governor and council shall from time to time, as the
11 forest commissioner may request, issue their warrant to
12 the state treasurer to pay to said commissioner such sums
13 of money as said commissioner may deem necessary for
14 the purpose of this act.

'If the tax assessed by authority of this act has not been
16 collected or for any reason is not available for the purposes
17 of this act or if said tax proves insufficient in any year to
18 properly carry out the purposes of said act, the governor
19 and council may issue their warrant to the state treasurer
20 to advance and pay to the forest commissioner for the pur-
21 poses of this act, such sum or sums of money as they may
22 deem necessary for such purposes, the same to be paid from
23 any moneys then in the treasury not otherwise appropri-
24 ated.

'The accounts of said commissioner of the disbursement
26 of all funds under this act shall be examined by the state
27 auditor for the purpose of determining if said accounts are
28 correctly kept and all payments properly vouched for.

'Said forest commissioner is hereby authorized to employ
30 from time to time such clerks in his office as will enable
31 him to pay promptly all bills contracted in carrying out the
32 provisions of this act, the compensation of such clerks to
33 be paid from the funds provided by this act.'

Sect. 2. Section 9 of said chapter is hereby amended by
2 inserting after the word "for" in the nineteenth line there-
3 of, the words 'actual necessary' and striking out the words

4 “not to exceed two dollars daily for such period” com-
5 mencing after the word “subsistence” in the twentieth line
6 thereof, and by striking out in the thirty-first line thereof
7 the words “and subsistence” and adding in place thereof
8 the words ‘and actual necessary expenses,’ so that said sec-
9 tion as amended shall read as follows:

‘Sect. 9. The said chief fire wardens, under the direc-
11 tion of said commissioner, shall have general supervision
12 of their respective districts and of the deputy forest fire
13 wardens therein. Each chief forest fire warden, when di-
14 rected by said commissioner, shall patrol the forests of his
15 district for the purpose of searching out, extinguishing and
16 guarding against forest fires. He shall investigate and
17 gather evidence regarding the causes of forest fires, enforce
18 all laws relating to forests and forest preservation, arrest
19 all violators thereof, prosecute all offences against the same,
20 and in this connection shall have the same power to serve
21 criminal processes against such offenders and shall be al-
22 lowed the same fee as a sheriff, or his deputy, for like ser-
23 vices, and shall have and enjoy the same right as a sheriff
24 to require aid in executing the duties of his office. Said
25 chief forest fire wardens shall perform such other duties,
26 at such times, and under such rules and regulations, as the
27 said commissioner may prescribe, and each shall receive as
28 compensation three dollars for each and every day of actual
29 service, with an allowance for actual necessary expenses
30 of travel and subsistence. The said commissioner may au-

31 thorize the employment of suitable persons to assist said
32 chief forest fire wardens in patrolling their respective dis-
33 tricts and every person so employed shall be paid twenty
34 cents for each hour of service so rendered by him and be
35 provided with subsistence during such period. Deputy for-
36 est fire wardens shall perform such duties, at such times
37 and under such rules and regulations, as the said commis-
38 sioner, or the chief fire warden of the district, with the
39 approval of said commissioner, may prescribe and they shall
40 receive as compensation two dollars and actual necessary
41 expenses for each and every day of actual service.'

Sect. 3. Section 10 of said act is hereby amended by
2 striking out the words "citizens of any county" in the nine-
3 tenth line thereof and adding in place thereof the words
4 'any person found within the state,' so that said section as
5 amended shall read as follows:

'Sect. 10. Whenever a fire occurs on, or is likely to do
7 damage to forest lands within the district of any chief for-
8 est fire warden, he shall take immediate action to control
9 and extinguish the same. If such fire occurs upon or is
10 likely to do damage to forest lands within the territory of
11 a deputy forest fire warden and the chief fire warden of
12 the district is not present, then and in such case the deputy
13 forest fire warden having jurisdiction of the territory shall
14 forthwith proceed to control and extinguish the same, and
15 he shall meanwhile, with all consistent dispatch, cause the
16 said chief fire warden of the district to be notified of the

17 occurrence of such fire. Until the arrival of the chief war-
18 den at the place of fire, the deputy warden shall be in charge
19 of the control and extinguishment of the same. For the
20 purpose of controlling and extinguishing fires as aforesaid,
21 chief forest fire wardens, and deputy forest fire wardens,
22 when in charge of the control and extinguishment of forest
23 fires or when so directed by the chief warden, may summon
24 to their assistance any person found within the state and
25 each person so summoned and assisting shall be paid twenty
26 cents for each hour of service rendered by him and be
27 provided with subsistence during such service. Immedi-
28 ately after the extinguishment of a fire, the deputy forest
29 fire warden who for any time may have been in charge of
30 the same, shall make return to the chief warden of the dis-
31 trict of the expense thereof during the period of his being
32 in charge, including the names of the persons so summoned
33 and assisting, with their postoffice addresses and the hours
34 of labor actually performed by each under his discretion.
35 The return shall be made upon oath and the said chief war-
36 den is hereby authorized and empowered to administer such
37 oath. Upon receipt of such return, the said chief fire war-
38 den shall carefully examine and audit the same and he may
39 direct the deputy to amend and correct any return found
40 to be incomplete, incorrect, or insufficient in form. If upon
41 examination and auditing of said return, and investiga-
42 tion of the subject matter thereof, said chief fire warden
43 believes said return to be just and correct, he shall endorse

44 his written approval thereon and forward the same so ap-
45 proved to said forest commissioner. The chief fire warden
46 of every district burned by a forest fire shall, upon the
47 extinguishment of such fire, promptly forward an extract
48 and detailed statement of the expense, if any, which said
49 chief fire warden may have incurred in connection with the
50 extinguishment of such fire, to the said forest commissioner,
51 who may confirm, reject or recommit either or both said
52 approved return of said deputy or said detailed statement
53 of said chief fire warden if justice so requires.'