

MAINE STATE LEGISLATURE

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SEVENTY-SEVENTH LEGISLATURE

SENATE

NO. 118

In Senate, Feb. 17, 1915.

Ordered, That five hundred copies be printed and that the same be referred to the Committee on State Lands and Forest Preservation.

Committee on Reference.

Presented by Mr. Colby of Somerset.

STATE OF MAINE

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

AN ACT Creating the Southern Maine Forest District, and
providing for protection against fires therein.

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

Section 1. An administrative district shall be and is here-
2 by established and incorporated, to be known as the South-
3 ern Maine Forest District, and to include all territory of the
4 State not included in the Maine Forestry District.

Sec. 2. The sum of twenty-five thousand dollars is hereby
2 appropriated annually for the provisions of this act and this
3 money shall be held by the State Treasurer as a fund to be
4 used to protect from fire the forests situated upon and with-

5 in the district hereby created, and to pay expenses incidental
6 thereto and for no other purpose.

The governor and council shall from time to time, as the
8 forest commissioner may request, issue their warrant to the
9 State Treasurer to pay to said commissioner such sums of
10 money as said commissioner may deem necessary for the
11 purposes of this act.

If said appropriation proves insufficient in any year to
13 properly carry out the purposes of said act, the governor
14 and council may issue their warrant to the state treasurer to
15 advance and pay to the forest commissioner for the pur-
16 poses of this act, such sum or sums of money as they may
17 deem necessary for such purposes, the same to be paid from
18 any moneys then in the treasury not otherwise appropriated.

The accounts of said commissioner of the disbursement of
20 all funds under this act shall be examined by the state audi-
21 tor for the purpose of determining if said accounts are cor-
22 rectly kept and all payments properly vouched for.

Said forest commissioner is hereby authorized to employ
24 from time to time such clerks in his office as will enable him
25 to pay promptly all bills contracted in carrying out the pro-
26 visions of this act, the compensation of such clerks to be
27 paid from the funds provided by this act.

Sect. 3. The forest commissioner shall take measures for
2 the prevention, control and extinguishment of forest fires
3 in said forest district, and to this end he shall establish such
4 sub-forestry districts as he may deem necessary for effective
5 protection against loss or damage by fire. He shall have au-

6 thority to establish lookout stations connected by telephone,
7 and to equip and maintain depots for necessary tools for the
8 extinguishment of forest fires.

Sect. 4. The said commissioner shall appoint in and for
2 each of said districts so established, a chief forest fire
3 warden.

The assessors of all plantations, selectmen of all towns and
5 the mayors of all cities within this district shall, and
6 other citizens may, as soon as may be, after this act takes
7 effect, recommend to the forest commissioner the names of
8 such persons as may in their estimation be fit to fill the office
9 of deputy forest fire warden in their respective plantations,
10 towns and cities. After investigation the forest commis-
11 sioner may choose and appoint from the persons recom-
12 mended, as above prescribed, such deputy forest fire ward-
13 ens as he deems necessary.

Upon the termination in any manner of the term of office
15 of any chief forest fire warden, or deputy forest fire warden,
16 a successor shall be appointed in the manner hereinbefore
17 provided for the appointment of such officers originally.
18 Chief forest fire wardens and deputy forest fire wardens,
19 shall, when directed by the forest commissioner, patrol
20 the woods in their respective cities, towns, or plantations,
21 warning persons who traverse the woods, campers, hunters,
22 fishermen and others, about lighting and extinguishing fires.
23 They shall post extracts from the fire laws, and other no-
24 tices sent them by the forest commissioner, along the high-

25 ways, along streams and waters frequented by tourists and
26 others, at camp sites, and in other public places.

If, in or near woodlands, any person, other than the owner
28 of said land or his agents acting under his direction, shall
29 build a fire when warned not to do so by an authorized
30 official, or shall fail to extinguish a fire when ordered to
31 do so by an authorized official he may be arrested by such
32 official without a warrant.

All chief and deputy forest fire wardens, so appointed, shall
34 hold office during the pleasure of the forest commission, be
35 sworn to the faithful discharge of their duties by any officer
36 authorized to administer oaths, and a certificate thereof shall
37 be returned to the office of such commissioner.

Sect. 5. The said chief fire wardens, under the direction
2 of said commissioner, shall have general supervision of their
3 respective districts and of the deputy forest fire wardens
4 therein. He shall investigate and gather evidence regard-
5 ing the causes of forest fires, enforce all laws relating to
6 forests and forest preservation, arrest all violators thereof,
7 prosecute all offenses against the same, and in this connec-
8 tion shall have the same power to serve criminal processes
9 against such offenders and shall be allowed the same fee as
10 a sheriff, or his deputy, for like services, and shall have and
11 enjoy the same right as a sheriff to require aid in executing
12 the duties of his office. Said chief forest fire wardens shall
13 perform such other duties, at such times, and under such
14 rules and regulations, as the said commissioner may pre-

15 scribe, and each shall receive as compensation three dollars
16 for each and every day of actual service, with any allowance
17 for actual necessary expenses of travel and subsistence.
18 The said commissioner may authorize the employment of
19 additional persons to assist said chief forest fire wardens in
20 patrolling their respective districts and every person so em-
21. ployed shall be paid twenty cents for each hour of service
22 so rendered by him and be provided with subsistence during
23 such period. Deputy forest fire wardens shall perform such
24 duties, at such times and under such rules and regulations,
25 as the said commissioner, or the chief fire warden of the
26 district, with the approval of said commissioner, may pre-
27 scribe and they shall receive as compensation two dollars
28 and actual necessary expenses for each and every day of
29 actual service.

Sect. 6. Whenever a fire occurs on, or is likely to do
2 damage to forest lands within the district of any chief forest
3 fire warden, he shall take immediate action to control and
4 extinguish the same. If such fire occurs upon or is likely to
5 do damage to forest lands within the territory of a deputy
6 forest fire warden and the chief fire warden of the district
7 is not present, then and in such case the deputy forest fire
8 warden having jurisdiction of the territory shall forthwith
9 proceed to control and extinguish the same, and he shall
10 meanwhile, with all consistent dispatch, cause the said chief
11 fire warden of the district to be notified of the occurrence of
12 such fire. Until the arrival of the chief warden at the place
13 of fire, the deputy warden shall be in charge of the control

14 and extinguishment of the same. For the purpose of con-
15 trolling and extinguishing fires as aforesaid, chief forest
16 fire wardens, and deputy forest fire wardens, when in charge
17 of the control and extinguishment of forest fires or when so
18 directed by the chief warden, may summon to their assist-
19 ance any person found within the state and each person so
20 summoned and assisting shall be paid twenty cents for each
21 hour of service rendered by him and be provided with sub-
22 sistence during such service. Immediately after the ex-
23 tinguishment of a fire, the deputy forest fire warden who
24 for any time may have been in charge of the same, shall
25 make return to the chief warden of the district of the ex-
26 pense thereof during the period of his being in charge, in-
27 cluding the names of the persons so summoned and assist-
28 ing, with their postoffice addresses and the hours of labor
29 actually performed by each under his direction. The return
30 shall be made upon oath and the said chief warden is hereby
31 authorized and empowered to administer such oath. Upon
32 receipt of such return, the said chief fire warden shall care-
33 fully examine and audit the same and he may direct the
34 deputy to amend and correct any return found to be incom-
35 plete, incorrect, or insufficient in form.

Sect. 7. The expenses of fighting forest and brush fires in
2 plantations, towns and cities and other expenses lawfully in-
3 curred by chief forest fire wardens and deputy forest fire
4 wardens of said plantations, towns and cities in preventing
5 forest fires shall be borne equally by the plantation, town or
6 city and by the state. The chief forest fire warden shall

7 render to the assessors, selectmen or the mayor, as the case
8 may be, a statement of said expenses within ten days of the
9 date they are incurred, which said bill shall show in detail
10 the amount and character of the services performed, the ex-
11 act duration thereof, and all disbursements made by said
12 wardens, and must bear the approval of the chief forest fire
13 warden, and the approval also of the deputy forest fire war-
14 den, if said expenses were incurred by the authority of said
15 deputy forest fire warden; said bill shall be audited, and if
16 approved by the assessors of the plantation, selectmen of the
17 town or mayor of the city wherein such services were in-
18 curred, shall be paid on the order of the assessors by the
19 plantation, selectmen by the town or city treasurer. A
20 duplicate bill, showing that the same has been audited and
21 paid by the town, shall be filed by the assessors, selectmen or
22 the mayor with the forest commissioner, who shall draw his
23 order on the state treasurer in favor of said plantation,
24 town or city for the portion of said bill for which the state
25 is liable in accordance with the provisions of this section.

Sect. 8. No person shall kindle a fire upon public land
2 without permission first had from the forest commissioner,
3 the chief forest fire warden, or deputy forest fire warden
4 or from the official caretaker of such public land. No per-
5 son shall kindle a fire upon the land of another without per-
6 mission first had from the owner thereof or from the
7 owner's agent.

Sect. 9. Between the first day of April and the first day of
2 November, inclusive, of each year, no person shall kindle

3 a fire or burn brush in or near woodland without the writ-
4 ten permission of the forest fire warden or presence of the
5 forest fire warden or person appointed to represent him.

Sect. 10. Fires kindled by throwing down a lighted
2 match, cigar, or other burning substance, shall be deemed
3 within the provisions of sections eight and nine, and
4 every person violating any provision of said sections shall
5 be fined not more than two hundred dollars, or imprisoned
6 not more than sixty days, or both.

Sect. 11. The forest commissioner, or chief forest fire
2 warden, or the deputy forest fire warden, may arrest, with-
3 out a warrant, any person or persons taken by him in the act
4 of violating any of the laws for the protection of forest
5 lands, and bring such person or persons forthwith before a
6 justice of the peace or other justice having jurisdiction, who
7 shall proceed without delay to dispose of the matter as
8 justice may require.

Sect. 12. Every person who shall set fire on any land,
2 that shall run upon the land of any other person, shall pay
3 to the owner all damages done by such fire.

Sect. 13. If any chief forest fire warden or deputy for-
2 est fire warden provided for in this act shall wilfully neglect
3 or refuse to perform the duties prescribed for him he shall
4 forfeit not less than one hundred dollars nor more than five
5 hundred dollars, to be recovered in an action for debt, upon
6 complaint of the forest commissioner, and all forfeitures
7 so recovered shall be paid into the state treasury.

Sect. 14. It shall be the duty of any person who discovers
2 a forest or brush fire not under control or supervision of
3 some person, to extinguish it or report it immediately to
4 the chief forest fire warden or deputy forest fire warden
5 or official in charge of forest protection, and failure so to
6 do shall be punished by a forfeiture not exceeding ten dol-
7 lars to be recovered upon the complaint of the warden.

Sect. 15. All moneys received from fines imposed under
2 and by virtue of the provisions of this act shall be paid
3 to the state treasurer and kept by him as a separate fund,
4 to be paid out by him upon the requisition of the forest
5 commissioner, for use in connection with the prevention and
6 suppression of forest fires.

Sect. 16. The forest commissioner may call annual con-
2 ferences of the forest fire wardens and other employees of
3 the Forestry Department in different sections of the state
4 for the purpose of improving the service. Not more than
5 ten such meetings shall be held within one fiscal year and
6 not more than one meeting shall be held for the wardens
7 of any one section within one fiscal year. Those summoned
8 by the forest commissioner shall be allowed their traveling
9 expenses in attending such conferences. He may secure the
10 attendance at such conferences of expert foresters from
11 without the state, the said experts to be paid their neces-
12 sary traveling expenses.

Sect. 17. For the carrying out of the provisions of this
2 act the deputy forest commissioner shall receive annually
3 the sum of five hundred dollars, to be paid from the funds

4 provided under this act, in addition to the salary provided
5 for the deputy forest commissioner. It is also hereby fur-
6 ther provided that the forest commissioner shall receive
7 from the funds provided under this act, the sum of five hun-
8 dred dollars, in addition to the salary as now provided by
9 law.

Sect. 18. All acts and parts of acts which are inconsis-
2 ent with this act are hereby repealed.

Sect. 19. This act shall take effect when approved.