

MAINE STATE LEGISLATURE

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NEW DRAFT.

SEVENTY-SEVENTH LEGISLATURE

SENATE

NO. 391

In Senate, March 18 1915.

*Reported by Sen. 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 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 Southern
3 Maine Forest District; and to include all territory of the
4 State not included in the Maine Forestry District.

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

5 within the district hereby created, and to pay expenses inci-
6 dental 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
9 the State Treasurer to pay to said commissioner such sums
10 of 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
15 to 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 appropri-
19 ated.

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

Said forest commission is hereby authorized to employ
25 from time to time such clerks in his office as will enable
26 him to pay promptly all bills contracted in carrying out the
27 provisions of this act, the compensation of such clerks to
28 be 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
6 authority to establish lookout stations connected by tele-
7 phone and to equip and maintain depots for necessary tools
8 for the 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 war-
3 den.

The assessors of all plantations, selectmen of all towns and
5 the mayors of all cities within this district shall, as soon as
6 may be, after this act takes effect, recommend to the forest
7 commissioner the names of such persons as may in their
8 estimation be fit to fill the office of deputy forest fire war-
9 den in their respective plantations, towns and cities. After
10 investigation the forest commissioner may choose and ap-
11 point from the persons recommended, as above prescribed,
12 such deputy forest fire wardens as he deems necessary.

Upon the termination in any manner of the term of office
14 of any chief forest fire warden, or deputy fire warden, a suc-
15 cessor shall be appointed in the manner hereinbefore pro-
16 vided for the appointment of such officers originally. Chief
17 forest fire wardens and deputy forest fire wardens shall,
18 when directed by the forest commissioner, patrol the woods
19 in their respective cities, towns or plantations, warning per-
20 sons who traverse the woods, campers, hunters, fishermen
21 and others, about lighting and extinguishing fires. They
22 shall post extracts from the fire laws, and other notices sent

23 them by the forest commissioner, along the highways, along
24 streams and waters frequented by tourists and others, at
25 camp sites, and in other public places.

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

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

Sect. 5. The said chief fire wardens, under the direction of
2 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 for-
6 ests and forest preservation, arrest all violators thereof,
7 prosecute all offenses against the same, and in this con-
8 nection shall have the same power to serve criminal proc-
9 esses against such offenders and shall be allowed the same
10 fee as a sheriff, or his deputy, for like services, and shall
11 have and enjoy the same right as a sheriff to require aid in
12 executing the duties of his office. Said chief forest fire
13 wardens shall perform such other duties, at such times, and

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

Sect. 6. Whenever a fire occurs on, or is likely to do dam-
2 age to forest lands within the district of any chief forest fire
3 warden, he shall take immediate action to control and ex-
4 tinguish 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

12 of such fire. Until the arrival of the chief warden at the
13 place of fire, the deputy warden shall be in charge of the
14 control and extinguishment of the same. For the purpose
15 of controlling and extinguishing fires as aforesaid, chief
16 forest fire wardens, and deputy forest fire wardens, when
17 in charge of the control and extinguishment of forest fires
18 or when so directed by the chief warden, may summon to
19 their assistance any person found within the state and each
20 person so summoned and assisting shall be paid twenty cents
21 for each hour of service rendered by him and be provided
22 with subsistence during such service. Immediately after the
23 extinguishment 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-
plete, incorrect, or insufficient in form.

Sect. 7. The expense 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
6 or 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
11 exact 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
15 said deputy forest fire warden; said bill shall be audited,
16 and if approved by the assessors of the plantation, selectmen
17 of the town or mayor of the city wherein such services were
18 incurred, shall be paid on the order of the assessors by the
19 plantation, selectmen by the town or city treasurer. A du-
20 plicate bill, showing that the same has been audited and
21 paid by the town, shall be filed by the assessors, selectmen
22 or the mayor with the forest commissioner, who shall draw
23 his 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. Between the first day of April and the first day
2 of 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. 9. Fires kindled by throwing down a lighted match, 2 cigar, or other burning substance, shall be deemed within 3 the provisions of sections eight and nine, and every person 4 violating any provision of said sections shall be fined not 5 more than two hundred dollars, or imprisoned not more 6 than sixty days, or both.

Sect. 10. 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 4 act of violating any of the laws for the protection of forest 5 lands, and bring such person or persons forthwith before 6 a justice of the peace or other justice having jurisdiction, 7 who shall proceed without delay to dispose of the matter as 8 justice may require.

Sect. 11. 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 in addition to 4 other penalties.

Sect. 12. If any chief forest fire warden or deputy forest 2 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 so 7 recovered shall be paid into the state treasury.

Sect. 13. 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 the
4 chief forest fire warden or deputy forest fire warden or
5 official in charge of forest protection, and failure so to do
6 shall be punished by a forfeiture not exceeding ten dollars,
7 to be recovered upon the complaint of the warden.

Sect. 14. All moneys received from fines imposed under
2 and by virtue of the provisions of this act shall be paid to
3 the State treasurer and kept by him as a separate fund, to
4 be paid out by him upon the requisition of the forest com-
5 missioner, for use in connection with the prevention and
6 suppression of forest fires.

Sect. 15. The forest commissioner may call annual con-
2 ferences of the forest fire wardens and other employees
3 of the Forestry Department in different sections of the
4 state for the purpose of improving the service. Not more
5 than ten such meetings shall be held within one fiscal year
6 and not more than one meeting shall be held for the war-
7 dens of any one section within one fiscal year. Those sum-
8 moned by the forest commissioner shall be allowed their
9 traveling expenses in attending such conferences. He may
10 secure the attendance at such conferences of expert for-
11 esters from without the state, the said experts to be paid
12 their necessary traveling expenses.

Sect. 16. 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
8 hundred dollars, in addition to the salary as now provided
9 by law.

Sect. 17. All acts and parts of acts which are inconsistent
2 with this act are hereby repealed.

Sect. 18. This act shall take effect when approved.