

MAINE STATE LEGISLATURE

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NEW DRAFT.

SEVENTY-NINTH LEGISLATURE

HOUSE

NO. 107

House of Representatives, Feb. 6, 1919.

Reported by Mr. Cunningham from Committee on State Lands and Forest Preservation and ordered printed under joint rules.

CLYDE R. CHAPMAN, Clerk.

AN ACT to amend sections fifty-three, fifty-four, and fifty-five of chapter eight of the Revised Statutes requiring a permit for the burning of brush or slash near woodlands and providing for the better enforcement of the "Slash Law."

STATE OF MAINE

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

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

Section 1. Section 53 of chapter 8 of the revised statutes
2 is hereby amended by adding to said section the following
3 provision: 'Provided however that a written permit from the
4 forestry department shall be required for the burning of
5 brush or slash or for a chopping in or near woodlands ex-
6 cept when the ground is covered with snow. Such permit,
7 within the limits of the Maine forestry district may be
8 signed by the forest commissioner or his deputy or by a

9 chief warden in the county where the land is located. Out-
10 side the limits of the forestry district such permit shall be
11 signed by the forest commissioner or deputy forest commis-
12 sioner, or such persons as the forest commissioner designates
13 in any town to issue such permit. Whoever violates any of
14 the provisions of this section shall on conviction thereof be
15 punished by a fine of fifty dollars, one-half of which when
16 collected, shall be payable to the complainant,' so that said
17 section, as amended, shall read as follows:

‘Sect. 53. Any person, firm, corporation or agent, cutting
2 any forest growth on property adjacent to the right of way
3 of any railroad or highway within the state, shall leave the
4 growth uncut on the land within fifty feet of the limit of the
5 right of way of a railroad or center of the wrought portion
6 of any plantation, town, city, county or state road; or shall
7 dispose of slash and debris caused by cutting in such a man-
8 ner that inflammable material shall not remain on the ground
9 within fifty feet of the limit of the wrought portion of any
10 plantation, town, city, county or state road. Provided
11 however that a written permit from the forestry department
12 shall be required for the burning of brush or slash or for a
13 chopping in or near woodlands except when the ground is
14 covered with snow. Such permit, within the limits of the
15 Maine forestry district may be signed by the forest commis-
16 sioner or his deputy or by a chief warden in the county
17 where the land is located. Outside the limits of the forestry
18 district such permit shall be signed by the forest commis-

19 sioner or deputy forest commissioner. Whoever violates
20 any of the provisions of this section shall on conviction
21 thereof be punished by a fine of fifty dollars, one-half of
22 which, when collected, shall be payable to the complainant.'

Sect. 2. Section 54 of chapter 8 of the revised statutes
2 is hereby amended by adding to said section the following
3 provision, 'Whenever slash and debris or inflammable ma-
4 terial are found on the ground, having accumulated as the
5 result of the construction of railroads or work on highways,
6 telegraph or telephone lines contrary to the terms of this
7 section the person responsible therefor, or his employer
8 whether individual, firm or corporation, shall be punished by
9 a fine of fifty dollars,' so that said section, as amended shall
10 read as follows :

'Sect. 54. Slash and debris accumulating by the construc-
2 tion of railroads or the construction and maintenance of
3 highways or telegraph or telephone lines, shall be disposed
4 of in such a manner that the inflammable material shall not
5 be left on the ground. Whenever slash and debris or in-
6 flammable material are found on the ground, having ac-
7 cumulated as the result of work on railroads, highways,
8 telephone or telegraph lines contrary to the terms of this
9 section, the person responsible therefor, or his employer,
10 whether individual, firm or corporation, shall be punished by
11 a fine of fifty dollars.'

Sect. 3. Section 55 of chapter 8 of the revised statutes is
2 hereby amended by inserting in line fifteen of said section

3 the following: 'This remedy shall be additional to the
4 penalty provided in said sections,' so that said section as
5 amended, shall read as follows:

'Sect. 55. When any person, firm or corporation or agent
2 shall have failed to dispose of slash and debris as provided
3 by the two preceding sections, the forest commissioner shall
4 cause such slash and debris to be so disposed of. He shall
5 pay the expense of so disposing of such slash and debris
6 from any funds at his disposal, legally applicable to such
7 purpose; and he or his successor in office shall be entitled
8 to recover double the amount of such expenditures in an
9 action of debt, to be prosecuted by the attorney general in
10 the supreme judicial court in the county of Kennebec,
11 against the person, firm, corporation or agent whose duty
12 it was to dispose of such slash or debris; and there shall
13 be a lien on the land on which the cutting of the forest
14 growth took place, to secure any judgment recovered in
15 such action, to be enforced by attachment in said action,
16 made within six months after such expenditures were made.
17 This remedy shall be additional to the penalty provided in
18 said sections. Provided, however, that any person, firm,
19 corporation or agent cutting wood or timber during the
20 winter, after November first, shall have until May first fol-
21 lowing in the Maine forestry district, and until April first
22 in the remainder of the state, to remove such slash and de-
23bris. If such slash and debris are destroyed by burning,
24 such burning shall be done with the permission of the forest
25 commissioner.'