

MAINE STATE LEGISLATURE

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NEW DRAFT A.

SEVENTY-NINTH LEGISLATURE

HOUSE

NO. 257

House of Representatives, February 26, 1919.

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

CLYDE R. CHAPMAN, Clerk.

STATE OF MAINE

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

AN ACT to Amend Section 53, 54 and 55 of Chapter 8 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."

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

Section 1. Section fifty-three of chapter eight of the re-
2 vised statutes is hereby amended by adding to said sec-
3 tion, the following provision: 'Provided however that
4 consent and direction in writing from the Forestry De-
5 partment shall be required for the burning of brush or
6 slash or for a chopping in or near such woodlands except
7 when the ground is covered with snow. Such permit may

8 be signed by the forest commissioner, his deputy, a chief
9 forest fire warden, or the municipal officers of the town
10 in the county where the land is located. Whoever violates
11 any provisions of this section shall on conviction thereof
12 be punished by a fine of fifty dollars,' so that said section,
13 as amended, shall read as follows:

'Sect. 53. Any person, firm, corporation or agent, cut-
2 ting any forest growth on property adjacent to the right
3 of way of any railroad or highway within the state, shall
4 leave the growth uncut on the land within fifty feet of the
5 limit of the right of way of a railroad or center of the
6 wrought portion of any plantation, town, city, county or
7 state road; or shall dispose of slash and debris caused by
8 cutting in such a manner that inflammable material shall
9 not remain on the ground within fifty feet of the limit of
10 the right of way of a railroad or center of the wrought
11 portion of any plantation, town, city, county or state road.
12 Provided however that consent and direction in writing
13 from the Forestry Department shall be required for the
14 burning of brush or slash or for a chopping in or near
15 such woodland except when the ground is covered with
16 snow. Such permit may be signed by the forest commis-
17 sioner, his deputy, a chief forest fire warden, or the mu-
18 nicipal officer of the town in the county where the land
19 is located. Whoever violates any of the provisions of this
20 section shall on conviction thereof be punished by a fine
21 of fifty dollars.

Sect. 2. Section fifty-four of chapter eight of the revised statutes is hereby amended by striking out the whole of said section and inserting in place thereof the following:

‘Sect. 54. Slash and debris accumulating by the construction and maintenance of railroads, highways, power company, telegraph or telephone lines, shall be disposed of in such a manner that inflammable material shall not be left on the ground. Whenever slash and debris or inflammable material are found on the ground having accumulated as the result of the construction and maintenance of railroads, highways, power company, telegraph or telephone lines, contrary to the terms of this section the person responsible therefor, or his employer, whether individual, firm, or corporation, shall be punished by a fine of fifty dollars.’

Sect. 3. Section fifty-five of chapter eight of the revised statutes is hereby amended by striking out the whole of that section and inserting in place thereof the following:

‘Sect. 55. When any person, firm or corporation, or agent, shall have failed to dispose of slash and debris as provided by the two preceding sections, the forest commissioner shall notify the owner of the land of the requirement of this statute, and if such owner, within a reasonable time, shall fail to destroy or remove such slash or debris, such commissioner shall cause such slash and debris to be so disposed of. He shall pay the expense of so disposing of such slash and debris from any funds at his disposal, legal-

10 ly applicable to such purpose; and he or his successor in
11 office shall be entitled to recover the amount of such ex-
12 penditures in an action of debt, to be prosecuted by the
13 Attorney General in the Supreme Judicial Court in the
14 county where the land lies, against the person, firm, cor-
15 poration, or agent, whose duty it was to dispose of such
16 slash or debris; and there shall be a lien on the land on
17 which the cutting of forest growth took place, to secure
18 any judgment recovered in such action, to be enforced by
19 attachment in said section, made within six months after
20 such expenditures were made. The sum recovered and col-
21 lected in such action shall be returned to and become a
22 part of the fund from which the expenditures were made.
23 This remedy shall be additional to the penalty provided in
24 said sections.