

# MAINE STATE LEGISLATURE

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**Legislative Document**

**No. 890**

S. P. 317

In Senate, February 15, 1945.

Taken from table on motion of Senator Noyes of Hancock and on further motion by Senator Noyes of Hancock referred to Committee on Judiciary. Sent down for concurrence and ordered printed.

ROYDEN V. BROWN, Secretary.

Presented by Senator Noyes of Hancock.

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**STATE OF MAINE**

IN THE YEAR OF OUR LORD NINETEEN HUNDRED  
FORTY-FIVE

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**AN ACT to Aid Towns in Controlling Forest Fires.**

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

**R. S., c. 85, § 58, repealed and replaced.** Section 58 of chapter 85 of the revised statutes is hereby repealed and the following enacted in place thereof:

‘Sec. 58. Forest fire wardens; duties; compensation; penalty for refusal to assist; damages in case of neglect of wardens; reimbursement. The selectmen of towns shall appoint annually a forest fire warden therein, who may be one of their board and who shall be approved by the forest commissioner. Such forest fire warden may appoint one or more deputy forest fire wardens to act and cooperate with the forest commissioner in the extinguishment of forest fires. Such selectmen shall furnish the name of such forest fire warden to the office of the state forest commissioner on or before a date 2 weeks subsequent to the annual town meeting.

The services of the forest fire wardens and the deputies named by them shall be paid for at the same rate as others within the town performing similar duties. Whenever a fire is discovered, such forest fire wardens or their deputies shall take such measures as may be necessary for its control and extinguishment. For this purpose they may call upon any persons

in the town for assistance, and such persons shall receive such compensation as such forest fire wardens may determine, not exceeding the prevailing wages paid by the town, and they shall be provided with subsistence during such services, the same to be paid by the town; provided that no town shall be holden to pay for extinguishing forest fires in any year an amount greater than 1% upon its valuation for purposes of taxation, and if a greater amount is expended, the town shall be reimbursed by the state to the extent of the excess. If any person so ordered to assist, and not excused from service by such forest fire wardens or their deputies on account of sickness, disability, or some important business or engagement, shall neglect to comply with such order, he shall forfeit the sum of \$10, to be recovered in an action of debt in the name and to the use of the town, by the treasurer thereof. If any person shall suffer damage from fire in consequence of the negligence or neglect of the forest fire wardens or their deputies of any town to perform the duties required by this section, such person shall have an action on the case to recover from the town where the fire occurs to the amount of his damages so sustained not to exceed 1% of the valuation of such town. This section shall also apply to cities. The chief engineers of the fire departments of cities shall be the forest fire wardens and shall have the same powers and duties in carrying out the provisions hereof as forest fire wardens of towns. In carrying out the provisions of this section, the state shall reimburse the towns and cities  $\frac{1}{2}$  of the suppression costs incurred by the forest fire wardens therein, upon approval of the forest commissioner.

There is hereby appropriated from the general fund the sum of \$25,000 for the fiscal year ending June 30, 1946, and the sum of \$25,000 for the fiscal year ending June 30, 1947, to carry out the provisions of this section. Any unexpended balances shall remain as a continuing carrying account to carry out the purposes of this section.'