

# MAINE STATE LEGISLATURE

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NEW DRAFT OF S. P. 410, L. D. 1163

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NINETY - THIRD LEGISLATURE

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Legislative Document

No. 1423

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S. P. 522

In Senate, April 17, 1947.

Reported as Report A and laid on the table to be printed under joint rules.

CHESTER T. WINSLOW, Secretary.

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STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED  
FORTY-SEVEN

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AN ACT Creating a State Forest Commission.

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

Sec. 1. R. S., c. 32, § 1, repealed and replaced. Section 1 of chapter 32 of the revised statutes, as amended by chapter 372 of the public laws of 1945, is hereby repealed and the following enacted in place thereof :

'Sec. 1. State forest commission; appointment. A state forest commission, hereinafter in this chapter called "the commission", is hereby established and shall be composed of 5 members to be appointed by the governor with the advice and consent of the council. The commission shall consist of 2 persons who represent forest land ownership in the Maine forestry district, 1 person who represents farm forest ownership outside of the Maine forestry district, 1 person who represents manufacturers of forest products and 1 person to represent the public interest. The initial appointments shall designate 1 member for a term of 1 year, 1 member for a term of 2 years, 1 member for a term of 3 years, 1 member for a term of 4 years, and 1 member for a term of 5 years. The term of all subsequent appointive members of the commission shall be 5 years and until their successors have been appointed and qualified. Any vacancy shall be filled by appointment for the unexpired portion of the term. The commission shall choose its own chairman.

The commission shall meet monthly and shall hold special meetings whenever necessary. The members of the commission shall each receive \$10 per day for the time actually spent and their necessary expenses incurred in the discharge of their duties.'

Sec. 2. R. S., c. 32, § 1-A, additional. Chapter 32 of the revised statutes is hereby amended by adding thereto a new section to be numbered 1-A, to read as follows:

'Sec. 1-A. State forester; appointment; salary. The commission shall appoint a state forester who is a qualified graduate of a recognized forestry school and who has adequate experience to handle the forestry problems of the state of Maine. He shall hold office subject to the approval of the commission and shall receive such salary as the commission may determine. He shall, under the direction and control of the commission, administer the conservation of the forests of the state.'

Sec. 3. R. S., c. 32, § 2, amended. Section 2 of chapter 32 of the revised statutes is hereby amended to read as follows:

'Sec. 2. To receive moneys arising from sale of lands and shall pay same to treasurer of state; employment of clerks. The ~~commissioner~~ **commission** shall receive all moneys and securities accruing to the state from the sale of lands, timber and grass, on in payment for timber or grass cut by trespassers, and shall pay to the treasurer of state all moneys so received and found due from ~~him~~ it on settlement. All securities shall be made payable to said treasurer. He shall ~~personally attend to the duties of his office, so far as practicable; no commission shall be allowed him for his disbursements or collections, and nothing shall be allowed him for traveling expenses from his home to the forest commissioner's office, unless on official business, nor for transportation of the official records, unless money is paid out specifically therefor.~~ All persons employed by ~~him~~ the state forester shall be sworn to the faithful discharge of their duties, and they shall not be concerned directly or indirectly in the purchase of lands, or of timber or grass on lands belonging to the state. He may employ such clerical labor as may be necessary, subject to the provisions of the personnel law.'

Sec. 4. R. S., c. 32, § 3, amended. Section 3 of chapter 32 of the revised statutes is hereby amended to read as follows:

'Sec. 3. Supervision and control of certain state lands. All lands owned by the state, the management and control of which is not otherwise provided for by law, shall be under the supervision and control of the com-

mission, and shall be administered by the ~~commissioner~~ **state forester**; and he shall have full power in the control and management of the same. The ~~commissioner~~ **state forester** shall, as soon as may be, have all such lands properly described and appraised. Whenever the ~~commissioner~~ **state forester** shall receive an application for purchase of any of such lands, he shall have the lands covered by such application appraised, and shall report to the legislature at its next session the fact of such application and a description and appraisal report covering the lands on which the application is received. The ~~commissioner~~ **state forester** may make recommendations to the legislature for the sale of lands or stumpage on which no applications for purchase have been received.

The ~~commissioner~~ **state forester** shall, after approval by the legislature, sell and convey any such lands, but shall, in all cases, unless otherwise directed by the legislature, give public notice of the proposal to sell such lands and shall ask for competitive bids and shall sell to the highest bidder with the right to reject all bids.

The ~~commissioner~~ **state forester** is authorized and directed to prosecute cases of trespass on any such lands while under his control and management. No sales of such lands or any stumpage thereon shall be made by the ~~commissioner~~ **state forester** except by authorization of the legislature.

Nothing in this section shall be held to repeal or modify any existing statutes authorizing the ~~commissioner~~ **state forester** to sell lands or rights in lands not included within the express provisions hereof.'

**Sec. 5. R. S., c. 32, § 4, amended.** Section 4 of chapter 32 of the revised statutes is hereby amended to read as follows:

'**Sec. 4. State forester to execute deeds.** The ~~commissioner~~ **state forester** shall execute deeds in behalf of the state, conveying lands which have been granted by the legislature or sold by lawful authority, as soon as the grantees have complied with the conditions of their respective grants.'

**Sec. 6. R. S., c. 32, § 5, amended.** Section 5 of chapter 32 of the revised statutes is hereby amended to read as follows:

'**Sec. 5. Certified copies of records of deeds in office of state forester recorded in registry of deeds, legal evidence.** A copy from the records in the office of the ~~commissioner~~ **state forester** of a deed from the state of the land of the state, or of a deed from the state and from the commonwealth of Massachusetts of the undivided lands of the state and of said commonwealth, or a deed from said commonwealth of the lands of said common-

wealth in Maine, certified by the ~~commissioner~~ **state forester** or other legal custodian of such records as a true copy thereof, may be filed and recorded in the registry of deeds in the county or registry district where the land lies, with the same effect as if the deed itself had been recorded, whether said deed shall or not have been acknowledged by the agent or other person making the same; and such record shall have all the force and effect of a record of deeds duly acknowledged, and certified copies thereof from such registry shall be evidence when the original would be.'

**Sec. 7. R. S., c. 32, § 6, amended.** Section 6 of chapter 32 of the revised statutes is hereby amended to read as follows:

'**Sec. 6. Plans and field notes to be kept at office.** An accurate plan or map of all lands surveyed shall be returned to the ~~commissioner's~~ **state forester's** office and entered upon the plan-books within 3 months after the survey is completed, on which shall be laid down all lakes, ponds, rivers, streams, falls, mill sites and roads. The field notes of such surveys shall be deposited in the ~~commissioner's~~ **state forester's** office within 3 months and shall contain a description of the growth, soil and general character of the township, and of every lot, if surveyed into lots. Said plans and field notes shall be kept at the office in Augusta, open for inspection at all times when the ~~commissioner~~ **state forester** or his deputy is there; he shall aid in furnishing information about the public lands to all who seek for it at his office.'

**Sec. 8. R. S., c. 32, § 7, amended.** Section 7 of chapter 32 of the revised statutes is hereby amended to read as follows:

'**Sec. 7. Duties of state forester in reference to preservation of forests; report; deputy state forester; tenure; compensation.** The ~~commissioner~~ **state forester** shall make a collection and classification of statistics relating to the forests and connected interests of the state, and institute an inquiry into the extent to which the forests of the state are being destroyed by fires and by wasteful cutting, and ascertain so far as he can as to the diminution of the wooded surface of the land upon the watersheds of the lakes, rivers and water powers of the state and the effect of such diminution upon the water powers and on the natural conditions of the climate. The information so gathered by him together with his suggestions relative thereto, shall be included in the report to be made by him biennially to the governor on or before the 1st day of July. The chief clerk to the ~~commissioner~~ **state forester** shall be deputy ~~forest commissioner~~ **state forester**. He shall hold office during the pleasure of the ~~commissioner~~ **state forester** and perform such duties as the latter may prescribe. ~~The~~

amount of \$700 of the salary of the deputy forest commissioner shall be paid from funds raised and created by the tax assessed under the provisions of section 74.'

**Sec. 9. R. S., c. 32, § 8, amended.** Section 8 of chapter 32 of the revised statutes is hereby amended to read as follows:

'**Sec. 8. Elementary instruction in forestry in public schools.** The ~~forest commissioner~~ **commission** shall take such measures as the commissioner of education and the president of the University of Maine may approve, for awakening an interest in behalf of forestry in the public schools, academies and colleges of the state and of imparting some degree of elementary instruction upon this subject therein.'

**Sec. 10. R. S., c. 32, § 9, amended.** Section 9 of chapter 32 of the revised statutes is hereby amended to read as follows:

'**Sec. 9. Copies of certain sections to be printed and distributed to forest fire wardens and posted; penalty for removing notices posted.** The ~~commissioner~~ **state forester**, at the expense of the state, may cause copies of such sections or parts of sections of this chapter as he may deem desirable, and all other laws of the state relating to forest fires, to be printed and freely distributed to the forest fire wardens of all the towns of the state, who shall post them up in schoolhouses, sawmills, logging camps and other places; and similar copies shall be furnished to owners of forest lands, who may apply for them, to be posted up at the expense of such owners. Whoever tears down, destroys or defaces any notice relative to protection against forest fires posted over the name and title of the ~~commissioner~~ **state forester**, or the name of any association organized for the protection of the forests of the state from fire, shall on conviction thereof be punished by a fine of not less than \$25, nor more than \$50.'

**Sec. 11. R. S., c. 32, § 10, amended.** Section 10 of chapter 32 of the revised statutes is hereby amended to read as follows:

'**Sec. 10. Acceptance of gifts to state of land for park and forest purposes.** The ~~commissioner~~ **commission** may, with the advice and consent of the governor and council, accept on the part of the state gifts of land for forest and park purposes. The title to lands acquired under the provisions of this section shall be investigated and approved by the attorney-general of the state.

The purpose of acquisition of land is declared to be the preservation of scenic beauty, facility for recreation as nearly unrestricted and general

as is practicable by the people of this state and those whom they admit to the privilege, and the production of timber for watershed protection and as a crop. The lands acquired within the limits described in this section shall never be sold. They shall be protected from fire and damage from other sources in an efficient and economical way. They may be improved by roads and trails and also reforested under direction of the ~~commissioner~~ **state forester** according to his best knowledge and judgment when funds are available for that purpose. Timber may be sold and camp sites leased by the ~~commissioner~~ **state forester** with the approval of the ~~governor and council~~ **commission** when in accordance with the purposes of this section as previously stated; no contract of either character to be for a term of more than 5 years. Revenues derived from these uses shall be paid to the treasurer of state by the said ~~commissioner~~ **state forester** and constitute a fund to be applied to the care and improvement of these lands or to the acquisition of other lands for similar purposes.'

**Sec. 12. R. S., c. 32, § 11, amended.** Section 11 of chapter 32 of the revised statutes is hereby amended to read as follows :

'**Sec. 11. State forester authorized to sell, and grant rights to cut timber; may lease camp sites; preference to Maine citizens.** The ~~commissioner~~ **state forester**, under direction of the ~~governor and council~~ **commission**, shall sell at public or private sale and grant rights to cut timber and grass belonging to the state, and may lease camp sites on lands belonging to the state, on such terms as they direct; also the right to cut timber and grass and lease camp sites on public reserved lots in any township or tract of land until the same is incorporated. Preference in such sales or leases shall be given to citizens of this state.'

**Sec. 13. R. S., c. 32, § 12, amended.** Section 12 of chapter 32 of the revised statutes is hereby amended to read as follows :

'**Sec. 12. State forester may grant permits; bond; timber held for payment.** The ~~commissioner~~ **state forester** may grant permits to individuals to cut and haul timber of all kinds upon lands owned by the state, on such terms and conditions as he thinks proper. Persons obtaining such permits shall give bond to the ~~commissioner~~ **state forester** with satisfactory sureties for payment of stumpage and the performance of all conditions of the permit. All timber cut under permits is the property of the state until the stumpage is paid in full.'

**Sec. 14. R. S., c. 32, § 13, amended.** Section 13 of chapter 32 of the revised statutes is hereby amended to read as follows :

**Sec. 13. Surveyors, their appointment, oath, and duty.** Surveyors or scalers shall be appointed by the ~~commissioner~~ **state forester**, and sworn; they shall scale all timber cut under permits, superintend the cutting thereof, and make return to the ~~commissioner~~ **state forester** of the number and quality of the logs cut, whether hauled or not, and the number of feet board measure, and shall see that the timber is cut clean and without strip or waste.'

**Sec. 15. R. S., c. 32, § 14, amended.** Section 14 of chapter 32 of the revised statutes is hereby amended to read as follows:

**Sec. 14. Report of commission.** The ~~commissioner~~ **commission** shall on the 1st day of July biennially report to the governor a particular account of all the doings of ~~his~~ **its** office for the 2 preceding years.'

**Sec. 16. R. S., c. 32, § 15, amended.** Section 15 of chapter 32 of the revised statutes is hereby amended to read as follows:

**Sec. 15. Appointment of state entomologist.** The ~~commissioner~~ **state forester** shall appoint, subject to the provisions of the personnel law, a trained entomologist to be known as the state entomologist.'

**Sec. 17. R. S., c. 32, § 23, amended.** The 1st sentence of section 23 of chapter 32 of the revised statutes is hereby amended to read as follows:

'The Maine state park commission, as heretofore established, shall consist of 5 members, namely, the commissioner of inland fisheries and game and the ~~forest commissioner~~ **state forester**, ex officio, and 3 citizen members.'

**Sec. 18. R. S., c. 32, § 24, amended.** Section 24 of chapter 32 of the revised statutes is hereby amended to read as follows:

**Sec. 24. Restrictions on commission.** The powers and duties of the Maine state park commission as set forth in sections 22 to 28, inclusive, shall not be so construed as to interfere or conflict in any way with the powers and duties of the United States and its national park areas under national control, Baxter State Park, department of inland fisheries and game or the forestry ~~department~~ **commission** and ~~their~~ **its** duly appointed wardens, and the enforcement of the inland fisheries and game and forestry laws in respect to state parks or to the state generally.'

**Sec. 19. R. S., c. 32, § 31, amended.** Section 31 of chapter 32 of the revised statutes, as amended by section 1 of chapter 130 of the public laws



of 1945, is hereby amended so that the 1st sentence thereof shall read as follows :

'All the lands in townships 3, 4, and 5, range 9 W. E. L. S. and in townships 3, 4, and 5, range 10 W. E. L. S., Piscataquis county, that have been donated and conveyed to the state of Maine in trust by Percival Proctor Baxter and all lands in said townships 3, 4, and 5, range 9 and in townships 3, 4, and 5, range 10 and all lands in Piscataquis and Penobscot counties that hereafter shall be donated and conveyed to the said state by said Baxter in trust for state forest, public park, and public recreational purposes shall be under the joint supervision and control of, and shall be administered by the ~~forest commissioner~~ **state forester**, the commissioner of inland fisheries and game, and the attorney-general, and the said **state forester and** commissioners and attorney-general shall have full power in the control and management of the same.'

**Sec. 20. R. S., c. 32, § 33, amended.** The 2nd and 3rd sentences of section 33 of chapter 32 of the revised statutes are hereby amended to read as follows :

'In townships or tracts sold and not incorporated, the public reserved lots may be selected and located by the ~~commissioner~~ **commission** and the proprietors, by a written agreement, describing the reserved lands by metes and bounds, signed by said parties, and recorded in the ~~forest commissioner's~~ **commission's** office. The plan or outline of the lands so selected shall be entered on the plan of the township or tract in the ~~forest commissioner's~~ **commission's** office, which shall be a sufficient location thereof.'

**Sec. 21. R. S., c. 32, § 34, amended.** Section 34 of chapter 32 of the revised statutes is hereby amended to read as follows :

'**Sec. 34. Location without agreement.** When the ~~commissioner~~ **commission** and proprietors of a township or tract described in the preceding section cannot agree on such location and if the right to cut the timber and grass thereon has not been sold and until the township or tract is incorporated as a town or organized as a plantation, the ~~commissioner~~ **commission** may petition the superior court for the appointment of commissioners to make the location as hereinafter provided. The petition may be filed, and the proceedings under it had in any county.'

**Sec. 22. R. S., c. 32, § 35, amended.** Section 35 of chapter 32 of the revised statutes is hereby amended to read as follows :

'**Sec. 35. Commission to have care of lots located; may sell timber, grass, and gravel on such lots and grant permits; exceptions.** The ~~com-~~

~~missioner~~ **commission** shall have the care of the public reserved lots in all townships or tracts until they are incorporated and the fee becomes vested in the town. ~~He~~ **It** may from time to time sell for cash for such sum as may be consented to by the assessors of any plantation or by the county commissioners in the county in which any unorganized territory is situated, the timber and grass thereon, or the right to cut the same, and also any gravel existing in the soil of such lands, and excepting further that such gravel shall be sold only for the construction of public highways or other public works in the vicinity of the location of the land from which the gravel is taken, and then only when, in the opinion of the ~~commissioner~~ **commission**, there will be an increase in the value of said lands by reason of the construction of said public highways or public works. Until incorporated into a town, except the grass growing on improvements made by an actual settler, and excepting further that when so sold ~~he~~ **it** shall give the purchaser a permit under ~~his~~ **its** hand and seal, setting forth the terms of the contract, which permit shall be recorded in ~~his~~ **its** office; provided, however, that no timber shall be so sold until the same has been advertised for sale and a notice thereof published for 3 weeks successively in some newspaper published in the county where the land is situated, and if no such paper is published in such county then in the state paper. This section shall not apply to cases where the public reserved lots have not been located.'

**Sec. 23. R. S., c. 32, § 36, amended.** Section 36 of chapter 32 of the revised statutes is hereby amended to read as follows:

'**Sec. 36. Commission to keep an account with lots.** The ~~commissioner~~ **commission** shall keep an account with each township and tract wherein there are public reserved lots, in which shall be entered all expenditures made on account thereof and all sums received therefrom. In making deposits with the treasurer of state, ~~he~~ **it** shall specify each township and tract from which such deposits were received.'

**Sec. 24. R. S., c. 32, § 40, amended.** Section 40 of chapter 32 of the revised statutes is hereby amended to read as follows:

'**Sec. 40. When school lands revert to state, commission to exercise control of lands and fund.** When the incorporation of a town is repealed, the care and custody of the school lands therein revert to the ~~commissioner~~ **commission** and ~~he~~ **it** has the same powers in relation thereto which ~~he~~ **it** would have if such town had never been incorporated; and the school funds of such town shall be collected and transmitted to the treasurer of state and by him made a part of the permanent school fund belonging to such

township or tract. The ~~commissioner~~ **commission** is charged with the duty of enforcing the provisions of this section, and is authorized to commence and maintain suits in the name of the state for this purpose.'

**Sec. 25. R. S., c. 32, § 41, amended.** Section 41 of chapter 32 of the revised statutes is hereby amended to read as follows:

**'Sec. 41. Locations of land where portions are reserved on grant, how made.** When in the grant of townships or parts thereof, certain portions of them are reserved for such townships, or for public uses, and they have not been lawfully located in severalty by the grantee for the purposes expressed in the grant, the superior court in the county where the land lies, on application of the ~~commissioner~~ **commission**, may appoint 3 disinterested persons, and issue to them a warrant, under the seal of the court, requiring them, as soon as may be, to locate in separate lots the portions reserved for such purposes and to designate the use for which each lot is so reserved and located, such lots to be of average quality with the residue of lands therein.'

**Sec. 26. R. S., c. 32, § 46, amended.** Section 46 of chapter 32 of the revised statutes is hereby amended to read as follows:

**'Sec. 46. Trespasses, prosecutions for them; measure of damages.** If any person unlawfully enters and trespasses upon the public lands, or upon any public reserved lots, while under care of the ~~commissioner~~ **state forester**, and cuts, takes, or carries away any trees or grass upon said lands, he and all persons who furnish teams, implements, apparatus, or supplies of provisions or of other articles used in committing and carrying on such trespasses, are trespassers, jointly and severally liable in damages for such trespasses, and they may be sued therefor in any county. The measure of damages is the highest price which such timber, logs, or other lumber, or hay would bring at the usual place of sale thereof. Nothing in this section affects the right of the state to seize and sell any timber, logs, lumber, or hay cut as aforesaid. At such sale no person who was in any way concerned in committing such trespass, or in supplying or aiding those who committed it, shall become a purchaser directly or indirectly.'

**Sec. 27. R. S., c. 32, § 50, amended.** Section 50 of chapter 32 of the revised statutes is hereby amended to read as follows:

**'Sec. 50. State forester to issue circulars of advice for care of woodlands; may maintain forest nurseries and furnish seedlings.** The ~~commissioner~~ **state forester** shall prepare tracts or circulars of information, giving plain and concise advice for the care of woodlands and for the preservation

of forest growth. These publications shall be furnished to any citizen of the state upon application. He may also establish within the state one or more forest nurseries, the maintenance of which shall be paid from the appropriation for that purpose, the object of which is declared to be to furnish forest tree seedlings and transplants at cost of production for use in planting the waste and cut over lands of the state.'

**Sec. 28. R. S., c. 32, § 52, amended.** The 1st paragraph of section 52 of chapter 32 of the revised statutes is hereby amended to read as follows:

'The ~~commissioner~~ **state forester**, state entomologist, and a botanist to be appointed by the ~~commissioner~~ **state forester**, shall constitute a board which shall, upon application from any person, firm, or corporation, determine the qualifications of the applicant to improve, protect, or preserve shade, ornamental, or forest trees, and if satisfied that the applicant is qualified, may issue a certificate so stating; which certificate shall be valid for 1 year from the date of its issue, unless sooner revoked as provided in this section, and may be renewed by the board for succeeding years without further examination, upon payment of the fee hereinafter required, provided any person, firm, or corporation receiving such certificate shall be responsible for the acts of all employees in the performance of such work.'

**Sec. 29. R. S., c. 32, § 54, amended.** Section 54 of chapter 32 of the revised statutes is hereby amended to read as follows:

'**Sec. 54. State forester to promulgate information and to designate areas where control is necessary.** The ~~commissioner~~ **state forester** is authorized and empowered to promulgate by letter, publication, poster, or other means information concerning the white pine blister rust and to designate, by the aforesaid means of promulgation, areas within the state in which control measures are necessary or advisable. It shall be the duty of every land owner within such designated area to carry out such control measures as are ordered by the ~~commissioner~~ **state forester**, including the removal and destruction of any or all plants of the genus ribes, commonly known as currants and gooseberries, and any white pine tree or trees which are found to be infected with the disease. If the owner fails to destroy the above named plants or trees within the time specified by the ~~commissioner~~ **state forester**, the ~~commissioner~~ **state forester** shall cause said plants or trees to be destroyed and shall charge the actual expense of same to the city, town, or plantation within which said plants or trees are found. Such amount shall be collected as a state tax and credited to the appropriation for said purpose. The city, town, or plantation wherein such plants or trees are found may assess the cost of the removal of said plants or trees

to the owner of the real estate wherein the said plants or trees are found. The amount so assessed shall be collected in the form of a tax.'

**Sec. 30. R. S., c. 32, § 55, amended.** Section 55 of chapter 32 of the revised statutes is hereby amended to read as follows:

**'Sec. 55. State forester or agents authorized to enter upon lands, private or public; cooperation.** The ~~commissioner~~ **state forester** or his authorized agents shall have the right to enter upon any private or public lands to determine the presence or absence of the white pine blister rust in any of its stages, and to carry out the necessary eradication measures. The ~~commissioner~~ **state forester** may cooperate with departments of the federal government, the state department of agriculture, and the agricultural experiment station for the control or eradication of said disease in the state and for the carrying out of such investigations as he deems advisable.'

**Sec. 31. R. S., c. 32, § 56, amended.** Section 56 of chapter 32 of the revised statutes is hereby amended to read as follows:

**'Sec. 56. Diseased trees and shrubs to be destroyed; owners to be reimbursed when same are proved not to have been infected.** Any white pine trees or currant or gooseberry bushes which are found to be infected with *cronartium ribicola* are declared to be a public menace, and any such diseased trees or plants and any and all wild plants of the genus *ribes* may be destroyed by order of the ~~commissioner~~ **state forester** or his authorized agents. If within any designated area as specified in section 54, currant or gooseberry bushes or white pine trees which are not infected with *cronartium ribicola* are designated by the ~~commissioner~~ **state forester** or his agents for destruction and destroyed by their specific order, the owner may be compensated therefor; the damages to be assessed by the ~~commissioner~~ **state forester** or his agents at not to exceed the actual value of the material destroyed, and paid to said owner by the treasurer of state upon authorization of the ~~commissioner~~ **state forester**. In lieu of money damages for any trees or bushes destroyed under the provisions of sections 53 to 58, the ~~commissioner~~ **state forester** may offer and the owner may accept forest planting stock to be furnished from the state forest nursery, and to be paid for at cost by the ~~commissioner~~ **state forester**.'

**Sec. 32. R. S., c. 32, § 57, amended.** Section 57 of chapter 32 of the revised statutes is hereby amended to read as follows:

**'Sec. 57. State nursery inspector under orders of state forester may enter upon lands; authority.** The state nursery inspector, under direction of the commissioner of agriculture, is authorized and empowered to enter

upon any land contiguous to or within the vicinity of any nursery within the state, for the purpose of determining the presence or absence of *crorantium ribicola* in any of its stages or other threatening fungous disease or insect pest, and within such area he shall have the same power and duties for control and eradication of the white pine blister rust or its hosts as are vested in the ~~forest commissioner~~ **state forester** or his agents, and shall have the power to enforce and carry out necessary measures for the control or eradication of other threatening fungous diseases or insect pests.'

**Sec. 33. R. S., c. 32, § 58, amended.** Section 58 of chapter 32 of the revised statutes is hereby amended to read as follows :

'**Sec. 58. Shipment may be prohibited; penalty for violation.** The ~~commissioner~~ **state forester** is authorized and empowered to prohibit and prevent or to regulate the entry into the state or movement within the state from any part thereof to any other part, of any living five-leaved pine trees or any plants of the genus *ribes*, or other nursery stock or plants, which in his judgment may cause the introduction or spread of a dangerous plant disease or insect pest. The said ~~commissioner~~ **state forester** authorized to issue such orders, notifications, and permits as may be necessary to carry out the provisions of this section, and any person violating any of the provisions of this and the preceding section shall be punished by a fine of not more than \$20 for each and every offense. The expenses necessary for carrying out the provisions of section 57 shall be paid from the appropriation for nursery inspection or other funds of the department of agriculture.'

**Sec. 34. R. S., c. 32, § 59, amended.** Section 59 of chapter 32 of the revised statutes is hereby amended to read as follows :

'**Sec. 59. Commission to maintain fire patrol along railroads.** Whenever in the judgment of the ~~commissioner~~ **state forester** the woodlands along the railroads traversing the forest lands of the state are in a dry and dangerous condition, he shall maintain a competent and efficient fire patrol along the right of way or lands of such railroads.'

**Sec. 35. R. S., c. 32, § 60, amended.** Section 60 of chapter 32 of the revised statutes is hereby amended to read as follows :

'**Sec. 60. Fires to be reported to commission.** All fires started upon the right of way of any railroad or lands adjacent thereto shall be immediately reported to the ~~commissioner~~ **state forester** upon blanks to be furnished by him, by the patrolman within whose limits the fire originated, setting forth the origin of such fire, the quantity and quality of the land

burned over, and, if the fire was started by a locomotive, the number thereof.'

**Sec. 36. R. S., c. 32, § 61, amended.** Section 61 of chapter 32 of the revised statutes is hereby amended to read as follows:

'**Sec. 61. Expense of fire patrol to be paid by railroad company.** The ~~commissioner~~ **state forester** shall keep, or cause to be kept, an account of the cost of maintaining such fire patrol along the line of such railroad, including therein the wages and expenses of the employees engaged in maintaining such fire patrol, and the total cost thereof shall be paid to the ~~commissioner~~ **state forester** by the railroad company along whose land or right of way such patrol is maintained, such payment to be made monthly or on the presentation of the bills therefor. All such funds received by said ~~commissioner~~ **state forester** shall be credited to the fund for the protection of the forests against fire from which it was drawn.'

**Sec. 37. R. S., c. 32, § 63, amended.** Section 63 of chapter 32 of the revised statutes is hereby amended to read as follows:

'**Sec. 63. Railroad companies to remove all inflammable material from right of way.** Every railroad company whose road passes through waste or forest lands shall during each year cut and burn off or remove from its right of way all grass, brush, or other inflammable material, but under proper care and at times when fires are not liable to spread beyond control; but no railroad employee shall build a fire to burn rubbish along the right of way through forest lands when forbidden to do so by the ~~commissioner~~ **state forester** or his wardens.'

**Sec. 38. R. S., c. 32, § 64, amended.** Section 64 of chapter 32 of the revised statutes is hereby amended to read as follows:

'**Sec. 64. Locomotives to be provided with spark arrestors.** All locomotives which shall be run through forest lands shall be provided with approved and efficient arrangements for preventing the escape of fire and sparks. The ~~commissioner~~ **commission** may petition the public utilities commission, setting forth that there is danger of fire to lands within the Maine forestry district from the operation of locomotives on any railroad; and said **public utilities** commission may, after notice and hearing thereon, make such orders and regulations relating to the equipment and operation of locomotives, during times of drought or danger of forest fires, as they deem necessary for the prevention of fires on said lands.'

**Sec. 39. R. S., c. 32, § 68, amended.** Section 68 of chapter 32 of the revised statutes is hereby amended to read as follows:

**Sec. 68. Debris and inflammable material caused by cutting forest growth adjacent to lands owned by another shall be disposed of; slash and debris caused by portable sawmills shall be disposed of; permit to be obtained for the burning of blueberry lands and grass lands adjacent to forest growth; penalty.** Any person, firm, corporation, or agent, cutting any forest growth on property adjacent to the right of way of any railroad or highway within the state, shall leave the growth uncut on the land within 50 feet of the limit of the right of way of a railroad or from the nearer side of the wrought portion of any plantation, town, city, county, or state road; or shall dispose of slash and debris caused by cutting in such a manner that inflammable material shall not remain on the ground within 50 feet of the limit of the right of way of a railroad or from the nearer side of the wrought portion of any plantation, town, city, county, or state road. Any person, firm, corporation, or agent cutting any forest growth on property adjacent to lands owned by another within the state outside the limits of the Maine forestry district or within the district adjacent to property outside and all such firms, persons, and corporations, who by themselves, their agents, servants, licensees, permittees, or lessees, operate or permit operation of portable sawmills on land which borders on land owned by another shall dispose of slash and debris caused by cutting in such a manner that inflammable material shall not remain on the ground within 50 feet of the property line, provided that the ~~commissioner~~ **state forester** on his own initiative or upon written complaint of another declares that the situation constitutes a fire hazard. Provided, however, that consent and direction in writing from the ~~forestry department~~ **state forester** shall be required for the burning of such brush or slash or for the burning of blueberry land and grass land adjacent to any forest growth except when the ground is covered with snow. The ~~commissioner~~ **state forester** shall cause to be furnished to all the chief forest fire wardens and to the municipal officers of all towns and organized plantations of the state, blank permits, signed by him, for the burning of brush or slash or for the burning of blueberry land and grass land adjacent to any forest growth. Any chief forest fire warden or the municipal officers of the town, in the county where the land is located, shall have full authority to countersign and grant such permits signed by the ~~commissioner~~ **state forester**. The ~~commissioner~~ **state forester** may, however, in any particular case called to ~~his~~ **its** attention, overrule the decision of the chief forest fire warden or the municipal officers, and himself grant the permit asked for or forbid the granting of the same. Also provided that such slash and debris, which is not burned in accordance with terms of this section, shall be so broadcast as to keep the hazard on the tract at a minimum.



Whoever violates any of the provisions of this section shall on conviction thereof be punished by a fine of \$50.'

**Sec. 40. R. S., c. 32, § 70, amended.** Section 70 of chapter 32 of the revised statutes is hereby amended to read as follows:

**'Sec. 70. State forester may dispose of slash and debris, and recover.** When any person, firm, corporation, or agent shall have failed to dispose of slash and debris as provided by the 2 preceding sections, the ~~commissioner~~ **state forester** 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~~ **state forester** 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 legally applicable to such purpose; and he or his successor in office shall be entitled to recover the amount of such expenditures in an action of debt, to be prosecuted by the attorney-general in the superior court in the county where the land lies, against the person, firm, corporation, or agent whose duty it was to dispose of such slash or debris; and there shall be a lien on the land on which the cutting of forest growth took place, to secure any judgment recovered in such action, to be enforced by attachment in said action, made within 6 months after such expenditures were made. The sum recovered and collected in such action shall be returned to and become a part of the fund from which the expenditures were made. This remedy shall be additional to the penalty provided in said sections.'

**Sec. 41. R. S., c. 32, § 72, amended.** Section 72 of chapter 32 of the revised statutes, as amended by chapter 49 of the public laws of 1945, is hereby further amended to read as follows:

**'Sec. 72. Portable sawmills to be licensed by state forester; disposition of license fees; penalty.** It shall be unlawful to erect a portable sawmill without first obtaining a license therefor from the ~~commissioner~~ **state forester**. Application shall be made upon blanks prepared by the ~~commissioner~~ **state forester** for this purpose. A proper record of all applications for licenses and all licenses issued shall be kept by the ~~commissioner~~ **state forester** at his office and shall be open to inspection of any person during reasonable business hours, and when said mill is located in towns, duplicate licenses sent municipal officers. The fee for such license shall be \$25, which shall be deposited at the time of making the application, and all licenses shall expire 1 year from the date of their issue. The ~~commissioner~~ **state forester** or forest fire wardens in towns may at any time suspend or

revoke any license for the violation of the slash laws; and he or they may suspend such license in times of drought as to any portable sawmill, the operation of which would create an extra fire hazard. Furthermore all portable sawmills shall be equipped with spark arrestors and all logging tractors operating in the woods shall equip their exhaust pipes with spark arrestors whenever in the judgment of the ~~forest commissioner~~ **state forester** it should be necessary due to fire hazard conditions. Upon application filed and recorded as aforesaid the ~~commissioner~~ **state forester** shall grant a permit to change the location of any portable sawmill. A change of ownership will not affect the licensing of a portable sawmill, but the new owner shall notify the ~~forest commissioner~~ **state forester** in writing of the transfer. Such mill shall not be operated until such transfer of registration has been approved by the ~~forest commissioner~~ **state forester**. All money accruing from the issuance of licenses as provided for in this section shall be added to and become a part of the fund for the purchase of lands and general forestry purposes. Whoever erects a portable sawmill without first obtaining a license from the ~~commissioner~~ **state forester** as provided in this section shall be punished by a fine of not more than \$500. Any portable sawmill so erected without a license shall be deemed a public nuisance without other proof than its use.'

**Sec. 42. R. S., c. 32, § 73, amended.** The last paragraph of section 73 of chapter 32 of the revised statutes is hereby amended to read as follows:

'Whenever it shall appear to the state tax assessor that any part of the unorganized territory of the state, including any areas previously incorporated but which have been deorganized by act of the legislature, is in need of fire protection, the state tax assessor with the approval of the ~~commissioner~~ **state forester** and the attorney-general may declare such territory to be a part of the Maine forestry district and include such territory in the list of lands filed with the treasurer of state in accordance with the provisions of section 75, and compute the tax on said included territory.'

**Sec. 43. R. S., c. 32, § 79, amended.** Section 79 of chapter 32 of the revised statutes is hereby amended to read as follows:

**'Sec. 79. Use of funds; when insufficient, payments from state treasury; audit of accounts.** The tax assessed by authority of section 74 shall be recorded on the books of the state in a separate account as a fund to be used to protect from fire the forests situated upon and within the district, and to pay expenses incidental thereto and for no other purpose, except that upon receipt of information from the ~~commissioner~~ **state forester** that there is in said fund a certain sum in excess of the amount necessary for the

protection of the forests in said district from fire, the governor and council may authorize the state controller to refund proportionately to the land owners paying the tax assessed as aforesaid, such sum or sums as shall be recommended by the ~~commissioner~~ **state forester**. If the tax assessed by authority of section 74 for any reason is not available for the purpose aforesaid or if said tax proves insufficient in any year to properly carry out said purpose, the governor and council may make available for said purposes from any moneys then in the treasury not otherwise appropriated, such sum or sums of money as they may deem necessary for such purpose. Annually on February 1st a petty cash advance of \$10,000 from the proceeds of said tax shall be made by the state controller to the ~~commissioner~~ **state forester** who shall set the same aside as an "Emergency Fire Fighting Fund" and who may expend therefrom for fire fighting purposes of an emergency nature. He shall make to the state controller accountings as necessary, but in any event monthly, of such expenditures and thereupon the state controller shall, upon audit, promptly reimburse therefor so that said petty cash advance shall be always available to the ~~commissioner~~ **state forester** as above provided. Except as above provided, the expenditures of forestry district funds shall be in accordance with the provisions of chapters 14, 15, and 16. The provisions of said chapters shall, however, not otherwise apply to said forestry district. The ~~commissioner~~ **state forester** may employ from time to time such clerks in his office as will enable him to carry out the provisions hereof and the compensation of such clerks shall be paid from the funds provided for the district.'

**Sec. 44. R. S., c. 32, § 80, amended.** Section 80 of chapter 32 of the revised statutes is hereby amended to read as follows:

**'Sec. 80. Prevention, control, and extinguishment of fires; lookout stations.** The ~~commissioner~~ **state forester** shall take measures for the prevention, control, and extinguishment of forest fires in said forestry district, and to this end he shall establish such subforestry districts as he may deem necessary for effective protection against loss or damage by fire. He may establish lookout stations connected by telephone and equip and maintain depots for necessary tools for the extinguishment of forest fires, and for the purposes mentioned in this section only may construct and maintain trails and roads, and may assume the maintenance, operation, and utilization of forest truck-trails built for the purpose of preventing and suppressing forest fires, hereafter constructed by the Civilian Conservation Corps or other agency of the United States government.'

**Sec. 45. R. S., c. 32, § 81, amended.** Section 81 of chapter 32 of the revised statutes is hereby amended to read as follows :

**'Sec. 81. Chief forest fire warden; deputy forest fire wardens; tenure.** The ~~commissioner~~ **state forester** shall appoint in and for each of the sub-forestry districts a chief forest fire warden and such number of deputy forest fire wardens as in his judgment may be required to carry out the provisions of sections 73 to 86, inclusive, assigning to each of the latter the territory over and within which he shall have jurisdiction. All chief and deputy forest fire wardens, so appointed, shall hold office during the pleasure of the ~~commissioner~~ **state forester**; they shall be sworn to the faithful discharge of their duties and a certificate thereof shall be returned to the office of the ~~commissioner~~ **state forester.**'

**Sec. 46. R. S., c. 32, § 82, amended.** Section 82 of chapter 32 of the revised statutes, as amended by section 1 of chapter 231 of the public laws of 1945, is hereby further amended to read as follows :

**'Sec. 82. Duties of fire wardens and deputy wardens; employment of assistants.** The chief forest fire wardens, under the direction of the ~~commissioner~~ **state forester**, shall have general supervision of their respective districts and of the deputy forest fire wardens therein. Each chief forest fire warden, when directed by the ~~commissioner~~ **state forester**, shall patrol the forests of his district for the purpose of searching out, extinguishing, and guarding against forest fires. He shall investigate and gather evidence regarding the causes of forest fires, enforce all laws relating to forests and forest preservation, arrest all violators thereof, prosecute all offenses against the same, and in this connection shall have the same power to serve criminal processes against such offenders and shall be allowed the same fee as a sheriff, or his deputy, for like services, and shall have and enjoy the same right as a sheriff to require aid in executing the duties of his office. The chief forest fire wardens shall perform such other duties, at such times, and under such rules and regulations as the said ~~commissioner~~ **state forester** may prescribe, and each shall receive as compensation an amount set by said ~~commissioner~~ **state forester**, with the approval of the ~~governor and council~~ **commission**, for each and every day of actual service, with an allowance for actual necessary expenses of travel. Deputy forest fire wardens shall perform such duties, at such times and under such rules and regulations, as the ~~commissioner~~ **state forester**, or the chief fire warden of the district, with the approval of the ~~commissioner~~ **state forester**, may prescribe. They shall receive as compensation an amount set by said ~~commissioner~~ **state forester**, with the approval of the ~~governor and council~~ **commission**,

for each and every day of actual service, with an allowance for actual necessary expenses of travel.'

**Sec. 47. R. S., c. 32, § 83, amended.** Section 83 of chapter 32 of the revised statutes is hereby amended to read as follows:

**'Sec. 83. Chief and deputy fire wardens to take immediate action to control fires; may summon assistance; deputy wardens to render account of expense; chief warden to make detailed report.** Whenever a fire occurs on or is likely to do damage to forest lands within the district of any chief forest fire warden, he shall take immediate action to control and extinguish the same. If such fire occurs upon or is likely to do damage to forest lands within the territory of a deputy forest fire warden and the chief fire warden of the district is not present, the deputy forest fire warden having jurisdiction of the territory shall forthwith proceed to control and extinguish the same, and he shall meanwhile, with all consistent dispatch, cause the said chief fire warden of the district to be notified of the occurrence of such fire. Until the arrival of the chief warden at the place of fire, the deputy warden shall be in charge of the control and extinguishment of the same. For the purpose of controlling and extinguishing fires, chief forest fire wardens and deputy forest fire wardens, when in charge of the control and extinguishment of forest fires or when so directed by the chief warden, may summon to their assistance any person found within the state and each person so summoned and assisting shall be paid at a rate set by the ~~commissioner~~ **state forester** with the approval of the ~~governor and council~~ **commission** and be provided with subsistence during such service. Immediately after the extinguishment of a fire, the deputy forest fire warden, who for any time may have been in charge of the same, shall make return to the chief warden of the district of the expense thereof during the period of his being in charge, including the names of the persons so summoned and assisting, with their post-office addresses and the hours of labor actually performed by each under his direction. The return shall be made upon oath and the chief warden is authorized and empowered to administer such oath. Upon receipt of such return, the chief fire warden shall carefully examine and audit the same, and he may direct the deputy to amend and correct any return found to be incomplete, incorrect, or insufficient in form. If upon examination and auditing of said return and investigation of the subject matter thereof, the chief fire warden believes said return to be just and correct, he shall indorse his written approval thereon and forward the same so approved to the ~~commissioner~~ **state forester**. The chief fire warden of every district burned by a forest fire shall, upon the extinguishment of such fire, promptly forward an exact and detailed state-

ment of the expense, if any, which he may have incurred in connection with the extinguishment of such fire, to the ~~commissioner~~ **state forester** who may confirm, reject, or recommit, either or both, the approved return of said deputy or the detailed statement of the chief fire warden, if justice so requires.'

**Sec. 48. R. S., c. 32, § 83-A, amended.** Section 83-A of chapter 32 of the revised statutes, as enacted by section 1 of chapter 344 of the public laws of 1945, is hereby amended to read as follows :

'**Sec. 83-A. Governor may take certain action to aid in prevention of forest fires.** Whenever, during period of drought, it shall appear to the governor that hunting or fishing is likely to be a menace to the forests of this state, he may by proclamation suspend the open season for hunting or fishing for such time and in such sections of the state as he may in such proclamation designate, or prohibit smoking or building fires out of doors in the woods for any such time and sections. The type and manner of fishing prohibited shall be designated in the proclamation and public camp sites maintained by the forestry ~~department~~ **commission** shall not be closed.'

**Sec. 49. R. S., c. 32, § 83-B, amended.** Section 83-B of chapter 32 of the revised statutes, as enacted by section 1 of chapter 344 of the public laws of 1945, is hereby amended to read as follows :

'**Sec. 83-B. Proclamation to be published and posted; copy to be filed with secretary of state.** Such proclamation shall be published in such newspapers of the state and posted in such places as the governor deems necessary and a copy of such proclamation shall be filed with the secretary of state. A like attested copy shall be furnished to the ~~forest commissioner~~ **state forester**, who shall attend to the posting and publication of the proclamation. All expense thereof and all the expense of enforcing the provisions of the proclamation shall be paid by said ~~commissioner~~ **state forester**, after allowance by the state controller, from the appropriation for general forestry purposes.'

**Sec. 50. R. S., c. 32, § 84, amended.** Section 84 of chapter 32 of the revised statutes, as amended by section 32 of chapter 378 of the public laws of 1945, is hereby amended to read as follows :

'**Sec. 84. Expenses, how paid; salary of deputy state forester.** All expenses incurred under the provisions of sections 73 to 86, inclusive, shall be paid from the funds raised and created by the tax assessed under the provisions of section 74. The deputy ~~forest commissioner~~ shall receive

annually the sum of \$700, to be paid from the funds provided under said section, in addition to the salary now provided for the clerk to the commissioner. The commissioner shall also receive from said funds the sum of \$3,000 per year in addition to the salary as now provided by law.'

**Sec. 51. R. S., c. 32, § 86, amended.** The 2nd sentence of section 86 of chapter 32 of the revised statutes is hereby amended to read as follows:

'A copy of such vote, certified by the town clerk or plantation assessors, shall be forwarded forthwith to the state tax assessor, to the treasurer of state and to the ~~commissioner~~ **state forester**, and from the time such certified copy is filed in the office of the treasurer of state, the town or plantation so voting shall be and continue a part of said forestry district.'

**Sec. 52. R. S., c. 14, § 69, amended.** The 1st sentence of section 69 of chapter 14 of the revised statutes is hereby amended to read as follows:

'The ~~forest commissioner~~ **state forester** shall prepare and deliver to the state tax assessor full and accurate lists of all townships or parts of townships or lots or parcels of lands in unorganized territory in this state sold and not included in the tax lists, whether conveyed or not, and shall lay before said assessor at his request all information in his possession touching the value and description of lands in unorganized territory; also a statement of all lands on which timber has been sold or a permit to cut timber has been granted by lease or otherwise.'

**Sec. 53. R. S., c. 14, § 88, amended.** Section 88 of chapter 14 of the revised statutes is hereby amended to read as follows:

'**Sec. 88. Timber and grass forfeited to be held for the benefit of the townships.** All timber and grass forfeited under the provisions of the preceding section shall be held in trust by the state for the benefit of the townships in which such public reserved lots lie, and shall be under the control of the forest ~~commissioner~~ **commission**, as provided in the case of public reserved lots in plantations.'

**Sec. 54. R. S., c. 14, § 89, amended.** Section 89 of chapter 14 of the revised statutes is hereby amended to read as follows:

'**Sec. 89. Forest commission to make division of lots partially forfeited.** The forest ~~commissioner~~ **commission** shall cause a division to be made, if found necessary from time to time, of the public reserved lots which have been partially forfeited, and shall set off and hold the forfeited portions

for the benefit of townships in which they lie, as provided in the preceding section.'

**Sec. 55. R. S., c. 22, § 359, amended.** The first 2 sentences of section 359 of chapter 22 of the revised statutes are hereby amended to read as follows:

'The forest ~~commissioner~~ **commission** may sell to the best advantage, at public or private sale, to a citizen of the state, the timber and grass from township numbered 2 on the St. Croix river, called the Indian township, expressly retaining in the written contract of sale a lien on the timber and grass cut, until the amount due for stumpage thereon is paid. Every surveyor appointed by ~~said forest commissioner~~ **the state forester** to scale or survey the lumber so sold, before entering on his duties, shall be sworn to the faithful performance of his trust, and shall file a certificate of his oath with the agent.'

**Sec. 56. R. S., c. 84, § 13, amended.** The 3rd sentence of section 13 of chapter 84 of the revised statutes is hereby amended to read as follows:

'The ~~forest commissioner~~ **state forester** shall furnish to the municipal officers of the several cities and towns, at cost, galvanized iron disks not more than 1 inch in diameter, which disks shall have stamped on them the letter "M."'

**Sec. 57. R. S., c. 84, § 19, amended.** Section 19 of chapter 84 of the revised statutes is hereby amended to read as follows:

'**Sec. 19. Free distribution of trees for roadside planting.** The ~~forest commissioner~~ **state forester** may provide and distribute free of charge at the state nursery, to the several cities and towns, trees for roadside planting.'

**Sec. 58. R. S., c. 84, § 23, amended.** The 2nd sentence of section 23 of chapter 84 of the revised statutes is hereby amended to read as follows:

'The ~~forest commissioner~~ **state forester** shall, upon application in such form as he may prescribe, furnish said cities and towns, at cost, with seedlings or transplants for the planting of town forest lands, and shall be ready to offer advice as to the planting, management, and protection of said forest lands.'

**Sec. 59. R. S., c. 85, § 57, amended.** Section 57 of chapter 85 of the revised statutes is hereby amended to read as follows:

'**Sec. 57. Selectmen to make report of any forest fire.** The selectmen of towns in which a forest fire of more than 1 acre in extent has occurred,



within a month shall report to the ~~forest commissioner~~ **state forester** the extent of area burned over to the best of their information, together with the probable amount of property destroyed, specifying the value of timber, as near as may be, and the amount of cord-wood, logs, bark, or other forest product, fencing, bridges, and buildings that have been burned. They shall also report the causes of these fires, if they can be ascertained, and the measures employed and found effective in checking their progress. Blanks for such reports shall be furnished by the ~~forest commissioner~~ **state forester** at the expense of the state.'

**Sec. 60. R. S., c. 162, § 28, amended.** Section 28 of chapter 162 of the revised statutes is hereby amended to read as follows:

**'Sec. 28. Lots reserved for public uses to be first set off.** When portions or lots are reserved for public uses in a tract of land to be divided, they shall first be set out, of an average quality and situation, and a return made thereof to the ~~forest commissioner's~~ **state forester's** office, with a description of its quality and location; and the commissioners' return of partition, accepted and recorded as before provided, shall be a valid location of such reserved lands.'