

MAINE STATE LEGISLATURE

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N I N E T Y - F O U R T H L E G I S L A T U R E

Legislative Document

No. 1093

H. P. 1739

House of Representatives, February 25, 1949

Referred to the Committee on State Lands and Forest Preservation. Sent up for concurrence and ordered printed.

HARVEY R. PEASE, Clerk.

Presented by Mr. Leavitt of Parsonsfield.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
FORTY-NINE

AN ACT Relating to Primary Wood-Using Portable Sawmills, Spark Arrestors and Timber Reports.

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

R. S., c. 32, § 72, repealed and replaced. Section 72 of the revised statutes, as amended by chapter 49 of the public laws of 1945, is hereby repealed and the following sections enacted in place thereof:

'Sec. 72. Licenses for primary wood-using portable sawmills; penalty.

I. Definition. A primary wood-using portable sawmill within the meaning of this section shall be any mill or plant which uses wood products in log or bolt form and saws or processes them. All such mills which have not been in one location at least 1 year shall be termed portable. Location changes within the previous year shall have no effect on this definition. Furthermore, all such mills are subject to license whether operated by steam power, internal combustion motors, or electricity.

II. License fee, change of location and ownership; penalty. It shall be unlawful for any primary wood-using portable sawmill in the state to operate without first obtaining a license from the forest commissioner. Application shall be made upon blanks prepared by the forest commis-

sioner for this purpose, giving the name of the owner or owners, the location and type of mill, name and location of lot to be cut, and such other pertinent information as may be required. A proper record of all applications for licenses and all licenses issued shall be kept by the forest commissioner at his office and shall be open to inspection of any person during reasonable business hours. When said mill is located in towns or organized plantations of the state, outside the limits of the Maine forestry district, copy of licenses will be sent town forest fire wardens. The fee for such license shall be \$25, which shall be deposited at the time of making the application and made payable to the state treasurer, and all such licenses shall expire 1 year from the date of their issue. The forest commissioner, or his representatives within the state, or town forest fire wardens within their towns, may at any time suspend or revoke any license for the violation of the slash laws; and the above officials may suspend such license in time of drought if the operation creates an extra forest fire hazard. The forest commissioner shall be notified by written application of changes of location or ownership and shall approve and grant such permits; failure to make application within 10 days shall mean suspension of license until rectified. The owner or operator of any primary wood-using portable sawmill can move one or more times within the year of the license issued, or show transfer of ownership without any additional fee. The forest commissioner shall authorize his representatives and town forest fire wardens of their towns to periodically inspect all primary wood-using portable sawmills. Such inspection shall be in the nature of friendly public forest fire prevention contacts and to correct or report any violation of the provisions of this section. Any primary wood-using portable sawmill so operated without a license shall be deemed a public nuisance without other proof than its use.

All money accruing from the issuance of licenses as provided for in this subsection shall be added to and become a part of the fund for general forestry purposes.

Whoever operates a primary wood-using portable sawmill without first obtaining a license from the forest commissioner as provided in this subsection shall be punished by a fine of not more than \$100, or by imprisonment for 30 days, or by both such fine and imprisonment.

III. Hazard clearance. The granting and holding of such licenses is conditional on keeping any slash caused by wood and timber cutting and other inflammable material removed for a distance of 100 feet in all directions from the mill, sawdust pile and incinerator; live trees need not

be removed from the cleared area except that dead green branches of conifers or evergreen trees shall be pruned to a height of 10 feet above the ground; dead snags shall also be removed. The area for the sawdust pile shall be clear of all trees and located not less than 25 feet from an incinerator. The sawdust pile shall be reasonably free of slabs and edgings.

IV. Forest fire tool cache. All primary wood-using portable sawmills, subject to license hereunder, shall be equipped with such forest fire fighting equipment as the forest commissioner shall specify provided that the cost to the owner or operator does not exceed \$25 for each mill. All such forest fire fighting tools shall be kept in good condition in a tool cache within 50 feet of the mill.

Sec. 72-A. Spark arrestors for trucks and tractors; penalty. Whenever in the judgment of the forest commissioner there is a forest fire hazard due to dry weather, all logging tractors and trucks operating in the woods shall be equipped with exhaust pipes and spark arrestors.

Whoever violates the provisions of this section shall on conviction be punished by a fine of not more than \$50, or by imprisonment for not more than 30 days, or by both such fine and imprisonment.

Sec. 72-B. Yearly timber cut report; penalty. Owners or operators of all primary wood-using sawmills, stationary or portable, shall render an annual report to the forest commissioner during the month of January of each year of the amount of softwoods and hardwoods sawed within the state by or for them during the preceding calendar year. Forms for this report shall be provided by the forest commissioner. Information contained in said reports shall not be made public in so far as the same applies to individuals.

Whoever violates the provisions of this section shall on conviction be punished by a fine of not more than \$50, or by imprisonment for not more than 30 days, or by both such fine and imprisonment.'