

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. 1146

H. P. 1804

House of Representatives, March 1, 1949.

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

HARVEY R. PEASE, Clerk.

Presented by Mr. Brown of Wayne.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
FORTY-NINE

AN ACT Relating to Slash, Brush and Debris Disposal.

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

Sec. 1. R. S., c. 32, § 68, repealed and replaced. Section 68 of chapter 32 of the revised statutes, as amended by section 1 of chapter 81 of the public laws of 1947, is hereby repealed and the following enacted in place thereof:

'Sec. 68. Disposal of slash, brush and debris; penalty.

I. Highways and roads. Whoever, as stumpage owner, operator, landowner or agent, cuts, causes, or permits to cut any forest growth on lands which are within or border upon the right of way of any railroad or public highway within the state shall dispose of the slash and debris in the manner herein described: All inflammable material resulting from such cutting of forest growth shall not remain on the ground within 100 feet of the nearer side of the wrought portion of any state highway or state aid road; or within 50 feet of any other public road.

II. Railroads, electric power, telegraph, telephone and pipe lines. Whoever, as stumpage owner, operator, landowner or agent, cuts, causes or permits to cut any forest growth on lands which are within or border

upon the right of ways of any railroad, electric power, telegraph, telephone or pipe lines within the state shall dispose of the slash and debris in the manner herein described: All inflammable material resulting from such cutting of forest growth shall not remain on the ground within 25 feet of all such right of ways.

III. Land bordering on another. Whoever, as stumpage owner, operator, landowner or agent, cuts, causes, or permits to cut any forest growth on land which borders forest growth of another within the state outside the limits of the Maine forestry district or within the Maine forestry district which borders property outside shall dispose of the slash and debris in the manner herein described: All inflammable material resulting from such cutting of forest growth shall not remain on the ground within 25 feet of the property line.

IV. Portable sawmills. All owners or operators of primary woodusing portable sawmills cutting forest growth within the state shall observe the slash and debris provisions of this section when on or after change of location.

V. Dwellings. The forest commissioner or his representatives by written notice to any stumpage owner, operator, landowner or agent, cutting forest growth within the state outside the limits of the Maine forestry district may require the removal of slash or debris within 100 feet of dwellings when in his or their judgment such inflammable material constitutes an unusual hazard endangering other property through the setting or spreading of forest fires.

VI. Manner of removal or disposal. All slash and debris resulting from cutting of forest growth and pulled back the required distances under the provisions of this section shall not be piled in windrows but shall be so broadcast as to keep the forest fire hazard on the tract at a minimum. Whoever violates any of the provisions of this section shall on conviction be punished by a fine not exceeding \$500, or by imprisonment for not more than 30 days, or by both such fine and imprisonment.'

Sec. 2. R. S., c. 32, §§ 68-A, 68-B, additional. Chapter 32 of the revised statutes is hereby amended by adding thereto 2 new sections to be numbered 68-A and 68-B, to read as follows:

'Sec. 68-A. Slash, brush and debris burning permits; penalty. It shall be unlawful for any person to kindle a fire for purposes of clearing land or burning logs, stumps, roots, brush, slash, debris, fields of dry grass, pasture and blueberry lands, except when the ground is covered with snow,

without first obtaining a written permit. Burning in a plowed field or garden may be done without a permit except when all burning under this section is prohibited. Requests for permits to burn under provisions of this section may be obtained from the forest commissioner, state forest fire wardens within the state, and from town forest fire wardens outside of the limits of the Maine forestry district. For this purpose the forest commissioner shall prepare and cause to be furnished to all such state and town forest fire wardens blank permits signed by him. They shall have authority to countersign and grant such permits signed by the forest commissioner but shall not delegate such authority to subordinates except by written approval of the forest commissioner. State forest fire wardens working in the incorporated sections of the state shall have authority to countersign and grant such permits signed by the forest commissioner for any deorganized town or plantation not a part of the Maine forestry district and for state parks. The provisions of this section shall not exempt any person from securing a permit to burn on his own land. Moisture, wind, time of day, length of period, sufficient force and equipment and any other condition deemed necessary for granting such permits for burning shall be at the discretion of state and town forest fire wardens. Whenever possible town forest fire wardens of towns and plantations outside the limits of the Maine forestry district shall notify their state forest fire warden of any permit issued and particularly of any special burning job. Whenever in the opinion of the forest commissioner there is a serious forest fire hazard, due to dry weather conditions, he may prohibit all burning under the provisions of this section in such periods. State and town forest fire wardens shall refuse all requests to burn and declare void all permits already issued. Any person to whom a burning permit is granted is in no way relieved of legal responsibility if the fire is allowed to escape or causes damage to property of another. Nothing herein contained shall limit restrictions of any town or plantation ordinance regulating burning of refuse or debris. This section shall not apply to the rights of state forest fire wardens to set a backfire for the purpose of stopping a forest fire actually burning. In all other cases the law shall still apply whereby no one can kindle a fire on land of another without his consent.

Whoever violates any of the provisions of this section shall on conviction be punished by a fine not exceeding \$100, or by imprisonment for not more than 30 days, or by both such fine and imprisonment.

Sec. 68-B. Town or private dumps; hazard clearance; penalty. Any town or private dump within the state established and maintained for the

disposal of waste, rubbish or debris of any nature which might facilitate either the origin or spread of forest fires shall observe the following prevention measures: A cleared strip 10 feet wide to mineral soil must be constructed on all sides of the dump, except when bordering on or near a sufficient supply of water; all grass, weeds, slash, brush and debris and other inflammable material shall be removed for a distance of 100 feet in all directions from the cleared mineral soil strip; live trees need not be removed except that dead and 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. Dumps without a nearby supply of water shall be provided with piles of sand or barrels filled with water and shall be equipped with a tool box containing 2 pails, 2 axes and 2 shovels or any other hand tools deemed necessary by the town forest fire warden during the forest fire season. During periods of high forest fire hazard if a dump is burning municipal officers of towns and plantations shall maintain a guard or watchman at such dumps.

Such town or private dumps within the state not carrying out the provisions of this section may be closed by the town forest fire warden, forest commissioner or his representatives.'

Sec. 3. R. S., c. 32, § 69, repealed and replaced. Section 69 of chapter 32 of the revised statutes is hereby repealed and the following enacted in place thereof:

'Sec. 69. Disposal of slash, brush and debris on construction and maintenance of railroads, highways, electric power, telegraph, telephone or pipe lines; penalty. Slash, brush and debris accumulating by the construction and maintenance of railroads, highways, electric power, telegraph, telephone, or pipe lines shall not be left on the ground. Disposal of slash, brush, and debris or inflammable material resulting from the construction and maintenance of railroads, highways, electric power, telegraph, telephone or pipe lines may be done by either hauling away or burning. However, any burning must comply with the provision of section 68-A governing permits and conditions suitable to burn.

Any violation of the provisions of this section by the person responsible therefor, or his employer, whether individual, firm or corporation shall be punished by a fine of \$100, or by imprisonment for 30 days, or by both such fine and imprisonment.'

Sec. 4. R. S., c. 32, §§ 70, 71, repealed. Sections 70 and 71 of chapter 32 of the revised statutes are hereby repealed.