

MAINE STATE LEGISLATURE

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ACTS AND RESOLVES

OF THE

SIXTY-FIFTH LEGISLATURE

OF THE

STATE OF MAINE.

1891.

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PUBLIC LAWS
OF THE
STATE OF MAINE.

1891.

CHAP. 100

tary of state as a condition precedent, before he shall be authorized to receive said certificate for filing.'

Sec. 20,
amended.

SECT. 3. Section twenty of chapter forty-eight of the revised statutes is hereby amended, so as to read as follows :

Corporations
organized under
general law,
may increase
capital stock
and change
number of
directors.

'SECT. 20. If the stockholders of any corporation organized under sections sixteen and seventeen, find that the amount of its capital stock is insufficient for the purposes for which said corporation is organized, or that the number of directors is inconvenient for the transaction of its business, the stockholders may by a vote representing a majority of the stock issued, increase the amount of its capital stock to any amount not exceeding ten million dollars, and may change the number of their directors in like manner, and the corporation shall file a certificate thereof with the secretary of state within ten days thereafter, and thereupon said vote shall take effect. When the capital stock is increased from ten thousand dollars or less to not exceeding five hundred thousand dollars, the corporation shall pay to the treasurer of state for the use of the state the sum of forty dollars. When the capital stock is increased to any amount exceeding five hundred thousand dollars, it shall pay to the treasurer of state for the use of the state, the sum of ten dollars for each one hundred thousand dollars of such increase, and the treasurer's receipt for same shall be filed with the secretary of state, before he shall be authorized to receive any certificate of an increase of capital stock.'

—fees paid the
state when
capital stock is
increased.

Approved March 25, 1891.

Chapter 100.

An Act to create a Forest Commission and for the protection of forests.

Be it enacted by the Senate and House of Representatives in Legislature assembled, as follows :

Land agent,
made forest
commissioner.

SECT. 1. The state land agent is hereby made forest commissioner of the state of Maine, and in addition to the salary now received by him as land agent, he shall receive as compensation for his services as forest commissioner two hundred dollars per annum, and his actual traveling expenses incurred in the performance of his duties, an account of which shall be audited by the governor and council.

—compensation.

SECT. 2. It shall be the duty of the forest commissioner to make a collection and classification of statistics relating to the forests and connected interests of the state, and to institute an inquiry into the extent to which the forests of Maine are being destroyed by fires and by wasteful cutting, and to ascertain so far as he can as to the diminution of the wooded surface of the land upon the water sheds 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 a report to be made by him annually to the governor on or before the first day of December.

Duties.

—report.

SECT. 3. The selectmen of towns shall be, ex-officio, forest fire wardens therein and shall divide said towns into three districts, bounded as far as may be by roads, streams of water, or lot lines, and assign to each of their number the charge and oversight of one district as district fire wardens therein. A description of each district and the name of the fire warden thereof shall be recorded with the town clerk. The services of such selectmen acting as said fire wardens, shall be paid for at the same rate as is paid for their other official services. It shall be the duty of the fire warden of the district in which a fire is discovered to take such measures as may be necessary for its control or extinction. For this purpose he shall have authority to call upon any persons in the territory in which he acts for assistance, and such persons shall receive such compensation not exceeding fifteen cents per hour as said selectmen may determine, the same to be paid by the town. But no town shall be holden to pay for extinguishing forest fires in any year an amount greater than two per cent upon its valuation for purposes of taxation. If any person so ordered to assist, and not excused from said service by said forest fire warden on account of sickness, disability or some important business or engagement, shall neglect to comply with any such order he shall forfeit the sum of ten dollars, to be recovered in an action of debt in the name and to the use of the town, by the treasurer thereof.

Selectmen shall be, ex-officio, fire wardens, and divide town into districts.

—compensation.

—duties and powers when a fire is discovered in any district.

—penalty, if person refuses to aid in extinguishing fire.

SECT. 4. County commissioners of each county in which there are unorganized places shall annually appoint, when they deem it necessary, such number of fire wardens as they

County commissioners shall appoint fire wardens for all unorganized places.

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—duties and powers.

deem necessary not exceeding ten, for all such unorganized places in any county, whose duties and powers shall be the same with respect to such unorganized places as those of the fire wardens of towns, and they shall also have the same authority to call out citizens of the county to aid them in extinguishing fires, that town fire wardens have to call out citizens of the town. The compensation of such fire wardens shall be paid by the county, and the compensation of persons called upon by them as aforesaid, to render aid shall be the same as that provided in the case of towns and shall be paid one-half by the county and one-half by the owners of the lands on which said fires occur.

—compensation.

Penalty for not extinguishing camp or cooking fires built in or adjoining any woods.

SECT. 5. Any person who shall build a camp or cooking fire in or adjoining any woods in this state, shall, before leaving such camp, totally extinguish such fire, and upon failure to do so, such person shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine not exceeding one hundred dollars, or by imprisonment in the county jail not exceeding one month or by both such fine and imprisonment, provided, that such fires built upon the sea beach in such situation that they can not spread into forest wood or cultivated lands or meadows, shall not be construed as prohibited by this act.

—proviso.

Notices shall be erected, that all fires must be extinguished.

SECT. 6. It shall be the duty of selectmen in towns within thirty days after this act shall take effect, to cause to be erected in a conspicuous place at the side of every highway as they may deem proper, and at suitable distances along-side the rivers and lakes of the state frequented by camping parties, tourists, hunters and fishermen, in their respective towns, notices in large letters to be furnished by the forest commissioner, substantially in the following form. Camp fires must be totally extinguished before breaking camp, under penalty of not to exceed one month's imprisonment or one hundred dollars fine, or both as provided by law. Signed, Forest Commissioner. The forest commissioner shall furnish owners of wood lands situated within this state when called upon so to do, notices of similar tenor to be posted at the expense of said owners upon their respective lands.

—form.

Hunters required to use non-combustible wads.

SECT. 7. All persons engaged in hunting game on any of the wood lands within any town or unincorporated place

in this state, shall use non-combustible wads in the loading of firearms used by them. CHAP. 100

SECT. 8. It shall be the duty of municipal officers in towns, and county commissioners, the latter with respect to unorganized places, to proceed immediately to a strict inquiry into the cause and origin of fires, within wood lands; and in all cases where such fires are found to have originated from the unlawful act of any person, to cause the offender to be prosecuted without delay.

Inquiry shall be made into origin of woodland fires.

SECT. 9. The selectmen of towns in which a forest fire of more than one acre in extent has occurred, and the county commissioners where a forest fire of more than two acres has occurred in any of the unincorporated places in any county, within a year, shall report to the forest commissioner 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 amount of cord wood, logs, bark or other forest product, fencing, bridges and buildings that have been burned. They shall also report the cause of these fires if they can be ascertained, and the measures employed and found most effective in checking their progress. Blanks for the reports required in this act shall be furnished by said forest commissioner at the expense of the state.

Selectmen and county commissioners shall report extent of any forest fire.

—report cause, etc.

—blanks.

SECT. 10. 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.

R. R. companies shall remove all inflammable material from right of way.

SECT. 11. 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.

Locomotives shall be provided with fire and spark arresters.

SECT. 12. No railroad company shall permit its employes to deposit fire, live coals or ashes, upon their track in the immediate vicinity of wood lands or land liable to be overrun by fires, and where engineers, conductors or train men discover that fences along the right of way or wood lands adjacent to the railroads, are burning or in danger from fire, it shall be their duty to report the same at their next stopping place which shall be a telegraph station.

R. R. employes shall not deposit fire on track in vicinity of wood lands.

—duty, when fire is discovered along right of way.

SECT. 13. For all damages caused to forest growth by any person employed in the construction of any railroad

Railroads under construction,

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liable for all damages to forest growth caused by employes.

—penalty, if employes fail to extinguish fires set along line.

—persons in charge of men, required to see that the provisions of this section are complied with.

Penalty, if any R. R. company violates this act.

Elementary instruction in forestry in public schools, etc., provided for.

Commissioner shall issue circulars of advice for care of wood lands.

Copies of this act shall be printed and distributed to selectmen, who shall post same.

hereafter to be built in this state, the company owning such road shall be primarily liable to the person or persons so damaged. During the construction of such roads through wood land, there shall be kept posted in conspicuous places on each line of the road ways at distances of two hundred feet, abstracts of the laws relating to forest fires. Any person employed in the construction of such railroads, who shall set or cause to be set any fire along the line of said roads, shall, before leaving the same, totally extinguish said fires, and upon failure to do so, such person shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine of not exceeding five hundred dollars or by imprisonment in the county jail not exceeding sixty days, or by both such fine and imprisonment. It shall be the duty of all persons having charge of men in the construction of such railroads, to see that the provisions of this section are carefully complied with, and any negligence or want of ordinary care on their part in relation to the same shall constitute a misdemeanor, and upon conviction thereof, they shall be liable to the penalties imposed by this section.

SECT. 14. Any railroad company violating the requirements of this act, shall be liable to a fine of one hundred dollars for each offense.

SECT. 15. The forest commissioner shall take such measures as the state superintendent of common schools and the president of the state college of agriculture and the mechanic arts 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.

SECT. 16. The forest commissioner shall prepare tracts or circulars of information, giving plain and concise advice for the care of wood lands and for the preservation of forest growth. These publications shall be furnished to any citizen of the state upon application.

SECT. 17. It shall be the duty of the forest commissioner to cause, at the expense of the state, copies of this chapter and all other laws of the state relating to forest fires to be printed and freely distributed to the selectmen of all the towns of the state, whose duty it shall be to post them up in school houses, saw mills, 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. Any person viciously or wantonly tearing down, destroying or defacing any such notices, shall on conviction therefor, be punished by a fine of five dollars.

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—penalty for
destroying
notices.

SECT. 18. All acts and parts of acts inconsistent with the provisions of this act, are hereby repealed, but none of the penalties proposed by this act shall be considered as substitutes for or as repealing the provisions of existing laws, making persons guilty of acts of trespass or liable for civil damages to persons injured by such acts.

Inconsistent
acts, repealed.

Approved March 25, 1891.

Chapter 101.

An Act to amend section sixty-five of chapter seventy of the Revised Statutes, as amended by chapter three hundred and twenty-three of the Public Laws of eighteen hundred and eighty-five, relating to Insolvency Proceedings.

Be it enacted by the Senate and House of Representatives in Legislature assembled, as follows:

SECT. 1. Section sixty-five of chapter seventy of the revised statutes, as amended by chapter three hundred and twenty-three of the public laws of eighteen hundred and eighty-five, is hereby further amended, so that said section sixty-five as amended, shall read as follows:

Sec. 65, ch. 80,
R. S., as
amended by ch.
325, Public
Laws of 1885,
further
amended.

SECT. 65. The fees of all officers, the compensation of assignees, and of judges and registers of probate, under this chapter, shall be established by the supreme judicial court, and shall be paid out of the estates if there are sufficient assets; if there are not sufficient assets for the payment of the fees, costs, and expenses of the insolvency proceedings, the person upon whose petition the warrant is issued shall pay the same, and the court of insolvency, after such notice as is required in the service of civil process in the supreme judicial court, and a hearing thereon, may issue an execution against him to compel payment to the register, in all cases where the debtor has been denied or refused a discharge, or where the proceedings have been dismissed for any cause, or where the debtor at the expiration of four months from the commencement of the proceedings, does not, after thirty days' notice in writing, by the court, to him or his attorney

Fees shall be
established by
S. J. Court.

—how paid.