

# MAINE STATE LEGISLATURE

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ACTS AND RESOLVES  
OF THE  
SEVENTY-THIRD LEGISLATURE  
OF THE  
STATE OF MAINE  
1907.

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Published by the Secretary of State, agreeably to Resolves of  
June 28, 1820, February 18, 1840, and March 16, 1842.

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PUBLIC LAWS

OF THE

STATE OF MAINE.

1907.

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**CHAP. 26****Chapter 26.**

An Act to amend Section twenty-three of Chapter eighteen of the Revised Statutes, relating to the State Laboratory of Hygiene.

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

Section 23,  
chapter 18,  
R. S.,  
amended.

Section twenty-three of chapter eighteen of the revised statutes is hereby amended by striking out the words "three thousand" and substituting in the place thereof the words 'four thousand five hundred,' so that said section, as amended, shall read as follows:

Appropriation  
for  
services of  
director.

'Section 23. The sum of four thousand five hundred dollars a year is hereby appropriated to pay for the services of the director, and of such assistants as may be necessary, to procure the necessary supplies, and to meet the other necessary expenses of said laboratory, which sum shall be expended under the supervision of the state board of health.'

Approved February 26, 1907.

**Chapter 27.**

An Act to preserve Trees abutting public ways and other places.

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

Preserving  
trees on  
public ways.

Section 1. For the purpose of preserving and increasing the growth of trees on land abutting any public way, or located on uplands adjoining any navigable river or other body of water, cities and towns and the municipal officers thereof, acting pursuant to sections eighty-nine, ninety and ninety-one of chapter four of the revised statutes, may set aside and define such land, located as aforesaid, in width not exceeding five rods; and all trees and shrubs growing on said land shall be held as for park purposes, under the exclusive care and control of park commissioners, chosen as provided in section eighty-eight of said chapter, and it shall be unlawful for the owner in fee of said land or any other person to injure, remove or destroy the same, except as hereinafter provided.

—trees and  
shrubs  
for park  
purposes.

Shall not  
prevent  
clearing land  
for public  
ways.

Section 2. This act shall not prevent the taking and clearing of so much of said land as may be necessary for public ways, nor abridge the right of the owner, or his tenant, to lay out a private way across the same, or to clear and improve so much thereof as may be necessary for actual building purposes, provided the written consent of the municipal officers to open such way or construct buildings thereon be first obtained; nor except as provided in section one, shall this act restrict the use and

enjoyment of such land by the owner thereof, or authorize any person to enter thereon, excepting municipal officers and park commissioners, and their agents, for the purposes of this act.

Park commissioners may grant license.

Said park commissioners may grant written license to the owner to do such cutting and clearing on said land as is consistent with the preservation and general improvement of the growth thereon.

Whenever municipal officers refuse to give consent for laying out a private way or for cutting and clearing so much of said land as is necessary for immediate building purposes, when in writing requested so to do, such refusal shall be ground for a further award of damages to the owner as provided in this act.

Cause for further award of damages.

Section 3. If any city or town, having taken over lands as herein provided, fails to elect a board of park commissioners the municipal officers shall have and exercise all the powers and duties of such commissioners. Cities and towns may appropriate money for the purposes of this act and this act shall apply to every town, although containing less than one thousand inhabitants.

Failure to elect park commissioners.

—towns may appropriate money.

All proceedings relative to estimating and awarding damages provided in sections eighty-nine, ninety, ninety-one of chapter four of the revised statutes are hereby made applicable to this act; and proceedings hereunder may also be commenced upon petition in writing signed by at least thirty taxpayers on real estate.

Damages, how estimated.

Section 4. Whoever violates the provisions of this act shall be punished by a fine, not exceeding one hundred dollars, to be recovered on complaint, and shall also be subject to an action on the case, brought by the commissioners or by a taxpayer, in the name and for the benefit of the town or city wherein said offense is committed, for all damages sustained.

Penalty for violation of this act.

Section 5. This act shall take effect when approved, except section four, which shall become effective in thirty days after the recess of this legislature.