

MAINE STATE LEGISLATURE

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ACTS AND RESOLVES

AS PASSED BY THE

Ninety-fourth Legislature

OF THE

STATE OF MAINE

Published by the Director of Legislative Research in accordance with subsection VI of section 26 of chapter 9 of the Revised Statutes of 1944.

KENNEBEC JOURNAL
AUGUSTA, MAINE
1949



PUBLIC LAWS
OF THE
STATE OF MAINE

As Passed by the Ninety-fourth Legislature

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days. The appointed forest fire warden may appoint one or more deputy forest fire wardens subject to approval of the municipal officers. The forest commissioner shall have the authority, with local municipal approval, to remove from office any town forest fire warden who fails to perform his official duties and to fill any vacancy caused by death, resignation or transfer.

The state shall pay the appointed forest fire warden an annual fee of \$50. This payment shall be made contingent upon attendance at forest fire training schools, preparation of an annual forest fire plan for his town and such reports as the forest commissioner may require. This fee in no way limits payment to the warden from his town. His services for work on actual forest fires, also deputy forest fire warden's, shall be paid by the town and at a rate determined by the town.

Sec. 2. **Appropriation.** There is hereby appropriated from the general fund the sum of \$25,000 for the fiscal year ending June 30, 1950 and the sum of \$25,000 for the fiscal year ending June 30, 1951, to carry out the provisions of this act.

Effective August 6, 1949

Chapter 355

AN ACT for State Forest Fire Prevention and Control in Organized Towns.

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

Sec. 1. R. S., c. 32, §§ 72-A-72-F, additional. Chapter 32 of the revised statutes, as amended, is hereby further amended by adding thereto 6 new sections to be numbered 72-A to 72-F, to read as follows:

'Fire Prevention and Control in Organized Towns

Sec. 72-A. **Preamble.** The purpose of sections 72-A to 72-F, inclusive, is to place forest fire control under the forestry department for the entire state. This is a step-up plan from present state cooperation with towns to provide state forest fire control in all organized towns, cities and plantations. This will give incorporated areas, as well as the Maine forestry district, an unbroken chain of command from town forest fire warden to forest commissioner. A maximum amount of responsibility and authority will remain with each local community. However, sections 72-A to 72-F, inclusive, will provide state authority whenever the town system breaks down.

Sec. 72-B. Forest fire control districts. The forest commissioner shall be responsible for the prevention, control and extinguishment of forest fires in all areas of the state. He shall divide the organized towns, cities and plantations of the state, outside the limits of the Maine forestry district, into major forest fire control districts. The major districts shall be subdivided into as many smaller units as deemed necessary for effective protection against loss or damage by forest fires. The forest commissioner may also establish lookout stations connected by telephone or radio, and construct, equip and maintain office-storehouse headquarters for necessary supplies, tools and equipment and provide for any other construction essential for forest fire prevention and control work.

Sec. 72-C. Appointment of state forest fire wardens. The forest commissioner shall appoint an organized town forest fire supervisor, a full time state forest fire warden for each major district, and seasonal state forest fire wardens for each sub-district and such others as in his judgment may be required to carry out the provisions of sections 72-A to 72-F, inclusive. All appointed state forest fire wardens shall hold office during the pleasure of the forest commissioner under rules of the personnel law; they shall be sworn to the faithful discharge of their duties and a certificate thereof shall be returned and filed in the office of the forest commissioner.

Sec. 72-D. Duties of state district forest fire wardens and sub-district wardens.

I. State district forest fire wardens. The state district forest fire wardens, under the direction of the forest commissioner, shall have supervision of state personnel and equipment in their respective districts for the prevention, control and extinguishment of forest fires. They shall enforce all laws relating to forests and forest preservation, cause to 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 as a sheriff or his deputy and shall have and enjoy the same rights as a sheriff to require aid in executing the duties of his office.

They shall be responsible for carrying out a program of forest fire prevention-education, such as the preparation and distribution of material and contacting individuals and groups to gain cooperation of the people. They shall conduct forest fire training schools on all command levels in their districts for town forest fire wardens, paid and volunteer fire departments, sawmill crews, highway crews, construction crews, college and high school students, and other interested groups. All training shall be conducted in accordance with the state forest fire plan. This will

make trained men useful in an emergency on a forest fire anywhere within the state.

They shall be required to prepare and revise annually a forest fire plan for their districts. District forest fire plans shall provide for inspection of cutting operations, primary wood-using portable sawmills and town dumps; include a forest fire map; lists of emergency manpower and equipment reserves; and a list of job assignments for all district personnel. They shall correlate town forest fire plans with that of their district. They shall carry out any other duties pertinent to their work including reports assigned to them by the forest commissioner.

They shall receive such compensation for each and every day as determined by the forest commissioner with approval of the state personnel board with allowance for actual necessary expenses of travel.

II. Seasonal forest fire wardens. Seasonal forest fire wardens shall be responsible to their district state forest fire warden and at such times and under such rules and regulations as the forest commissioner or their state district forest fire warden may prescribe, and each shall receive compensation for each and every day as determined by the forest commissioner with approval of the state personnel board with allowance for actual necessary expenses of travel.

Sec. 72-E. Town and state forest fire wardens to take action to control forest fires. State and town forest fire wardens shall take immediate charge to control and extinguish forest fires, using and coordinating all forest fire protection facilities at their disposal. The management of town forest fires shall be the responsibility of the town forest fire warden until in the judgment of a state forest fire warden the situation makes it advisable for him to take over. Final authority and responsibility on forest fires shall be that of the state forest fire warden. Town fire department personnel and equipment are an important part of the state forest fire plan. However, they shall not be moved within or outside town limits except with the approval of the fire chief or proper town official. Such officials shall have the authority to determine whether town fire department personnel or equipment is needed on a forest fire or to protect buildings.

State forest fire wardens shall have the authority to set backfires to extinguish a forest fire actually burning.

Sec. 72-F. Coordinating protective agencies. The forestry department shall formulate emergency plans of action to establish manpower pools, equipment reserves, facilities for feeding, transportation and communication on forest fires. In preparing the plan other agencies and organizations

having needed facilities should be contacted such as fire chiefs, red cross, sheriffs, American Legion, state police, national guard, state highway, state fish and game department, state grange, colleges, civil air patrol and any other protective group so determined by the forest commissioner. Whenever or wherever a major forest fire occurs or threatens, the forestry department shall be the coordinating agency until the governor of the state of Maine declares an emergency.'

Director's note: Reallocated to be §§ 72-B - 72-G.

Sec. 2. Appropriations. To properly administer the provisions of this act to step up from cooperation with towns to state forest fire control there is hereby appropriated from the general fund the following amounts above the recommendations of the budget committee: salaries \$44,000; contractual services and commodities \$54,593; compensation \$400; and from the general or unexpended surplus funds for new forest fire equipment \$83,100, which includes storehouses, camps, and improvements, light forestry pick-up trucks, lookout towers and maintenance, tool caches, hand tools, portable forest fire pumpers and hose, and radio; making a total of \$182,093 for the fiscal year ending June 30, 1950, and there is hereby appropriated from the general fund the following amounts above the recommendations of the budget committee: salaries \$48,000; contractual services and commodities \$48,493; compensation \$400; and from the general unexpended surplus fund for new forest fire equipment \$44,000, including storehouses, camps and improvements, light forestry pick-up trucks, lookout towers and maintenance, tool caches, hand tools, portable forest fire pumpers and hose, and radio, making a total of \$140,893 for the year ending June 30, 1951.

Effective August 6, 1949

Chapter 356

AN ACT Relating to Forest Fighter Pay and Aid to Towns in Controlling Forest Fires.

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

Sec. 1. R. S., c. 85, § 58, repealed and replaced. Section 58 of chapter 85 of the revised statutes, as repealed and replaced by chapter 362 of the public laws of 1945, is hereby repealed and replaced and the following enacted in place thereof:

'Sec. 58. Forest fire fighter pay and aid to towns.

I. Right to call and employ assistance. State and town forest fire wardens shall be responsible for the control and extinguishment of forest fires in any town, city or plantation within the state, outside the limits of the Maine forestry district. For this purpose they may have the authority to