

# MAINE STATE LEGISLATURE

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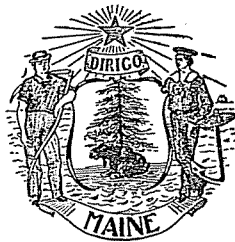
THE  
REVISED STATUTES

OF THE  
STATE OF MAINE,

PASSED SEPTEMBER 1, 1903, AND TAKING EFFECT JANUARY 1, 1904.

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BY THE AUTHORITY OF THE LEGISLATURE.



AUGUSTA :  
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## CHAPTER 7.

THE PUBLIC LANDS. THEIR SALE AND SETTLEMENT. LAND AGENT.  
LOCATION AND CARE OF LOTS FOR PUBLIC USES. FOREST COMMISSIONER  
AND PRESERVATION OF FORESTS.

SEC. 1. The governor with the advice and consent of council shall appoint a land agent, who shall hold his office during their pleasure, and shall give bond to the state in the sum of fifty thousand dollars with sufficient sureties satisfactory to the governor and council for the faithful performance of the duties of his office. The land agent shall superintend and manage the sale and settlement of the public lands. He shall not when appointed, or while in office, be directly or indirectly concerned in the lumber business on the state lands, or in the purchase thereof, or of any timber or grass growing or cut thereon.

SEC. 2. He shall receive all moneys and securities accruing to the state from the sale of lands, timber and grass, or in payment for timber or grass cut by trespassers, and shall pay to the treasurer of state all moneys so received and found due from him on settlement. All securities shall be made payable to said treasurer. He shall personally attend to the duties of his office, so far as practicable; no commission shall be allowed him for his disbursements or collections, and nothing shall be allowed him for traveling expenses from his home to the land office, unless on official business, nor for transportation of the official records, unless money is paid out specifically therefor. All persons employed by him shall be sworn to the faithful discharge of their duties, and they shall not be concerned directly or indirectly, in the purchase of lands, or of timber or grass on lands belonging to the state. The number of his clerks shall be determined by the governor and council, who shall fix their compensation.

SEC. 3. He shall execute deeds in behalf of the state, conveying lands which have been granted by the legislature or sold by lawful authority, as soon as the grantees have complied with the conditions of their respective grants; collect all sums due the state by note or from any source mentioned in this chapter; collect the interest on all notes at least annually, and pay at the expiration of every month into the state treasury all moneys so collected or received by him, after deducting all such payments as devolve upon him to make.

SEC. 4. A copy from the records in the land office of a deed from the state of the land of the state, or of a deed from the state and from the commonwealth of Massachusetts of the undivided lands of the state and of said commonwealth, or a deed from said commonwealth of the lands of said commonwealth in Maine, certified by the land agent or other legal custodian of such records as a true copy thereof, may be filed and recorded in the registry of deeds in the county and registry district where the land lies, with the same effect as if the deed itself had been recorded, whether said deed shall or not have been acknowledged by the agent or other person making the same; and such record shall have all the force and effect of a record of deeds duly acknowledged, and certified copies thereof from such registry shall be evidence when the original would be.

SEC. 5. The governor and council and land agent constitute a board under whose direction all surveys of land shall be made. An accurate plan or map of all lands surveyed shall be returned to the land office and

Appointment  
of land agent.

—bond.  
R. S., c. 5, §§ 1.  
2.

—duties and  
restrictions of  
land agent.

To receive  
moneys arising  
from land  
and attend  
personally to  
the duties of  
his office.  
R. S., c. 5, § 3.

—no commis-  
sion allowed.

—traveling  
expenses to  
be paid.

—number of  
his clerks and  
their pay.

Land agent to  
execute deeds,  
collect notes,  
and account  
monthly to  
treasurer of  
state.  
R. S., c. 5, § 4.  
69 Me., 78.

Certified cop-  
ies of records  
of deeds in  
land office re-  
corded in reg-  
istry of deeds,  
legal evi-  
dence.  
R. S., c. 5, § 5.  
1885, c. 354.  
77 Me., 76.

Board for  
surveys of  
lands.  
R. S., c. 5, § 6.

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—plans of surveys to be made and entered on books of land office.

—field notes.

—plans and field notes to be kept at Augusta.

Land agent authorized to sell lands, islands, and rights to cut timber belonging to the state.

R. S., c. 5, § 7.

—also forfeited lands and rights.

—proviso in behalf of settlers.

Unlocated grants to be located by executive.

R. S., c. 5, § 8.

Surveyors to explore, and to deposit field notes, in land office.

R. S., c. 5, § 9.

Trespasses, prosecutions for them.

R. S., c. 5, § 10.

45 Me., 69.

49 Me., 390.

78 Me., 264.

—measure of damages.

Damages, if suit is for benefit of an individual.

R. S., c. 5, § 11.

Reservation of 1,000 acres for public uses; may be located by

entered upon the plan-books within three months after the survey is completed, on which shall be laid down all lakes, ponds, rivers, streams, falls, mill-sites and roads. The field notes of such surveys shall be deposited in the land office within three months and shall contain a description of the growth, soil and general character of the township, and of every lot, if surveyed into lots. Said plans and field notes shall be kept at the office in Augusta, open for inspection at all times when the land agent or his assistant is there; he shall aid in furnishing information about the public lands to all who seek for it at his office.

SEC. 6. The land agent, under direction of the governor and council, shall sell at public or private sale and convey any lots or parcels of land and islands and rights to cut timber belonging to the state, on such terms as they direct, including lots set apart or surveyed for settlement, and at the time of sale not taken up by settlers; also all lands and rights that become forfeited for non-performance of settling duties or other conditions; also the right to cut timber and grass on lots reserved for public uses in any township or tract of land until the same is incorporated or organized into a plantation. *Provided*, that until the lots set apart for settlement are sold as aforesaid, they may be taken up by settlers as now provided by law.

SEC. 7. All lands given by the state to institutions or individuals, shall be located under the advice and approval of the governor and council, which approval shall be certified to the land office by the secretary of state and there recorded.

SEC. 8. Every surveyor, in surveying the public lands, shall explore each lot carefully, and enter in his field notes, the quantity and quality of pine, spruce and other valuable timber thereon, and all other useful information within his knowledge relating to the value of the land. He shall deposit duplicate plans of his surveys and his field notes in the land office, within sixty days after the completion of his surveys.

SEC. 9. If any person unlawfully enters and trespasses upon the public lands, or upon any lands reserved for public uses, while under care of the agent, and cuts, takes or carries away, any trees or grass upon said lands, he and all persons who furnish teams, implements, apparatus or supplies of provisions, or of other articles, used in committing and carrying on such trespasses, are trespassers, jointly and severally liable in damages for such trespasses, and they may be sued therefor in any county. The measure of damages is the highest price which such timber, logs or other lumber, or hay, would bring at the usual place of sale thereof. Nothing in this section affects the right of the state to seize and sell any timber, logs, lumber or hay, cut as aforesaid. At such sale no person, who was in any way concerned in committing such trespass, or in supplying or aiding those who committed it, shall become a purchaser directly or indirectly.

SEC. 10. When an action for such trespass is prosecuted in the name of the state for the benefit of an individual, the principles of decision and the measure of damages shall be the same as in like actions between individuals.

## LANDS RESERVED FOR PUBLIC USES.

SEC. 11. In every township there shall be reserved, as the legislature may direct, one thousand acres of land, and at the same rate in all tracts less than a township, for the exclusive benefit of such town or tract, to average in quality, situation and value as to timber, with the other lands

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therein. In townships or tracts sold and not incorporated, the lands reserved for public uses may be selected and located by the land agent and the proprietors, by a written agreement, describing the reserved lands by metes and bounds, signed by said parties, and recorded in the land office. The plan or outline of the lands so selected shall be entered on the plan of the township or tract in the land office, which shall be a sufficient location thereof.

SEC. 12. When the land agent and proprietors of such township or tract cannot agree on such location, if the right to cut the timber and grass thereon until the town is incorporated or organized as a plantation has not been sold, the land agent may petition the supreme judicial court for the appointment of commissioners to make the location as hereinafter provided. The petition may be filed, and the proceedings under it had in any county.

SEC. 13. In every township or tract sold or located for settlement, the land agent, before the same is offered for sale or settlement, shall cause the reserved lands to be located so as to embrace one or more tracts of the requisite quantity, quality, situation and value, and to be properly described and recorded in the land office, and the plan or outline thereof to be entered on the plan of the township or tract in the land office, all of which shall be a sufficient location thereof.

SEC. 14. The land agent shall have the care of the reserved lands in all townships or tracts, until they are incorporated, and the fee becomes vested in the town. He may, from time to time, sell for cash for such sum as he thinks just and reasonable, the timber and grass thereon, or the right to cut the same, until incorporated into a town, except the grass growing on improvements made by an actual settler. When so sold, he shall give the purchaser a permit under his hand and seal, setting forth the terms of the contract, which permit shall be recorded in the office. The proprietors of the township or tract shall have the option to become purchasers thereof at the same rate an acre as that for which the township or tract was sold.

SEC. 15. The land agent shall keep an account with each such township and tract, in which shall be entered all expenditures made on account thereof, and all sums received therefrom. He shall settle his account of such receipts and expenditures annually with the governor and council, and pay to the treasurer of state the balance in his hands, specifying each township and tract from which it was received.

SEC. 16. The treasurer shall keep a separate account with the reserved land in each such township, in which account he shall enter all sums by him received and paid on account thereof; and the balance shall remain in the treasury until such township or tract is by law authorized to receive it; and thereupon it shall be paid to the proper officers thereof.

SEC. 17. The money arising from the sale of timber and grass or from trespasses on reserved lands, paid into the treasury of the county in which the township is situated, or into the state treasury, constitutes funds for school purposes, of which the income only shall be expended and applied as is by law provided.

SEC. 18. The interest shall be added to the principal of such fund, until the inhabitants of such township or tract are incorporated into a town or organized as a plantation, and establish in such plantation one or more schools, and until the first day of January next preceding the date upon which the treasurer of said plantation shall call for such interest, unless previously expended according to law. When any such township

agreement.  
R. S., c. 5, § 12.  
[See Articles  
of separation,  
condition 7.]  
See c. 16,  
§§ 60-63.  
26 Me., 205.  
30 Me., 377.  
97 Me., 336.

Location  
without  
agreement.  
R. S., c. 5, § 13.  
97 Me., 336.

Location to be  
made before  
land is of-  
fered for sale.  
R. S., c. 5, § 14.  
97 Me., 336.

Land agent to  
have care of  
lots located.  
R. S., c. 5, § 15.  
See c. 15,  
§§ 49-59.  
—may sell  
timber and  
grass.  
30 Me., 381.  
45 Me., 69.  
49 Me., 390.  
61 Me., 446.  
78 Me., 264.  
97 Me., 336.  
—shall give  
proprietors  
the option.

Land agent to  
keep an ac-  
count with  
lots.  
R. S., c. 5, § 16.  
61 Me., 447, 448.  
97 Me., 336.

Treasurer al-  
so to keep an  
account.  
R. S., c. 5, § 17.  
—disposal of  
the money.  
61 Me., 447, 448.  
97 Me., 336.

Money to con-  
stitute school  
fund.  
R. S., c. 5, § 18.  
61 Me., 447, 448.  
97 Me., 336.

Money, when  
and how to be  
paid over.  
R. S., c. 5, § 19.  
1889, c. 290.  
1889, c. 305.  
See c. 15, § 95.  
61 Me., 447.  
97 Me., 336.

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is incorporated as a town, said funds belonging to it shall be paid by the treasurer of state to the treasurer of the trustees of the ministerial and school funds therein, to be added to the funds of that corporation, and held and managed as other school funds of that town are required to be held and managed. If such township or tract is organized as a plantation, the interest of said fund shall be paid annually by the treasurer of state to the treasurer of such plantation, to be applied toward the support of schools according to the number of scholars in each school. Said interest shall be cast up to the first day of each January, and shall be paid to such treasurer by the treasurer of state, on producing satisfactory evidence that such plantation is organized, and that schools have been established therein according to law, that assessors are sworn and qualified, and that the treasurer of such plantation has given bond as required by law.

—interest to be cast annually.

When school lands revert to state, land agent shall exercise control. 1895, c. 117, § 1.

—school funds revert to township. 1895, c. 117, § 2.

—land agent to enforce § 19.

Locations of land where portions are reserved on grant, how made. R. S., c. 5, § 20. See c. 90, § 29. 17 Me., 426. 26 Me., 205. 29 Me., 42. 30 Me., 219. 33 Me., 304.

Committee to be sworn. R. S., c. 5, § 21.

Notice of appointment and place of meeting, to be published. R. S., c. 5, § 22. 8 Me., 135. 26 Me., 205.

Return, acceptance and record. R. S., c. 5, § 23.

Location by grantee, how made. R. S., c. 5, § 24.

Location on partition. R. S., c. 5, § 25.

Exceptions may be filed. R. S., c. 5, § 26.

SEC. 19. When the incorporation of a town is repealed, the care and custody of the school lands therein reverts to the land agent and he has the same powers in relation thereto which he would have if such town had never been incorporated; and the school funds of such town shall be collected and transmitted to the treasurer of state and by him made a part of the permanent school fund belonging to such township or tract. The land agent is charged with the duty of enforcing the provisions of this section and is authorized to commence and maintain suits in the name of the state for this purpose.

SEC. 20. When in the grant of townships or parts thereof, certain portions of them are reserved for such townships, or for public uses, and they have not been lawfully located in severalty by the grantee for the purposes expressed in the grant, the supreme judicial court in the county where the land lies, on application of the land agent, may appoint three disinterested persons, and issue to them a warrant, under the seal of the court, requiring them, as soon as may be, to locate in separate lots, the portions reserved for such purposes, and to designate the use for which each lot is so reserved and located, such lots to be of average quality with the residue of lands therein.

SEC. 21. Said committee, before acting, shall be sworn before a justice of the peace; and a certificate thereof shall be indorsed on the warrant.

SEC. 22. They shall also give notice of their appointment, and of the time and place of their meeting to execute it, by publishing it in some newspaper in the state, to be designated by the court, and by posting written notifications in two or more public places in the same plantation or town, if so ordered by the court, at least thirty days next prior to their meeting.

SEC. 23. They shall make return of said warrant and their doings thereon, under their hands, to the next supreme judicial court in the county after having completed the service; which, being accepted by the court, and recorded in the registry of deeds therein within six months, shall be a legal assignment and location of such reserved portions for the uses designated.

SEC. 24. When the grantee of any such lands severs and locates such reserved portions thereof for the purposes mentioned in the grant, designating the use for which each lot is located, and presents it to said court, the court may confirm it and such location shall then be legal and conclusive, being recorded as before mentioned.

SEC. 25. Such severance and location may also be made and completed in the manner prescribed in section twenty-nine of chapter ninety.

SEC. 26. Any person aggrieved by the opinion, direction or judgment of said court in matter of law, in a proceeding for the location of such public lots, may allege exceptions thereto as in other actions.

THE SALE OF LANDS FOR SETTLEMENT.

SEC. 27. The land agent, under direction of the governor and council or any person thereto authorized, shall convey any lots which have been surveyed according to law, at the price of thirty-five cents an acre, to actual settlers, and no more than one lot, not exceeding two hundred acres, shall be sold to any one person.

Price of land to actual settlers.  
R. S., c. 5, § 27.  
See § 29.

SEC. 28. The purchaser shall give for such lands two notes, payable in one and two years in labor on the roads in the township where the land lies, and shall establish his residence on his lot, within two years from the date of his certificate; and a certificate shall be given, stating that he has become a purchaser of the lot therein described, and that he will be entitled to a deed when he complies with the requirements of law.

Payment, how made.  
R. S., c. 5, § 28.  
—conditions.  
—certificate to purchaser.  
—deed.

SEC. 29. All road labor to be performed under this chapter, shall be done under direction of the persons named in section twenty-seven.

Road labor, how done.  
R. S., c. 5, § 29.

SEC. 30. All actual settlers now holding certificates are entitled to deeds upon the conditions and requirements provided in section twenty-eight, and all certificates are assignable, and within the provisions of sections thirty-six, thirty-seven, thirty-eight and thirty-nine.

Actual settlers entitled to deeds.  
R. S., c. 5, § 30.  
—certificates, negotiable.

SEC. 31. If the purchaser fails to perform any duties required of him, or to pay his notes, he forfeits all right to the land and the land agent may dispose of it to another.

Forfeiture for failure to perform.  
R. S., c. 5, § 31.

SEC. 32. The land agent shall appoint some suitable person or persons in the vicinity to superintend the location of settlers, the payment of their road labor and the performance of their several duties.

Agents to locate settlers, etc.  
R. S., c. 5, § 32.

SEC. 33. In townships so selected, in which suitable roads have not been located, the land agent shall cause such roads to be located as public interest and the accommodation of the future settlement require.

Roads to be located by land agent.  
R. S., c. 5, § 33.  
60 Me., 289.

SEC. 34. The land agent, before giving a deed under section twenty-eight, shall ascertain whether all requirements of law have been complied with by such purchaser, and for this purpose, the certificate of the person appointed by the land agent to superintend the labor on the roads, under such regulations and mode of proof as the land agent prescribes, shall be evidence; and when such conditions have been complied with, each purchaser shall receive an absolute deed. The land agent may give release deeds in behalf of the state where conditional deeds have been given, and the records in the land office show that the conditions have been fully complied with.

Settling duties to be done before deed is given.  
R. S., c. 5, § 34.  
—evidence required.

—deed to be absolute.  
—when land agent may give release deeds.

SEC. 35. All deeds given by the land agent, under section twenty-eight providing in substance, "that if the grantee has failed to perform all the duties required of a settler, in conformity to chapter five of the revised statutes, approved April seventeen, eighteen hundred and fifty-seven, and all other acts, additional or amendatory thereto, the deed shall be void," convey as absolute and complete a title as if such condition or reservation was not contained in said deed. Lots or sections of land in township number four, range four, W. E. L. S., and lots of land in township number fourteen, range four, W. E. L. S., exceeding the quantity allowed to be sold to settlers, may be sold upon the terms prescribed in the preceding sections, if, in the judgment of the land agent, such lots or sections are not valuable for lumber growth, but are found to be better adapted for settlement than for other purposes.

All deeds made absolute.  
R. S., c. 5, § 35.  
—state lands to be sold at option of land agent in No. 4, R. 4, W. E. L. S., and in No. 14, R. 4, W. E. L. S.

Note. Review of proceedings for location of lands reserved for public uses, c. 91, § 1. In cases of inquests of office, plan to be filed in land office, c. 95, § 8. Duties of land agent as to timber and grass on reserved lands forfeited for taxes, c. 9, §§ 53-4.

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Land certificates, powers granted to holders of.  
R. S., c. 5, § 36.

Settlers may cut timber, etc., for certain purposes.  
R. S., c. 5, § 37.

Settler's lot to the value of \$1,000, exempt from attachment.  
R. S., c. 5, § 38.

Descends to children free from debts of deceased, until youngest is 18 years old.  
R. S., c. 5, § 39.  
See 1895, c. 157, § 2.

Agent may grant permits.  
R. S., c. 5, § 40.

Bond for stumpage.  
R. S., c. 5, § 41.  
47 Me., 23.

Timber held for payment.  
R. S., c. 5, § 42.

Advance payment.  
R. S., c. 5, § 43.

Surveyors, their appointment, oath and duty.  
R. S., c. 5, § 44.

Townships of timbered land for sale, to be set

SEC. 36. Any lawful holder of the land agent's certificate, given under section twenty-eight, of land purchased of the state, may commence and maintain in his own name, any action relating to the same, against any party except the state or a person claiming under the state by a subsequent title, as if he held a deed conveying to him the state's title in the land described in the certificate at the date thereof.

SEC. 37. The actual settler who has purchased land of the state under section twenty-eight, may cut thereon any timber or lumber which he needs for building and fencing thereon, and any cedar, for the immediate support of himself and family.

SEC. 38. Whoever purchases a lot of wild land of the state as aforesaid for settlement, and complies with the condition of purchase, may hold it with the improvements thereon, free from attachment and levy on execution, while he remains in actual possession thereof. The value so exempted, shall not exceed one thousand dollars, to be set off to the owner in such portions of the lot as he directs, by the appraisers appointed to levy an execution, as real estate is set off and appraised on execution.

SEC. 39. On the death of such purchaser, such lot and the improvements shall descend to his children, subject to the right and interest of his widow by descent, and are not liable for payment of his debts, unless his other property is insufficient therefor; and, in that case, his children shall have the occupancy and improvement thereof, subject to the right and interest of the widow by descent, until the youngest surviving child attains the age of eighteen years. The remainder, after the estate of the widow, and after the youngest surviving child attains said age, may be sold as other estates of deceased persons for payment of such debts, if the other estate of the deceased is not sufficient. If he dies without issue, such lot shall descend and be disposed of like other property.

## PERMITS TO CUT AND HAUL TIMBER.

SEC. 40. The land agent may grant permits to individuals, to cut and haul timber of all kinds upon lands owned by the state, on such terms and conditions as he thinks proper.

SEC. 41. Persons obtaining such permits, shall give bond to the land agent, with satisfactory sureties for payment of stumpage and the performance of all conditions of the permit.

SEC. 42. All timber cut under permits, is the property of the state until the stumpage is paid in full.

SEC. 43. On each team employed under such permits, except those granted to cut timber on settling lots, there shall be paid in advance to the land agent, fifty dollars, which shall be the property of the state if such permits are not improved; otherwise it shall be allowed in payment of the stumpage.

SEC. 44. Surveyors or scalers shall be appointed by the land agent, and sworn; they shall scale all timber cut under permits, superintend the cutting thereof, and make return to the land agent, of the number and quality of the logs cut, whether hauled or not, and the number of feet board measure, and shall see that the timber is cut clean and without strip or waste.

## SALE OF TIMBER LANDS.

SEC. 45. The land agent, under direction of the governor and council may annually in February set apart for sale not exceeding ten townships of lands not suitable for settlement, and record them in a book kept for



that purpose in the land office, and cause a list of them to be published in the state paper six months successively before the day of sale. The tracts so set apart may be offered for sale in townships, or parts of townships, as is most for the interest of the state. Three months at least before the day of sale, he shall fix a minimum price on each tract or parcel, and enter it in said book, and cause the list, with such minimum price, to be published in one paper in each county in which a paper is published, once a week at least, for three months successively before the day of sale. The sale shall be on the first day of September, at the land office, by sealed proposals, which may be received at any time after the list, with the minimum price, is published. No proposals shall be received unless ten per cent of the minimum price is therewith paid into the land office. All proposals shall be numbered and entered in a book in the order in which they are received and filed in the land office, and none shall be received after noon, on the day of sale, nor unless entered in said book. No proposal so entered and filed, shall ever be withdrawn from the office. Immediately after noon of the day of sale, the proposals so entered shall be publicly opened by the land agent, and declared in the order in which they are entered and numbered. The person making the highest bid above the minimum price shall be declared the purchaser, and on payment of one-third of the purchase money in cash, including the ten per cent of the minimum price deposited, the land agent shall make and deliver to him a conditional deed, in the usual form of state deeds, of the tract by him purchased, taking for the remainder of the purchase money three notes for equal sums, payable in one, two and three years, with interest, and a bond with sufficient surety for payment of a fair stumpage of all timber to be cut thereon, to be applied to the payment of the notes. If any person so declared a purchaser does not within two hours thereafter pay, or give satisfactory security for the cash payment so required, the land agent shall offer it to the next highest bidder in the list of proposals, on his bid or offer, on the same terms and conditions, and so on until some such bidder complies with the conditions of the sale. The person so declared the purchaser, and neglecting or refusing for twenty days to comply with said conditions, forfeits the ten per cent of the minimum price by him deposited. The sum deposited by any other bidder, who does not become a purchaser, may be withdrawn by him at any time after the bids are declared and recorded. A list shall be made of the lands so offered and not taken by any bidder, in a suitable book, and they may, at any time thereafter, be sold by the land agent at private sale for not less than the minimum price, the terms and conditions of the sale, and security for payment of the stumpage, being the same as in case of a public sale.

SEC. 46. The land agent may sell at public or private sale, for such price as he considers fair and for the interest of the state, all tracts of land owned by the state on islands or in incorporated towns.

SEC. 47. The land agent shall report to the governor and council once in three months, and oftener if required, a particular account of all doings in his office, and the names of his agents; and they may audit and settle his accounts at the close of each year, and at such other times as may be designated.

SEC. 48. He shall, in his reports, particularly describe all the lands surveyed for sale and settlement, and exhibit plans of them with the field notes of the surveyor; and when any land has been sold, he shall describe it, and report the sum received therefor, the names of the pur-

apart and published. R. S., c. 5, § 45.

—mode of sale.

—manner of payment.

—bond.

—purchaser to comply with condition of sale within two hours.

—in neglect thereof, he forfeits the deposit of ten per cent.

—deposit may be withdrawn.

—list of lands not taken, to be made, and such lands sold at private sale.

Agent may sell tracts in towns or on islands. R. S., c. 5, § 46.

To report to governor and council, who shall settle his accounts. R. S., c. 5, § 47.

Form and contents of his report. R. S., c. 5, § 48.

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chasers, and their sureties, the names of the trespassers, the amount of the timber cut, and the place where cut, whether on settling or timber land, and the sum received per thousand feet where he has settled with trespassers; and the sums that he receives, on the demands due, or which may become due; distinguishing the sums paid for principal and for interest, the names of the persons from whom received, and all other particulars required by the governor and council; also an abstract of all notes, bonds, obligations and other securities, with the names of debtors and sureties, and the collateral security taken to insure payment.

Money to be paid on warrant.  
—land agent to keep notes.  
—schedule returned to treasurer.  
R. S., c. 5, § 49.

SEC. 49. Money paid out of the treasury under this chapter shall be by warrant from the governor and council, and all notes taken by the land agent on account of the state, shall be safely kept by him, and he shall annually make a schedule of said notes, also quarterly trial balances and balance sheets of the land office ledger, and return them to the treasurer of state, who shall enter them in a suitable book.

Land agent's annual report.  
R. S., c. 5, § 50.

SEC. 50. He shall, on the first secular day of December, make his annual report to the governor and council, including a written statement of the number of suits instituted on notes given for lands sold, and for timber and grass cut by trespassers, or otherwise, and the amount of costs in each of said suits, for the year preceding.

## FOREST COMMISSIONER AND PRESERVATION OF FORESTS.

Land agent, made forest commissioner.  
1891, c. 100, § 1.

—duties.  
1891, c. 100, § 2.

SEC. 51. The land agent shall be forest commissioner of the state. He shall make a collection and classification of statistics relating to the forests and connected interests of the state, and institute an inquiry into the extent to which the forests of the state are being destroyed by fires and by wasteful cutting, and 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.

—report.

Selectmen shall be, ex-officio, fire wardens, and divide town into districts.  
1891, c. 100, § 2.

—compensation.

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

SEC. 52. 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 an 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.

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

SEC. 53. The forest commissioner shall take measures for the prevention, control and extinguishment of forest fires in all plantations and unorganized townships, and to this end, he shall appoint such number of forest fire wardens to patrol the forests as may be necessary to carry out the provisions of this section, assigning to each warden the territory over and within which he shall have jurisdiction. Fire wardens, so appointed, shall hold office during the pleasure of said commissioner, be sworn to the faithful discharge of their duties by any officer authorized to administer oaths, and a certificate thereof shall be returned to the office of said commissioner. Said wardens shall perform such duties, at such times, and under such rules and regulations, as the commissioner may prescribe, and they shall receive as compensation two dollars for each day of actual service. Whenever a fire occurs on, or is likely to do damage to, forest lands within the jurisdiction of any such fire warden he shall take immediate action to control and extinguish the same, and for this purpose forest fire wardens may summon to their assistance citizens of any county in which said fire may be, and every person so summoned and assisting shall be paid fifteen cents for each hour of service rendered by him. Immediately after the extinguishment of a fire the warden in charge shall make return, under oath, to the commissioner, of the expense thereof, including the names of the persons so summoned and assisting, with their post office addresses, and the hours of labor actually performed by each. All expense incurred under the provisions of this section shall be paid from the funds appropriated to and for the use of the forest commission.

Commissioner shall appoint fire wardens in plantations, etc. 1903, c. 168, § 2.

—terms of wardens.

—duties of wardens.

—may summon assistance.

—returns of wardens.

SEC. 54. Fish and game wardens are hereby made state fire wardens: they shall, while in and about the woods, caution all sportsmen of the danger from fires in the woods, and extinguish all fires left burning by any one, if within their power; and shall give notice to any and all parties interested when possible, of fires raging and beyond their control, to the end that the same may be controlled and extinguished.

State fire wardens, and their duties. 1891, c. 108

SEC. 55. Whoever by himself, or by his servant, agent or guide, or as the servant, agent or guide of any other person, shall build a camp, cooking or other fire, or use an abandoned camp, cooking or other fire in or adjacent to any woods in this state, shall, before leaving such fire, totally extinguish the same, and upon failure to do so such person shall be punished by a fine of fifty dollars, *provided* that such fires built upon the sea beach in such situation that they cannot spread into forest wood or cultivated lands or meadows, shall not be construed as prohibited by this section. One-half of any fine imposed and collected under this section shall be paid to the complainant.

Penalty for not extinguishing camp, cooking or other fires. 1891, c. 100, § 5. 1901, c. 251.

—exceptions.

—fines, how disposed of.

SEC. 56. Selectmen shall erect in a conspicuous place at the side of every highway as they may deem proper, and at suitable distances alongside 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. ———, 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.

Notices shall be erected, that all fires must be extinguished. 1891, c. 100, § 6.

—form.

SEC. 57. 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.

Hunters required to use non-combustible wads. 1891, c. 100, § 7.

## CHAP. 7.

Inquiry shall be made into origin of woodland fires.  
1891, c. 100, § 8.

Selectmen and county commissioners shall make report of any forest fire.  
1891, c. 100, § 9.

—report cause, etc.

—blanks.

R. R. companies shall remove all inflammable material from right of way.  
1891, c. 100, § 10.

Locomotives provided with spark arresters.  
1891, c. 100, § 11.

R. R. employees shall not deposit fire on track in vicinity of wood lands.  
1891, c. 100, § 12.

Railroads under construction, liable for all damages to forest growth caused by employees.  
1891, c. 100, § 13.

—penalty, if employees 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 for violation of §§ 60-62.  
1891, c. 100, § 14.

Elementary instruction in forestry in public schools.  
1891, c. 100, § 15.

SEC. 58. Municipal officers in towns, and county commissioners, the latter with respect to unorganized places, shall 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, shall cause the offender to be prosecuted without delay.

SEC. 59. 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 section shall be furnished by the forest commissioner at the expense of the state.

SEC. 60. 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.

SEC. 61. 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.

SEC. 62. No railroad company shall permit its employees to deposit fire, live coals or ashes, upon its track in the immediate vicinity of wood lands or land liable to be overrun by fires, and when 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, they shall report the same at their next stopping place which shall be a telegraph station.

SEC. 63. For all damages caused to forest growth by any person employed in the construction of any railroad built in this state after May three, eighteen hundred and ninety-one, 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 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. All persons having charge of men in the construction of such railroads shall see that the provisions of this section are carefully complied with, and for any negligence or want of ordinary care on their part in relation to the same, they shall be liable to the penalties imposed by this section.

SEC. 64. Any railroad company violating the requirements of sections sixty, sixty-one and sixty-two, shall be liable to a fine of one hundred dollars for each offense.

SEC. 65. The forest commissioner shall take such measures as the state superintendent of public schools and the president of the University of Maine 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.

SEC. 66. He 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.

SEC. 67. The forest commissioner, at the expense of the state, shall cause copies of sections fifty-one to sixty-eight both inclusive, 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, who shall post them up in schoolhouses, 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 thereof, be punished by a fine of five dollars.

SEC. 68. None of the penalties imposed by sections fifty-five, sixty-three, sixty-four and sixty-seven 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.

Commissioner shall issue circulars of advice for care of wood lands. 1891, c. 100, § 16.

Copies of §§ 51-68 shall be printed and distributed to selectmen and posted. 1891, c. 100, § 17.

—penalty for destroying notices.

Penalties not substitutes for existing liabilities. 1891, c. 100, § 18.

## CHAPTER 8.

### THE BOARD OF STATE ASSESSORS AND THE ASSESSMENT OF EXCISE TAXES.

#### BOARD OF STATE ASSESSORS.

SEC. 1. A board of state assessors, consisting of three members, not more than two of whom shall be taken from the same political party, shall be chosen by the legislature by joint ballot of the senators and representatives in convention, for the term of six years, excepting in case of elections made to fill vacancies, and the terms of office of said members shall be so arranged that an election of one member shall take place biennially. The member having the shortest time to serve shall be chairman of the board. In case of the death, resignation, refusal, or inability to serve of any one or more of said board, the governor, with the advice and consent of the council, shall, as soon as may be, fill such vacancy by appointment, and the assessor so appointed shall hold said office until his successor is elected by the next legislature, and qualified.

SEC. 2. Any two of said board shall have authority to transact all business appertaining to their office, but all three must be duly notified of every meeting for the transaction of business. The board shall hold a meeting at the state capitol on the first Tuesday of each month.

SEC. 3. The board of state assessors may summon before them and examine on oath any town assessor or other officer or person whose testimony they shall deem necessary in the proper discharge of their duties, and may require such witnesses to bring with them, for examination, any records or other public documents in their custody or control which said state assessors may deem necessary for their information in the performance of their duties. Each of said assessors shall have power to administer all oaths required by this section and the ten following sections.

SEC. 4. The board of state assessors shall constitute a state board of equalization, whose duty it shall be to equalize the state tax among the several towns and unorganized townships, according to their several

Board of state assessors. 1891, c. 103, §§ 1, 2.

See Const. of Me., Art. ix, § 1.

—vacancies. 1891, c. 103, § 4.

Quorum.

—all must be notified of meetings. 1891, c. 103, § 4.

Powers, 1891, c. 103, § 3.

Shall equalize state tax and fix valuation of towns.