

MAINE STATE LEGISLATURE

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CHAPTER 11.

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Public Lands.

Sec. 1. Forest Commissioner; appointment; qualifications; bond; duties in respect to public lands. R. S. c. 8, § 1. 1919, c. 71, § 1. 1923, c. 196. The governor with the advice and consent of the council shall appoint a forest commissioner, who shall be a trained forester or a person of skill and experience in the care and preservation of forest lands and shall hold his office for a term of four years and shall give bond to the state in the sum of fifty thousand dollars with sufficient sureties or with one or more surety companies authorized to do business in the state, as surety or sureties, satisfactory to the governor and council for the faithful performance of the duties of his office. The forest commissioner 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.

See c. 17, § 2; c. 58, § 2.

Sec. 2. To receive moneys arising from land and attend personally to the duties of his office; no commission allowed; traveling expenses to be paid; number of his clerks and their pay. R. S. c. 8, § 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 forest commissioner's 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. Forest commissioner to execute deeds, collect notes, and account monthly to treasurer of state. R. S. c. 8, § 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.

69 Me. 78.

Sec. 4. Certified copies of records of deeds in forest commission recorded in registry of deeds, legal evidence. R. S. c. 8, § 4. A copy from the records in the office of the forest commissioner 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 forest commissioner 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 or 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.

77 Me. 76.

Tax deeds from treasurer of state, and releases and certificates to be recorded in office of forest commissioner, c. 13, § 42.

Sec. 5. Board for surveys of lands; plans and field notes to be kept at office. R. S. c. 8, § 5. The governor and council and forest commissioner 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 forest commissioner's office and 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 forest commissioner's 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 forest commissioner or his deputy is there; he shall aid in furnishing information about the public lands to all who seek for it at his office.

Sec. 6. Forest commissioner authorized to sell lands, and rights to cut timber belonging to the state. R. S. c. 8, § 6. The forest commissioner, under direction of the governor and council, shall sell at public or private sale and grant rights to cut timber and grass belonging to the state and may lease camp sites on lands belonging to the state, on such terms as they direct; also the right to cut timber and grass and lease camp sites on lots reserved for public uses in any township or tract of land until the same is incorporated. Preference in such sales or leases shall be given to citizens of the state of Maine.

License required for maintaining sporting camp within Maine forestry district, c. 38, § 16.

Sec. 7. Commissioner may grant permits; bond; timber held for payment. R. S. c. 8, § 7. The forest commissioner 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. Persons obtaining such permits shall give bond to the forest commissioner with satisfactory sureties for payment of stumpage and the performance of all conditions of the permit. All timber cut under permits is the property of the state until the stumpage is paid in full.

*47 Me. 23.

Sec. 8. Surveyors, their appointment, oath, and duty. R. S. c. 8, § 8. Surveyors or scalers shall be appointed by the forest commissioner, and sworn; they shall scale all timber cut under permits, superintend the cutting thereof, and make return to the forest commissioner 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.

Sec. 9. Forest commissioner's report. R. S. c. 8, § 9. The forest commissioner shall on the first day of July biennially report to the governor a particular account of all the doings of his office for the two preceding years; the state auditor shall audit and settle his accounts at the close of each fiscal year, and at such other times as the governor and council may designate.

Sec. 10. All deeds made absolute; state lands to be sold at option of forest commissioner in No. 4, R. 4, W. E. L. S., and in No. 14, R. 4, W. E. L. S. R. S. c. 8, § 10. All deeds given by the forest commissioner, 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 if, in the judgment of the forest commissioner, such lots or sections are not valuable for lumber growth, but are found to be better adapted for settlement than for other purposes.

Sec. 11. Settler's lot to the value of \$1,000, exempt from attachment. R. S. c. 8, § 11. Whoever purchases a lot of wild land of the state 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. 12. Descends to children free from debts of deceased, until youngest is 18 years old. R. S. c. 8, § 12. 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.

Sec. 13. Trespasses, prosecutions for them; measure of damages. R. S. c. 8, § 13. If any person unlawfully enters and trespasses upon the public lands, or upon any lands reserved for public uses, while under care of the commissioner, 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.

45 Me. 69; 49 Me. 390; 78 Me. 264.

Sec. 14. Damages, if suit is for benefit of an individual. R. S. c. 8, § 14. 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.

See c. 109, § 9.

Lands Reserved for Public Uses.

Sec. 15. Acceptance of gifts to state of land for park and forest purposes. 1919, c. 166, § 1. The forest commissioner may, with the advice and consent of the governor and council, accept on the part of the state gifts of land for forest and park purposes. The title to lands acquired under this section shall be investigated and approved by the attorney-general of the state.

Sec. 16. Purposes for which lands may be used; not to be sold; may be improved; revenue derived from to be used for improvement or further acquisition. 1919, c. 166, § 2. The purpose of this acquisition of land is hereby declared to be the preservation of scenic beauty, facility for recreation as nearly unrestricted and general as is practicable by the people of this state and those whom they admit to the privilege, and the production of timber for watershed protection and as a crop. The lands acquired within the limits described in section fifteen shall never be sold. They shall be protected from fire and damage from other sources in an efficient and economical way. They may be improved by roads and trails and also reforested under direction of the forest commissioner according to his best knowledge and judgment when funds are available for that purpose. Timber may be sold and camp sites leased by the state forest commissioner with the approval of the governor and council when in accordance with the purposes of this section as previously stated; no contract of either character to be for a term of more than five years. Revenues derived from these uses shall be paid to the state treasury by the said forest commissioner and constitute a fund to be applied to the care and improvement of these lands or to the acquisition of other lands for similar purposes.

Sec. 17. Permanent fund. 1919, c. 43. The money appropriated under chapter forty-three of the public laws of nineteen hundred nineteen is designated as a permanent fund to be expended under the direction of the forest commissioner for general forestry purposes, including the reforestation of waste lands acquired by the state by grant or purchase, the encouragement of reforestation by private owners, the enforcement of legislation relating to forestry, and the general improvement of forest growth both within and without the Maine Forestry District. The unexpended balance in any year shall not be permitted to lapse, but shall be available in future years for said purposes. The forest commissioner may in any year with the advice and consent of the governor and council use any unexpended money accumulated from previous years for the enlargement or development of state forest reservations.

Sec. 18. Reservation for public uses; may be located by agreement. R. S. c. 8, § 15. 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 town-

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ship, for the exclusive benefit of such town or tract, to average in quality, situation, and value as to timber with the other lands therein. In townships or tracts sold and not incorporated, the lands reserved for public uses may be selected and located by the forest commissioner and the proprietors, by a written agreement, describing the reserved lands by metes and bounds, signed by said parties, and recorded in the forest commissioner's office. The plan or outline of the lands so selected shall be entered on the plan of the township or tract in the forest commissioner's office, which shall be a sufficient location thereof.

See Articles of separation, condition 7. See c. 20, §§ 61-63; 26 Me. 205; *30 Me. 377; 97 Me. 336; *112 Me. 424.

Sec. 19. Location without agreement. R. S. c. 8, § 16. When the forest commissioner 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 forest commissioner may petition the superior 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.

97 Me. 336.

Sec. 20. Forest commissioner to have care of lots located; may sell timber and grass on such lots and grant permits. R. S. c. 8, § 17. 1917, c. 189. The forest commissioner 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 may be consented to by the assessors of any organized plantation or by the county commissioners in the county in which any unorganized plantation is situated, 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; provided, however, that no timber shall be so sold until the same has been advertised for sale and a notice thereof published for three weeks successively in some newspaper published in the county where the land is situated, and if no such paper is published in such county then in the state paper. Except that this section shall not apply to cases where the reserved lands have not been located.

See c. 20, §§ 50-60; 30 Me. 381; 45 Me. 69; 49 Me. 390; *61 Me. 446; 78 Me. 264; 97 Me. 336.

Sec. 21. Forest commissioner to keep an account with lots. R. S. c. 8, § 18. The forest commissioner 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 state auditor and pay to the treasurer of state the balance in his hands, specifying each township and tract from which it was received.

*61 Me. 447; *97 Me. 336.

Sec. 22. Treasurer also to keep account. R. S. c. 8, § 19. 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.

*61 Me. 447, 448; *97 Me. 336.

Sec. 23. Money to be held in two funds for school purposes. Disposition of unorganized townships fund. R. S. c. 8, § 20. 1917, c. 261, § 1. 1919, c. 15, § 1. The money arising from the sale of timber and grass or from trespasses on re-

served lands, paid into the treasury of the county in which the township is situated or into the state treasury, shall be held by the state treasurer in two separate funds, the income of which only shall be expended and applied as is by law provided for school purposes. Upon the first fund to be known as the unorganized townships fund, the state shall allow interest annually at four per cent, the income from said fund shall be added to the school equalization fund; upon the second fund to be known as the organized townships fund, the state shall allow interest annually at six per cent, the income from said fund to be dealt with as provided in the following section.

*61 Me. 447, *448; 97 Me. 336.

Sec. 24. Disposition of organized townships fund. R. S. c. 8, § 21. 1917, c. 261, § 2. 1919, c. 15, § 2. The income of the organized townships fund as provided in the preceding section shall be added to the principal of the funds, respectively, 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 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 at six per cent 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, by the treasurer of state. The state commissioner of education shall file a list of such plantations with the amount due for interest for the preceding year according to a record of such amounts to be furnished to him by the treasurer of state, in the office of the state auditor, who shall thereupon insert the name and amount due such plantations in the first warrant drawn in that year. The state commissioner of education shall be satisfied that all such plantations are organized, and that schools have been established therein according to law, that assessors are sworn and qualified, and that the treasurers of such plantations have given bonds as required by law.

*61 Me. 447; 97 Me. 336.

Sec. 25. When school lands revert to state, forest commissioner to exercise control of lands and fund. R. S. c. 8, § 22. When the incorporation of a town is repealed, the care and custody of the school lands therein reverts to the forest commissioner 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 forest commissioner 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. 26. Locations of land where portions are reserved on grant, how made. R. S. c. 8, § 23. 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 superior court in the county where the land lies, on application of the forest commissioner, may appoint three disinterested persons, and issue to them a warrant, under the seal of the court, requiring them, as soon

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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.

See c. 102, § 29; 17 Me. 426; 26 Me. 205; 29 Me. 42; 30 Me. 219; *33 Me. 304; 104 Me. 551; 112 Me. 423.

Sec. 27. Proceedings by committee; record. R. S. c. 8, § 24. Said committee, before acting, shall be sworn before a justice of the peace; and a certificate thereof shall be indorsed on the warrant. 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. They shall make return of said warrant and their doings thereon, under their hands, to the next superior court in the county after having completed the service; which, being accepted by the court and recorded in the registry of deeds in the county or registry district where the land is situated within six months, shall be a legal assignment and location of such reserved portions for the uses designated.

8 Me. 135; 26 Me. 205.

Sec. 28. Location by grantee, how made. R. S. c. 8, § 25. When the grantee of any such land 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. 29. Location on partition. R. S. c. 8, § 26. Such severance and location may also be made and completed in the manner prescribed in section twenty-nine of chapter one hundred two.

Sec. 30. Exceptions may be filed. R. S. c. 8, § 27. 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.

Review of proceedings for location of lands reserved for public uses, c. 103, § 1.
In cases of inquests of office, plan to be filed in land office, c. 107, § 8.
Duties of forest commissioner as to timber and grass on reserved lands forfeited for taxes, c. 13, §§ 51-52.

Sec. 31. Title to certain islands in great ponds reserved to the state. R. S. c. 2, § 2. 1929, c. 258, § 1. The title to all islands located in great ponds within the state, except such as have been previously granted away by the state, or are now held in private ownership, shall remain in the state and be reserved for public use.

Sec. 32. Title to certain islands in the sea reserved to the state. R. S. c. 2, § 2. 1929, c. 258, § 2. The title to all islands located in the sea within the jurisdiction of the state, except such as have been previously granted away by the state or are now held in private ownership, shall remain in the state and be reserved for public use.

Forest Commissioner and Preservation of Forests.

Sec. 33. Duties of forest commissioner in reference to preservation of forests; report; deputy forest commissioner; tenure. R. S. c. 8, § 28. The forest commissioner 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 watersheds 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 the report to be made by him biennially to the governor on or before the first day of July. The chief clerk to the forest commissioner shall be deputy forest commissioner. He shall hold office during the pleasure of the forest commissioner and perform such duties as the latter may prescribe.

Sec. 34. Selectmen to be fire wardens; duties and authority; compensation; penalty for refusing to assist; damages in case of neglect of selectmen; application to cities. R. S. c. 8, § 29. 1921, c. 61. The selectmen of towns shall be forest fire wardens therein and may appoint one or more persons to act as deputy forest fire wardens. 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, and the services of said deputy forest fire wardens shall be paid for at the rate hereinafter fixed for persons assisting in the extinguishment of forest fires. Whenever a fire is discovered, fire wardens or deputy wardens shall take such measures as may be necessary for its control and extinguishment. For this purpose they may call upon any persons in the town for assistance, and such persons shall receive such compensation, not exceeding thirty cents per hour, as said selectmen may determine, and they shall be provided with subsistence during said service, the same to be paid by the town; provided that 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 wardens or deputy wardens 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. If any person shall suffer damage from fire in consequence of the negligence or neglect of the selectmen of any town to perform the duties required by this section, such person shall have an action on the case to recover from the town where the fire occurs to the amount of his damages so sustained not to exceed two per cent of the valuation of said town. This section shall also apply to cities. The chief engineer of the fire departments of cities shall be forest fire wardens and shall have the same powers and duties in carrying out the provisions hereof as selectmen of towns.

*120 Me. 281.

Sec. 35. State fire wardens, and their duties. R. S. c. 8, § 34. 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.

Sec. 36. Penalty for not extinguishing camp, cooking or other fires; exceptions; fines, how disposed of. R. S. c. 8, § 35. 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 land, woodland, or cultivated lands or meadows, shall not be construed as prohibited by this sec-

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tion. One-half of any fine imposed and collected under this section shall be paid to the complainant.

Sec. 37. Hunters required to use non-combustible wads. R. S. c. 8, § 37. All persons engaged in hunting game on any of the woodlands within any town or unincorporated place in this state shall use non-combustible wads in the loading of firearms used by them.

Sec. 38. Governor may suspend open season for hunting and fishing. R. S. c. 8, § 38. 1923, c. 33, § 1. Whenever, during an open season for the hunting of any kind of game or game birds in this state, or the taking of fish from the inland waters thereof, it shall appear to the governor that by reason of drought, hunting or fishing in the forests is liable to cause forest fires, he may by proclamation suspend the open season and make it a close season for such time as he may designate.

Sec. 39. Penalty provided for catching fish on which there is not otherwise a close season. R. S. c. 8, § 39. 1923, c. 33, § 2. During the time which shall by such proclamation be made a close season, all provisions of law covering and relating to the close season shall be in force, and a person violating a provision of the same shall be subject to the penalty therein prescribed. Whoever, during the close season fixed by proclamation of the governor, as provided in the preceding section, enters upon the wild lands carrying or having in his possession any firearms; or who catches any fish or shoots any wild animal or bird for which there is no close season otherwise provided by law, shall be punished by a fine of not less than ten dollars nor more than one hundred dollars and costs for each offense.

Sec. 40. Proclamation to be published and posted; copy filed with secretary of state. R. S. c. 8, § 40. Such proclamation shall be published in such newspapers of the state and posted in such places and in such manner as the governor may order in writing. A copy of such proclamation and order shall be filed with the secretary of state. A like attested copy shall be furnished to the forest commissioner, who shall attend to the posting and publication of the proclamation. All expense thereof and all the expense of enforcing the provisions of the proclamation shall be paid by said commissioner, after allowance by the state auditor, from any funds in the state treasury not otherwise appropriated.

Sec. 41. When proclamation may be annulled. R. S. c. 8, § 41. If after the issuing of the proclamation as provided in section thirty-eight, by reason of rains or otherwise, the governor is satisfied that the occasion has passed for the issuance of the proclamation, he may annul it by another proclamation issued as provided for the issuance of the first proclamation.

Sec. 42. Inquiry to be made into origin of woodland fires. R. S. c. 8, § 42. Municipal officers in towns shall proceed immediately to a strict inquiry into the cause and origin of fires within woodlands; 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.

Sec. 43. Selectmen to make report of any forest fire. R. S. c. 8, § 43. The selectmen of towns in which a forest fire of more than one acre in extent has occurred, within a month 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 the amount of cord wood, logs, bark or other forest product, fencing, bridges, and buildings that have been burned. They shall also report the causes of these fires, if they can be ascertained, and the measures employed and found

effective in checking their progress. Blanks for such reports shall be furnished by the forest commissioner at the expense of the state.

Sec. 44. Forest commissioner to maintain fire patrol, along railroads. R. S. c. 8, § 44. Whenever in the judgment of the forest commissioner the woodlands along the railroads traversing the forest lands of the state are in a dry and dangerous condition, he shall maintain a competent and efficient fire patrol along the right of way or lands of such railroads.

Sec. 45. Fires to be reported to forest commissioner. R. S. c. 8, § 45. All fires started upon the right of way of any railroad or lands adjacent thereto shall be immediately reported to the forest commissioner upon blanks to be furnished by him, by the patrolman within whose limits the fire originated, setting forth the origin of such fire, the quantity and quality of the land burned over, and, if the fire was started by a locomotive, the number thereof.

Sec. 46. Expense of fire patrol to be paid by railroad company. R. S. c. 8, § 46. The forest commissioner shall keep, or cause to be kept, an account of the cost of maintaining such fire patrol along the line of such railroad, including therein the wages and expenses of the employees engaged in maintaining such fire patrol, and the total cost thereof shall be paid to the forest commissioner by the railroad company along whose land or right of way such patrol is maintained, such payment to be made monthly or on the presentation of the bills therefor. All such funds received by said commissioner shall be credited to the fund for the protection of the forests against fire from which it was drawn.

Sec. 47. Railroad company not released from damages. R. S. c. 8, § 47. Nothing in the three preceding sections shall be construed as releasing any railroad company from any damage caused by fires set by their locomotives or employees.

Sec. 48. Railroad companies to remove all inflammable material from right of way. R. S. c. 8, § 48. 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; but no railroad employee shall build a fire to burn rubbish along the right of way through forest lands when forbidden to do so by the forest commissioner, or his wardens.

Sec. 49. Locomotives to be provided with spark arresters. R. S. c. 8, § 49. 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. The forest commissioner may petition the public utilities commission, setting forth that there is danger of fire to lands within the Maine forestry district from the operation of locomotives on any railroad; and said commission may, after notice and hearing thereon, make such orders and regulations relating to the equipment and operation of locomotives, during times of drought or danger of forest fires, as they deem necessary for the prevention of fires on said lands.

Sec. 50. Railroad companies liable for damages caused by employees; smoking car windows to be screened. R. S. c. 8, § 50. No railroad company shall permit its employees to deposit fire, live coals or ashes upon its track in the immediate vicinity of woodlands or lands liable to be overrun by fires, and any railroad company operating a railroad running through the Maine forestry district shall between the first day of May and the tenth day of November following in each year, fasten down or secure screens or other obstructions in the windows of all cars or apartments of cars in which smoking is allowed, to prevent the throwing of burning matches, burning cigars, burning cigarettes or parts thereof from the windows of such cars. When engineers, conductors, or

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trainmen discover that fences along the right of way or woodlands 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. 51. Penalty for violation of §§ 48-50. R. S. c. 8, § 52. Any railroad company violating any of the provisions of the three preceding sections shall be punished by a fine of one hundred dollars for each offense.

Sec. 52. Railroads under construction, liable for all damages to forest growth caused by employees; 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. R. S. c. 8, § 51. For all damages caused to forest growth by any person employed in the construction of any railroad 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 woodland, there shall be kept posted in conspicuous places on each line of the roadways 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 more than five hundred dollars or by imprisonment for not more than 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. 53. Debris and inflammable material caused by cutting forest growth adjacent to woodlands owned by another shall be disposed of; slash and debris caused by portable sawmills shall be disposed of; permit to be obtained for the burning of blueberry lands adjacent to forest growth. R. S. c. 8, § 53. 1919, c. III. 1921, c. 174. Any person, firm, corporation, or agent, cutting any forest growth on property adjacent to the right of way of any railroad or highway within the state, shall leave the growth uncut on the land within fifty feet of the limit of the right of way of a railroad or center of the wrought portion of any plantation, town, city, county, or state road; (or shall dispose of slash and debris caused by cutting in such a manner that inflammable material shall not remain on the ground within fifty feet of the limit of the right of way of a railroad or center of the wrought portion of any plantation, town, city, county, or state road). Any person, firm, corporation, or agent cutting any forest growth on property adjacent to woodlands owned by another within the state outside the limits of the Maine forestry district and all such firms, persons, and corporations, who by themselves, their agents, servants, licensees, permittees, or lessees operate, or permit operation of portable sawmills on land which borders on woodland shall dispose of slash and debris caused by cutting in such a manner that inflammable material shall not remain on the ground within fifty feet of the line of cutting on the side or sides towards such woodland. Provided, however, that consent and direction in writing from the forestry department shall be required for the burning of such brush or slash or for the burning of blueberry land when such land is adjacent to any forest growth except when the ground is covered with snow. The forest commissioner shall cause to be furnished to all the chief forest fire wardens and to the municipal officers of all towns and organized plantations of the state, blank permits, signed by him, for the burning of brush or slash or for the burning of blueberry land. Any chief

forest fire warden or the municipal officers of the town, in the county where the land is located, shall have full authority to countersign and grant such permits signed by the forest commissioner. The forest commissioner, may, however, in any particular case called to his attention, overrule the decision of the chief forest fire warden or the municipal officers, and himself grant the permit asked for or forbid the granting of the same. Whoever violates any of the provisions of this section shall on conviction thereof be punished by a fine of fifty dollars.

Sec. 54. Slash and debris, how to be disposed of; penalty. R. S. c. 8, § 54. 1919, c. 111, § 2. Slash and debris accumulating by the construction and maintenance of railroads, highways, power company, telegraph, or telephone lines shall be disposed of in such a manner that inflammable material shall not be left on the ground. Whenever slash and debris or inflammable material are found on the ground having accumulated as the result of the construction and maintenance of railroads, highways, power company, telegraph, or telephone lines, contrary to the terms of this section the person responsible therefor, or his employer, whether individual, firm, or corporation, shall be punished by a fine of fifty dollars.

Sec. 55. Forest commissioner may dispose of slash and debris, and recover. R. S. c. 8, § 55. 1919, c. 111, § 3. When any person, firm, corporation, or agent, shall have failed to dispose of slash and debris as provided by the two preceding sections, the forest commissioner shall notify the owner of the land of the requirement of this statute, and if such owner, within a reasonable time, shall fail to destroy or remove such slash or debris, such commissioner shall cause such slash and debris to be so disposed of. He shall pay the expense of so disposing of such slash and debris from any funds at his disposal, legally applicable to such purpose; and he or his successor in office shall be entitled to recover the amount of such expenditures in an action of debt, to be prosecuted by the attorney-general in the superior court in the county where the land lies, against the person, firm, corporation, or agent, whose duty it was to dispose of such slash or debris; and there shall be a lien on the land on which the cutting of forest growth took place, to secure any judgment recovered in such action, to be enforced by attachment in said action, made within six months after such expenditures were made. The sum recovered and collected in such action shall be returned to and become a part of the fund from which the expenditures were made. This remedy shall be additional to the penalty provided in said sections.

Sec. 56. Slash or debris caused by cutting of wood or timber not to be burned without permit; penalty. 1919, c. 168. Any person, firm, corporation, or agent who cuts any wood or lumber within the woodlands of this state and desires to dispose of the slash and debris caused by such cutting or clearing by burning shall be first required to obtain a permit therefor in accordance with the provisions of section fifty-three, and on failure thereof shall be subject to the penalty provided in said section.

Sec. 57. Portable sawmills to be licensed by forest commissioner. Disposition of license fees; penalty. 1921, c. 164, §§ 1, 2, 3. It shall be unlawful to erect a portable sawmill without first obtaining a license therefor from the forest commissioner. Application shall be made upon blanks prepared by the forest commissioner for this purpose. A proper record of all applications for licenses and all licenses issued shall be kept by the forest commissioner at his office and shall be open to inspection of any person during reasonable business hours, and when said mill is located in towns duplicate licenses sent municipal officers. The fee for such license shall be twenty-five dollars, which shall be deposited at the time of making the application, and all licenses shall expire one year from

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the date of their issue. The forest commissioner or forest fire wardens in organized towns may at any time suspend or revoke any license for the violation of the slash laws; and he or they may suspend such license in times of drought as to any portable sawmill, the operation of which would create an extra fire hazard. Upon application filed and recorded as aforesaid the forest commissioner shall grant a permit to change the location of any portable sawmill. All money accruing from the issuance of licenses as provided for in this section shall be added to and become a part of the fund for the purchase of lands and general forestry purposes. Whoever erects a portable sawmill without first obtaining a license from the forest commissioner as provided in this section shall be punished by a fine of not more than five hundred dollars. Any portable sawmill so erected without a license shall be deemed a public nuisance without other proof than its use.

Sec. 58. Elementary instruction in forestry in public schools. R. S. c. 8, § 56. The forest commissioner shall take such measures as the state commissioner of education 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. 59. Forest commissioner to issue circulars of advice for care of woodlands; may maintain forest nurseries and furnish seedlings. R. S. c. 8, § 57. 1921, c. 59. He shall prepare tracts or circulars of information, giving plain and concise advice for the care of woodlands and for the preservation of forest growth. These publications shall be furnished to any citizen of the state upon application. He may also establish within the state one or more forest nurseries, the maintenance of which shall be paid from the appropriation for that purpose, the object of which is declared to be; to furnish forest tree seedlings and transplants at cost of production for use in planting the waste and cut over lands of the state.

Sec. 60. Copies of §§ 33-61 to be printed and distributed to forest fire wardens and posted; penalty for removing notices posted. R. S. c. 8, § 58. 1919, c. 5. 1923, c. 23. The forest commissioner, at the expense of the state, may cause copies of sections thirty-three to sixty-one, both inclusive, of this chapter, or of such sections or parts of sections thereof as he may deem desirable, and all other laws of the state relating to forest fires, to be printed and freely distributed to the forest fire wardens 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. Whoever tears down, destroys, or defaces any notice relative to protection against forest fires posted over the name and title of the forest commissioner, or the name of any association organized for the protection of the forests of the state from fire, shall on conviction thereof be punished by a fine of not less than twenty-five dollars nor more than fifty dollars.

Sec. 61. Penalties not substitutes for existing liabilities. R. S. c. 8, § 59. None of the penalties imposed by sections thirty-three to sixty inclusive 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.

White Pine Blister Rust.

Sec. 62. White pine blister rust dangerous pest. 1917, c. 178, § 1. The fungous disease commonly known as the white pine blister rust is hereby declared to be a dangerous pest in all its stages; and it is the duty of the officials hereinafter named, to prosecute the measures hereinafter specified for the control of this pest.

Sec. 63. Forest commissioner to promulgate information and to designate areas where control is necessary. 1917, c. 178, § 2. The forest commissioner is hereby authorized and empowered to promulgate by letter, publication, poster, or other means information concerning the white pine blister rust and to designate, by the aforesaid means of promulgation, areas within the state in which control measures are necessary or advisable. It shall be the duty of every land owner within such designated area, to carry out such control measures as are ordered by the forest commissioner, including the removal and destruction of any or all plants of the genus *ribes*, commonly known as currants and gooseberries, and any white pine tree or trees, which are found to be infected with the disease. If the owner fails to destroy the above named plants or trees within the time specified by the forest commissioner, the forest commissioner shall cause said plants or trees to be destroyed and shall charge the actual expense of same to the city, town, or plantation within which said plants or trees are found. Such amount shall be collected as a state tax and credited to the appropriation for said purpose. The city, town, or plantation wherein such plants or trees are found may assess the cost of the removal of said plants or trees to the owner of the real estate wherein the said plants or trees are found. The amount so assessed shall be collected in the form of a tax.

Sec. 64. Commissioner or agents authorized to enter upon lands, private or public; cooperation. 1917, c. 178, § 3. The forest commissioner or his authorized agents shall have the right to enter upon any private or public lands to determine the presence or absence of the white pine blister rust in any of its stages, and to carry out the necessary eradication measures. The above mentioned commissioner may cooperate with departments of the federal government, the state department of agriculture, and the agricultural experiment station for the control or eradication of said disease in the state and for the carrying out of such investigations as are deemed advisable by the commissioner.

Sec. 65. Diseased trees and shrubs to be destroyed; owners to be reimbursed when same are proved not to have been infected. 1917, c. 178, § 4. Any white pine trees or currant or gooseberry bushes which are found to be infected with *cronartium ribicola* are hereby declared to be a public menace, and any such diseased trees or plants and any and all wild plants of the genus *ribes* may be destroyed by order of the commissioner or his authorized agents. If within any designated area, as specified in section sixty-three, currant or gooseberry bushes or white pine trees which are not infected with *cronartium ribicola* are designated by the commissioner or his agents for destruction, and destroyed by their specific order, the owner may be compensated therefor; the damages to be assessed by the commissioner or his agents at not to exceed the actual value of the material destroyed, and paid to said owner by the state treasurer upon authorization of the commissioner. In lieu of money damages for any trees or bushes destroyed under sections sixty-two to sixty-seven the commissioner may offer and the owner may accept forest planting stock to be furnished from the state forest nursery, and to be paid for at cost by the commissioner.

Sec. 66. State nursery inspector under orders of commissioner may enter upon lands; authority. 1917, c. 178, § 5. The state nursery inspector, under

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direction of the commissioner of agriculture, is hereby authorized and empowered to enter upon any land contiguous to or within the vicinity of any nursery within the state, for the purpose of determining the presence or absence of *cronartium ribicola* in any of its stages or other threatening fungous disease or insect pest, and within such area he shall have the same power and duties for control and eradication of the white pine blister rust or its hosts as is vested in the forest commissioner or his agents, and shall have the power to enforce and carry out necessary measures for the control or eradication of other threatening fungous diseases or insect pests.

Sec. 67. Shipment may be prohibited; penalty for violation. 1917, c. 178, § 6. The forest commissioner is hereby authorized and empowered to prohibit and prevent or to regulate the entry into the state or movement within the state from any part thereof to any other part, of any living five-leaved pine trees or any plants of the genus *ribes*, or other nursery stock or plants, which in his judgment may cause the introduction or spread of a dangerous plant disease or insect pest. The said official is hereby authorized to issue such orders, notifications, and permits as may be necessary to carry out the provisions of this section, and any person violating any of the provisions of sections sixty-six and sixty-seven shall be punished by a fine of not more than twenty dollars for each and every offense. The expenses necessary for carrying out the provisions of section sixty-six shall be paid from the appropriation for nursery inspection or other funds of the department of agriculture.

Maine Forestry District.

Sec. 68. Maine Forestry District. R. S. c. 8, § 60. The administrative district known as the Maine Forestry District, heretofore established and incorporated, shall include the following territory:

Arroostook county. R. S. c. 8, § 60. Township A, R. 2, W. E. L. S.; Hammond plantation; C, R. 2, W. E. L. S.; D, R. 2, W. E. L. S.; E plantation; 3, R. 2, W. E. L. S.; Cox Patent; Glenwood plantation; 3, R. 3, W. E. L. S.; 4, R. 3, W. E. L. S.; 7, R. 3, W. E. L. S.; 8, R. 3, W. E. L. S.; 9, R. 3, W. E. L. S.; 10, R. 3, W. E. L. S.; 17, R. 3, W. E. L. S.; 1, R. 4, W. E. L. S.; 2, R. 4, W. E. L. S.; 3, R. 4, W. E. L. S.; 7, R. 4, W. E. L. S.; 8, R. 4, W. E. L. S.; 9, R. 4, W. E. L. S.; 10, R. 4, W. E. L. S.; 11, R. 4, W. E. L. S.; Westmanland plantation; 16, R. 4, W. E. L. S.; 17, R. 4, W. E. L. S.; A, R. 5, W. E. L. S.; 1, R. 5, W. E. L. S.; 7, R. 5, W. E. L. S.; 8, R. 5, W. E. L. S.; 9, R. 5, W. E. L. S.; 13, R. 5, W. E. L. S.; 14, R. 5, W. E. L. S.; 15, R. 5, W. E. L. S.; 16, R. 5, W. E. L. S.; 17, R. 5, W. E. L. S.; Oxbow plantation; 10, R. 6, W. E. L. S.; Garfield plantation; Nashville plantation; 14, R. 6, W. E. L. S.; 15, R. 6, W. E. L. S.; 16, R. 6, W. E. L. S.; 9, R. 7, W. E. L. S.; 10, R. 7, W. E. L. S.; 11, R. 7, W. E. L. S.; 12, R. 7, W. E. L. S.; 13, R. 7, W. E. L. S.; 14, R. 7, W. E. L. S.; Winterville plantation; 9, R. 8, W. E. L. S.; 10, R. 8, W. E. L. S.; 11, R. 8, W. E. L. S.; 12, R. 8, W. E. L. S.; 13, R. 8, W. E. L. S.; 14, R. 8, W. E. L. S.; 15, R. 8, W. E. L. S.; 16, R. 8, W. E. L. S.; 11, R. 9, W. E. L. S.; 12, R. 9, W. E. L. S.; 13, R. 9, W. E. L. S.; 14, R. 9, W. E. L. S.; 15, R. 9, W. E. L. S.; 16, R. 9, W. E. L. S.; 11, R. 10, W. E. L. S.; 12, R. 10, W. E. L. S.; 13, R. 10, W. E. L. S.; 14, R. 10, W. E. L. S.; 15, R. 10, W. E. L. S.; Allagash plantation; 18, R. 10, W. E. L. S.; 11, R. 11, W. E. L. S.; 12, R. 11, W. E. L. S.; 13, R. 11, W. E. L. S.; 14, R. 11, W. E. L. S.; 15, R. 11, W. E. L. S.; 18, R. 11, W. E. L. S.; 19, R. 11, W. E. L. S.; 11, R. 12, W. E. L. S.; 12, R. 12, W. E. L. S.; 13, R. 12, W. E. L. S.; 14, R. 12, W. E. L. S.; 15, R. 12, W. E. L. S.; 16, R. 12, W. E. L. S.;

17, R. 12, W. E. L. S.; 18, R. 12, W. E. L. S.; 19, R. 12, W. E. L. S.; 20, R. 11 and 12, W. E. L. S.; 11, R. 13, W. E. L. S.; 12, R. 13, W. E. L. S.; 13, R. 13, W. E. L. S.; 14, R. 13, W. E. L. S.; 15, R. 13, W. E. L. S.; 16, R. 13, W. E. L. S.; 17, R. 13, W. E. L. S.; 18, R. 13, W. E. L. S.; 11, R. 14, W. E. L. S.; 12, R. 14, W. E. L. S.; 13, R. 14, W. E. L. S.; 14, R. 14, W. E. L. S.; 15, R. 14, W. E. L. S.; 16, R. 14, W. E. L. S.; 17, R. 14, W. E. L. S.; 11, R. 15, W. E. L. S.; 12, R. 15, W. E. L. S.; 13, R. 15, W. E. L. S.; 14, R. 15, W. E. L. S.; 15, R. 15, W. E. L. S.; 11, R. 16, W. E. L. S.; 12, R. 16, W. E. L. S.; 13, R. 16, W. E. L. S.; 14, R. 16, W. E. L. S.; 11, R. 17, W. E. L. S.; 12, R. 17, W. E. L. S.; in Aroostook county.

Franklin county. R. S. c. 8, § 60. Township Number 4, Washington plantation; Sandy River plantation; Rangeley plantation; 4, R. 1, B. K. P., W. K. R.; 4, R. 2, B. K. P., W. K. R.; 4, R. 3, B. K. P., W. K. R.; D, R. 1; 1, R. 2, W. B. K. P.; Dallas plantation; Coplin plantation; Lang plantation; 3, R. 3, W. B. K. P.; 3, R. 2, B. K. P., W. K. R.; 2, R. 4, W. B. K. P.; 3, R. 4, W. B. K. P.; 1, R. 5, W. B. K. P.; 2, R. 5, W. B. K. P.; 3, R. 5, W. B. K. P.; 1, R. 6, W. B. K. P.; 2, R. 6, W. B. K. P.; 3, R. 6, W. B. K. P.; 1, R. 7, W. B. K. P.; 2, R. 7, W. B. K. P.; 1, R. 8, W. B. K. P.; 2, R. 8, W. B. K. P.; Gore north of T. number 2 and 3, R. 6, W. B. K. P.; number 6 north of Weld; Gore north of T. 1, R. 8, W. B. K. P.; township E; Perkins; in Franklin county.

Hancock county. R. S. c. 8, § 60. 1917, c. 138, § 1. Township No. 3, North Division; No. 4, North Division; Two Mile Strip North of No. 3, North Division; Strip North of No. 4, North Division; No. 7, South Division; No. 8 Plantation; No. 9, South Division; No. 10, South Division; No. 16, Middle Division; No. 21 Plantation; No. 22, Middle Division; No. 28, Middle Division; No. 32, Middle Division; No. 33 Plantation; No. 34, Middle Division; number 35, Middle Division; number 39, Middle Division; number 40, Middle Division; number 41, Middle Division; Butter Island; Eagle Island; Spruce Head Island; Bear Island; Beach Island; Hog Island; Bradbury's Island; Pond Island; Western Island; Little Spruce Island; Marshall's Island; Pickering's Island; Resolution Island; in Hancock county.

Oxford county. R. S. c. 8, § 60. 1917, c. 138, § 2. 1919, c. 70. T. A. Number 1; Andover North Surplus; Andover West Surplus; T. C.; C. Surplus; 4, R. 1, W. B. K. P.; Magalloway plantation; 4, R. 2, W. B. K. P.; Lincoln plantation; 4, R. 3, W. B. K. P.; 5, R. 3, W. B. K. P.; 4, R. 4, W. B. K. P.; 5, R. 4, W. B. K. P.; 4, R. 5, W. B. K. P.; 4, R. 6, W. B. K. P.; 5, R. 5, W. B. K. P.; the township of Grafton, in Oxford county.

Penobscot county. R. S. c. 8, § 60. Township 3, R. 1, N. B. P. P.; Lakeville plantation; 5, R. 1, N. B. P. P.; Webster plantation; Drew plantation; 1, R. 7, N. W. P.; 2, R. 8, N. W. P.; Seboeis plantation; 2, R. 9, N. W. P.; 3, R. 9, N. W. P.; 1, R. 6, W. E. L. S.; 2, R. 6, W. E. L. S.; Stacyville plantation; 6, R. 6, W. E. L. S.; 7, R. 6, W. E. L. S.; 8, R. 6, W. E. L. S.; A. R. 7, W. E. L. S.; 1, R. 7, W. E. L. S.; 2, R. 7, W. E. L. S.; 3, R. 7, W. E. L. S.; 4, R. 7, W. E. L. S.; 5, R. 7, W. E. L. S.; 6, R. 7, W. E. L. S.; 7, R. 7, W. E. L. S.; 8, R. 7, W. E. L. S.; Hopkins Academy grant; 8, R. 8, W. E. L. S.; A. R. 8 and 9, W. E. L. S.; Veazie Gore; number 3, Indian purchase; number 4, Indian purchase; 1, R. 8, W. E. L. S.; 2, R. 8, W. E. L. S.; 3, R. 8, W. E. L. S.; 4, R. 8, W. E. L. S.; 5, R. 8, W. E. L. S.; 6, R. 8, W. E. L. S.; 7, R. 8, W. E. L. S.; number 1, North Division; Grand Falls plantation; in Penobscot county.

Piscataquis county. R. S. c. 8, § 60. 1917, c. 138, § 3. Lakeview plantation; Barnard plantation; 4, R. 9, N. W. P.; 5, R. 9, N. W. P.; 6, R. 9, N. W. P.; 7, R. 9, N. W. P.; Elliottsville plantation; 3, R. 5, B. K. P., E. K. R.; 2, R. 6, B. K. P.,

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E. K. R.; 1, R. 9, W. E. L. S.; 2, R. 9, W. E. L. S.; 3, R. 9, W. E. L. S.; 4, R. 9, W. E. L. S.; 5, R. 9, W. E. L. S.; 6, R. 9, W. E. L. S.; 7, R. 9, W. E. L. S.; 8, R. 9, W. E. L. S.; 9, R. 9, W. E. L. S.; 10, R. 9, W. E. L. S.; A. R. 10, W. E. L. S.; B. R. 10, W. E. L. S.; 1, R. 10, W. E. L. S.; 2, R. 10, W. E. L. S.; 3, R. 10, W. E. L. S.; 4, R. 10, W. E. L. S.; 5, R. 10, W. E. L. S.; 6, R. 10, W. E. L. S.; 7, R. 10, W. E. L. S.; 8, R. 10, W. E. L. S.; 9, R. 10, W. E. L. S.; 10, R. 10, W. E. L. S.; A. R. 11, W. E. L. S.; B. R. 11, W. E. L. S.; 1, R. 11, W. E. L. S.; 2, R. 11, W. E. L. S.; 3, R. 11, W. E. L. S.; 4, R. 11, W. E. L. S.; 5, R. 11, W. E. L. S.; 6, R. 11, W. E. L. S.; 7, R. 11, W. E. L. S.; 8, R. 11, W. E. L. S.; 9, R. 11, W. E. L. S.; 10, R. 11, W. E. L. S.; 7, R. 10, N. W. P.; 8, R. 10, N. W. P.; A. R. 12, W. E. L. S.; 1, R. 12, W. E. L. S.; 2, R. 12, W. E. L. S.; 3, R. 12, W. E. L. S.; 4, R. 12, W. E. L. S.; 5, R. 12, W. E. L. S.; 6, R. 12, W. E. L. S.; 7, R. 12, W. E. L. S.; 8, R. 12, W. E. L. S.; 9, R. 12, W. E. L. S.; 10, R. 12, W. E. L. S.; A. R. 13, W. E. L. S.; A. 2, R. 13 and 14, W. E. L. S.; 1, R. 13, W. E. L. S.; 2, R. 13, W. E. L. S.; 3, R. 13, W. E. L. S.; 4, R. 13, W. E. L. S.; 5, R. 13, W. E. L. S.; 6, R. 13, W. E. L. S.; 7, R. 13, W. E. L. S.; 8, R. 13, W. E. L. S.; 9, R. 13, W. E. L. S.; 10, R. 13, W. E. L. S.; A. R. 14, W. E. L. S.; X, R. 14, W. E. L. S.; 3, R. 14, and 15, W. E. L. S.; 1, R. 14, W. E. L. S.; 4, R. 14, W. E. L. S.; 5, R. 14, W. E. L. S.; 6, R. 14, W. E. L. S.; 7, R. 14, W. E. L. S.; 8, R. 14, W. E. L. S.; 9, R. 14, W. E. L. S.; 10, R. 14, W. E. L. S.; Sugar Island; Deer Island; Middlesex canal; Day's academy; 4, R. 15, W. E. L. S.; 5, R. 15, W. E. L. S.; 6, R. 15, W. E. L. S.; 7, R. 15, W. E. L. S.; 8, R. 15, W. E. L. S.; 9, R. 15, W. E. L. S.; 10, R. 15, W. E. L. S.; Moose Island; Farm Island; Dollar Island; Ledge Island; Birch Island; both Moody Islands; Cove Point; Harford's Point; Kingsbury plantation; in Piscataquis County.

Somerset county. R. S. c. 8, § 60. 1917, c. 138, § 4. 1927, c. 11. Lexington plantation; Pleasant Ridge plantation; Highland plantation; 1, R. 3, B. K. P., W. K. R.; 2, R. 3, B. K. P., W. K. R.; Dead River plantation; Bigelow plantation; 1, R. 4, B. K. P., W. K. R.; 2, R. 4, B. K. P., W. K. R.; 3, R. 4, B. K. P., W. K. R.; Flagstaff plantation; West Forks plantation; 2, R. 5, B. K. P., W. K. R.; 3, R. 5, B. K. P., W. K. R.; 4, R. 5, B. K. P., W. K. R.; 1, R. 6, B. K. P., W. K. R.; 2, R. 6, B. K. P., W. K. R.; 3, R. 6, B. K. P., W. K. R.; 4, R. 6, B. K. P., W. K. R.; 5, R. 6, B. K. P., W. K. R.; 1, R. 7, B. K. P., W. K. R.; 2, R. 7, B. K. P., W. K. R.; 3, R. 7, B. K. P., W. K. R.; 4, R. 7, B. K. P., W. K. R.; 5, R. 7, B. K. P., W. K. R.; 6, R. 7, B. K. P., W. K. R.; Gore North of numbers 1, 2, 3, R. 7, B. K. P., W. K. R.; Mayfield plantation; 2, R. 3, B. K. P., E. K. R.; The Forks plantation; 2, R. 4, B. K. P., E. K. R.; 1, R. 5, B. K. P., E. K. R.; 2, R. 5, B. K. P., E. K. R.; 1, R. 6, B. K. P., E. K. R.; 1, R. 1, N. B. K. P.; 2, R. 1, N. B. K. P.; 3, R. 1, N. B. K. P.; 5, R. 1, N. B. K. P.; 6, R. 1, N. B. K. P.; 1, R. 2, N. B. K. P.; 2, R. 2, N. B. K. P.; 3, R. 2, N. B. K. P.; Moose River plantation; Dennistown plantation; 6, R. 2, N. B. K. P.; Big W, N. B. K. P.; Little W, N. B. K. P.; 1, R. 3, N. B. K. P.; 2, R. 3, N. B. K. P.; 3, R. 3, N. B. K. P.; 4, R. 3, N. B. K. P.; 5, R. 3, N. B. K. P.; Seboomook; 1, R. 4, N. B. K. P.; 2, R. 4, N. B. K. P.; 3, R. 4, N. B. K. P.; 4, R. 4, N. B. K. P.; 5, R. 4, N. B. K. P.; 3, R. 5, N. B. K. P.; 4, R. 5, N. B. K. P.; 4, R. 16, W. E. L. S.; 5, R. 16, W. E. L. S.; 6, R. 16, W. E. L. S.; 7, R. 16, W. E. L. S.; 8, R. 16, W. E. L. S.; 9, R. 16, W. E. L. S.; 10, R. 16, W. E. L. S.; 4, R. 17, W. E. L. S.; 5, R. 17, W. E. L. S.; 6, R. 17, W. E. L. S.; 7, R. 17, W. E. L. S.; 8, R. 17, W. E. L. S.; 9, R. 17, W. E. L. S.; 10, R. 17, W. E. L. S.; 4, R. 18, W. E. L. S.; 5, R. 18, W. E. L. S.; 6, R. 18, W. E. L. S.; 7, R. 18, W. E. L. S.; 8, R. 18, W. E. L. S.; 9, R. 18, W. E. L. S.; 5, R. 19, W. E. L. S.; 6, R. 19, W. E. L. S.; 7, R. 19, W. E. L. S.; 8, R. 19, W. E. L. S.; 5, R. 20, W. E. L. S.; Sand Bar Tract; in Somerset County.

Washington county. R. S. c. 8, § 60. Township number 18, east division; number 19, east division; number 26, east division; number 27, east division; number 18, middle division; number 19, middle division; number 24, middle division; number 25, middle division; number 29, middle division; number 30, middle division; number 31, middle division; number 36, middle division; number 37, middle division; number 42, middle division; number 43, middle division; number 5, north division; strip north of number 5, north division; number 6, north division; strip north of number 6, north division; number 1, R. 1, Titcomb's survey; Grand Lake Stream plantation; 1, R. 2, Titcomb's survey; 1, R. 3, Titcomb's survey; 6, R. 1, N. B. P. P.; 7, R. 2, N. B. P. P.; 8, R. 3, N. B. P. P.; 10, R. 3, N. B. P. P.; 11, R. 3, N. B. P. P.; 8, R. 4, N. B. P. P.; Indian township; Codyville plantation; number 14 plantation; number 21 plantation; in Washington county.

See c. 13, § 38.

Sec. 69. Annual tax assessed; when payable; description of property. R. S. c. 8, § 61. 1919, c. 104. 1921, c. 4. An annual tax of two and one-quarter mills on the dollar is hereby assessed upon all the property in said district, including rights in public lots, to be used for the protection thereof. Said tax shall be due and payable at the date of the assessment of the state tax, in the years when the legislature is in session, and for other years it shall be due and payable in one year after the date of such assessment. The valuation as determined by the board of state assessors, and set forth in the statement filed by them as provided by section thirteen of chapter twelve, shall be the basis for the computation and apportionment of the tax hereby assessed. The tax hereby assessed shall be valid, and all remedies herein provided shall be in full force if said property is described with reasonable accuracy, whether the ownership thereof is correctly stated or not.

Sec. 70. State assessors to file description of land subject to tax. R. S. c. 8, § 62. The board of state assessors shall, within thirty days after such tax is due, prepare and file with the treasurer of state, a certificate setting forth the description of each lot, parcel, or right subject to the tax, together with the tax computed at the rate fixed in the preceding section.

Sec. 71. Tax notices may be sent by mail to known owners; lists of assessments of unknown owners to be advertised. R. S. c. 8, § 63. 1923, c. 65, § 1. The treasurer of state shall, within three months thereafter, notify in writing the owners of such lands so assessed by sending to each by mail at his last known address, a statement of such tax containing a brief description of the land assessed and the amount of such tax and the date when payment is required, and shall send like notices of such tax for the following year within three months after one year from such assessment. In case the owners of any such lands are unknown instead of sending notices by mail he shall cause the lists of such assessments to be advertised for three weeks successively in the state paper, and in some newspaper, if any, printed in the county in which the land lies, and shall cause like advertisement of the lists of such tax for the following year to be made within three months after one year from such assessment. The land shall be held to the state for the payment of the tax so assessed, with interest at six per cent per annum, to commence six months after such tax is due as herein provided.

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Sec. 72. Redemption of lands assessed, proceedings; land forfeited to the state. R. S. c. 8, § 64. 1923, c. 65, § 2. Owners of lands so assessed may redeem them by paying to the treasurer of state the tax with interest thereon, within one year from the time when such interest commences. Each owner may

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pay for his interest in any tract, whether in common or not, and, upon filing with the treasurer of state a certificate showing the number of acres, and describing the property on which he desires to pay the tax, and where the same is located, and paying the amount due, shall receive a certificate from the treasurer of state, discharging the tax on the number of acres or interest upon which such payment is made. Each part or interest of every such township or tract upon which the tax is hereby imposed and so advertised is not paid, with interest, within the time limited in this section for such redemption, shall be wholly forfeited to the state and vest therein free of any claim by any former owner.

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Sec. 73. Assessment of taxes on organized plantations. R. S. c. 8, § 65. The treasurer of state shall annually send his warrant, together with a copy of the assessment of taxes upon the organized plantations in the Maine Forestry District, directed to the municipal officers of said plantations, requiring them respectively to assess, in dollars and cents, the sum so charged, according to the provisions of law for the assessment of such taxes, and to add to the amount of such tax the amount of state, county and plantation taxes, to be by them assessed in each plantation respectively.

Sec. 74. Use of funds; when insufficient, payments from state treasury; audit of accounts. R. S. c. 8, § 66. 1929, c. 152. The tax assessed by authority of section sixty-nine shall be held by the treasurer of state as a fund to be used to protect from fire the forests situated upon and within the district, and to pay expenses incidental thereto and for no other purpose, except that upon receipt of information from the forest commissioner that there is in said fund a certain sum in excess of the amount necessary for the protection of the forests in said district from fire, the governor and council may issue their warrant to the treasurer of state to refund proportionately to the land owners paying the tax assessed as aforesaid, such sum or sums as shall be recommended by the forest commissioner. The governor and council shall from time to time, as the forest commissioner may request, issue their warrant to the treasurer of state to pay to said commissioner such sums of money as said commissioner may deem necessary for the purpose aforesaid. If the tax assessed by authority of section sixty-nine has not been collected or for any reason is not available for the purpose aforesaid or if said tax proves insufficient in any year to properly carry out said purpose, the governor and council may issue their warrant to the treasurer of state, authorizing him to advance and pay to the forest commissioner, from any moneys then in the treasury not otherwise appropriated, such sum or sums of money as they may deem necessary for such purpose. The accounts of the commissioner of the disbursement of all funds shall be examined by the state auditor for the purpose of determining if said accounts are correctly kept and all payments properly vouched for. The forest commissioner may employ from time to time such clerks in his office as will enable him to pay promptly all bills contracted in carrying out the provisions hereof and the compensation of such clerks shall be paid from the funds provided for the district.

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Sec. 75. Prevention, control, and extinguishment of fires; lookout stations. R. S. c. 8, § 67. The forest commissioner shall take measures for the prevention, control, and extinguishment of forest fires in said forestry district, and to this end he shall establish such subforestry districts as he may deem necessary for effective protection against loss or damage by fire. He may establish lookout stations connected by telephone and equip and maintain depots for necessary tools for the extinguishment of forest fires.

Sec. 76. Chief forest fire warden; deputy forest fire wardens; tenure. R. S. c. 8, § 68. He shall appoint in and for each of the districts so established, a chief forest fire warden, and such number of deputy forest fire wardens as in his judgment may be required to carry out the provisions of sections sixty-eight to eighty-one, both inclusive, assigning to each of the latter the territory over and within which he shall have jurisdiction. All chief and deputy forest fire wardens, so appointed, shall hold office during the pleasure of the commissioner; they shall be sworn to the faithful discharge of their duties, and a certificate thereof shall be returned to the office of the commissioner.

Sec. 77. Duties of fire wardens and deputy wardens; employment of assistants. R. S. c. 8, § 69. 1921, c. 58. 1923, c. 1. The chief forest fire wardens, under the direction of the commissioner, shall have general supervision of their respective districts and of the deputy forest fire wardens therein. Each chief forest fire warden, when directed by the commissioner, shall patrol the forests of his district for the purpose of searching out, extinguishing and guarding against forest fires. He shall investigate and gather evidence regarding the causes of forest fires, enforce all laws relating to forests and forest preservation, 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 and shall be allowed the same fee as a sheriff, or his deputy, for like services, and shall have and enjoy the same right as a sheriff to require aid in executing the duties of his office. The chief forest fire wardens shall perform such other duties, at such times, and under such rules and regulations as the said commissioner may prescribe, and each shall receive as compensation four dollars for each and every day of actual service, with an allowance for actual necessary expenses of travel and subsistence. Deputy forest fire wardens shall perform such duties, at such times and under such rules and regulations, as the commissioner, or the chief fire warden of the district, with the approval of the commissioner, may prescribe. They shall receive as compensation three dollars for each and every day of actual service, with an allowance for actual necessary expenses of travel and subsistence, except that when in charge of fire fighting operations they shall be paid at the rate of thirty-five cents for each hour of actual service and be provided with subsistence during such service.

Sec. 78. Chief and deputy fire wardens to take immediate action to control fires; may summon assistance; deputy wardens to render account of expense; chief warden to make detailed report. R. S. c. 8, § 70. 1921, c. 83. Whenever a fire occurs on or is likely to do damage to forest lands within the district of any chief forest fire warden, he shall take immediate action to control and extinguish the same. If such fire occurs upon or is likely to do damage to forest lands within the territory of a deputy forest fire warden and the chief fire warden of the district is not present, the deputy forest fire warden having jurisdiction of the territory shall forthwith proceed to control and extinguish the same, and he shall meanwhile, with all consistent dispatch, cause the said chief fire warden of the district to be notified of the occurrence of such fire. Until the arrival of the chief warden at the place of fire, the deputy warden shall be in charge of the control and extinguishment of the same. For the purpose of controlling and extinguishing fires, chief forest fire wardens and deputy forest fire wardens, when in charge of the control and extinguishment of forest fires or when so directed by the chief warden, may summon to their assistance any person found within the state and each person so summoned and assisting shall be paid thirty cents for each hour of service rendered by him and be provided with subsistence during such service. Immediately after the extinguishment of a fire, the deputy

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forest fire warden who for any time may have been in charge of the same, shall make return to the chief warden of the district of the expense thereof during the period of his being in charge, including the names of the persons so summoned and assisting, with their post-office addresses and the hours of labor actually performed by each under his direction. The return shall be made upon oath and the chief warden is hereby authorized and empowered to administer such oath. Upon receipt of such return, the chief fire warden shall carefully examine and audit the same, and he may direct the deputy to amend and correct any return found to be incomplete, incorrect, or insufficient in form. If upon examination and auditing of said return, and investigation of the subject matter thereof, the chief fire warden believes said return to be just and correct, he shall endorse his written approval thereon and forward the same so approved to the forest commissioner. The chief fire warden of every district burned by a forest fire shall, upon the extinguishment of such fire, promptly forward an exact and detailed statement of the expense, if any, which he may have incurred in connection with the extinguishment of such fire, to the forest commissioner, who may confirm, reject or recommit, either or both, the approved return of said deputy or the detailed statement of the chief fire warden, if justice so requires.

Sec. 79. Expenses, how paid. R. S. c. 8, § 71. 1919, c. 136. 1929, c. 25. All expenses incurred under the provisions of sections sixty-eight to eighty-one, both inclusive, shall be paid from the funds raised and created by the tax assessed under the provisions of section sixty-nine. For such services the said deputy forest commissioner shall receive annually the sum of seven hundred dollars, to be paid from the funds provided under this section, in addition to the salary now provided for the clerk to the land agent. It is also hereby further provided that the forest commissioner shall receive from the funds provided under this section, the sum of three thousand dollars per year in addition to the salary as now provided by law.

Sec. 80. Appropriation. R. S. c. 8, § 72. So much of the funds raised by the tax hereby imposed and paid into the treasury, as may be necessary to pay the claims, accounts, and demands arising under the provisions of the twelve preceding sections, is hereby appropriated to pay the same, and the governor and council may draw their warrants therefor at any time. Any balance remaining unpaid shall continue from year to year as a fund available for the purpose defined in section seventy-four.

Sec. 81. Any adjacent town or plantation may become part of forestry district. R. S. c. 8, § 73. Any incorporated town or organized plantation adjoining any part of the Maine forestry district may by vote at any meeting of its inhabitants duly called and held, become a part of said forestry district and subject to all the provisions of the thirteen preceding sections. A copy of such vote, certified by the town clerk or plantation assessors, shall be forwarded forthwith to the treasurer of state and to the forest commissioner, and from the time such certified copy is filed in the office of the treasurer of state, the town or plantation so voting shall be and continue a part of said forestry district. All incorporated towns or organized plantations which shall become a part of said district and all officers of such towns or plantations shall be and are exempt from the duties and obligations imposed by section thirty-four of this chapter.

Auxiliary State Forests.

Sec. 82. Forest commissioner in charge. 1929, c. 306, § 1. The forest commissioner shall have full charge of all auxiliary state forests, as the same are hereinafter defined.

Sec. 83. Auxiliary state forests defined; method of establishing; appeal from rejection. 1929, c. 306, § 2. Auxiliary state forests shall include all areas owned by corporations, firms, or individuals, now covered by trees or which shall be planted to trees for use as fuel, manufacture or sale, and which are capable of producing fifteen thousand feet, board measure, of soft wood, and eight thousand feet, board measure, of hardwood, or their equivalent, per average acre, exclusive of ledges, swamps, bogs, or ponds, the owner of which, shall in cities and organized townships have filed with assessors and forest commissioner plans or description of such tracts with a request that the same be included as a part of the auxiliary forests of the state; upon receipt of application of owners for inclusion of land as a part of the auxiliary state forests, the primary purpose of which shall be to produce timber for manufacture or sale, the assessors shall notify the owner within thirty days of the acceptance or rejection of said application. If the assessors reject the application or fail to take action within thirty days, the applicant may appeal to the forest commissioner, who shall have an investigation made, and, if in his judgment the land is capable of producing timber as required by this section, shall grant such application.

Sec. 84. Appraisal of land for taxation. 1929, c. 306, § 3. State, town and plantation assessors shall, for the purpose of taxing auxiliary state forests, appraise only the land, which shall be appraised at the same valuation as stripped forest land in the same vicinity; provided, however, that such valuation shall not exceed two dollars per acre, independent of any great pond therein.

Sec. 85. Tax exemption. 1929, c. 306, § 4. No person desiring to clear land for agricultural purposes, for building, or for highways, or to cut trees for use in building camps, dams, or the construction of ways, or for use as fuel in the course of lumbering operations, or from his own land for use upon his farm in the ordinary course of good husbandry, shall pay tax under sections eighty-two to eighty-nine inclusive, unless the wood so cut is to be sold for fuel or sold or used for manufacture.

Sec. 86. Taxation. 1929, c. 306, § 5. All persons, firms or corporations owning auxiliary state forests, and who are engaged in the business of cutting trees therefrom for market or manufacture shall pay to the various cities, towns and plantations, where the land from which said trees so cut is located, a tax of one-half of one per cent, if cut during the first year, two per cent if cut during the second year, three per cent if cut during the third year, four per cent if cut during the fourth year, five per cent if cut during the fifth year, and thereafter upon the stumpage value of all trees so cut and during the year ending the first day of April the value of the stumpage so cut, and shall make a return to the assessors each year stating the amount of each kind of wood or timber cut during the preceding year ending April first, together with the estimated stumpage value or actual stumpage price received therefor.

Sec. 87. False returns of amount cut, or refusal to make return, or cutting contrary to the provisions of §§ 83-89; penalty. 1929, c. 306, § 6. Any person, firm or corporation refusing to make the returns required by sections eighty-two to eighty-nine inclusive within the time limited herein or any person who shall knowingly or wilfully make a false return of the quantity of logs cut or the number of cords of wood cut, during any season, or who shall cut any trees from the auxiliary state forests contrary to the provisions of sections eighty-two to eighty-nine inclusive shall be punished by a fine of not more than one thousand dollars.

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Sec. 88. Assessors may file protest at admission of more than ten per cent of town area. 1929, c. 306, § 7. Provided, however, that in any one year not more than ten per cent of the area of a town can be admitted as a part of the auxiliary state forests of the state if the assessors of said town file a protest with the forest commissioner within ten days from the date of application for admission.

Sec. 89. Method of withdrawing land from auxiliary state forest. 1929, c. 306, § 8. Provided that all or any part of any land included in the auxiliary state forest may be withdrawn by filing with the forest commissioner description of such land and the payment of the tax on the full value of trees thereon.

State Entomologist.

Sec. 90. Appointment of state entomologist. 1929, c. 162, § 1. The forest commissioner with the approval of the governor and council shall appoint a trained entomologist to be known as the state entomologist, to hold office at the pleasure of the forest commissioner.

Sec. 91. Duties of state entomologist. 1929, c. 162, § 2. The duties of the state entomologist shall be to answer calls for information on insect control and identification, to supervise necessary control work not already provided for by law, and to assist other departments in work along this line.