

MAINE STATE LEGISLATURE

The following document is provided by the
LAW AND LEGISLATIVE DIGITAL LIBRARY
at the Maine State Law and Legislative Reference Library
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied
(searchable text may contain some errors and/or omissions)

REVISED STATUTES
OF THE
STATE OF MAINE
1954

1955 SUPPLEMENT

ANNOTATED

IN FIVE VOLUMES

VOLUME 2

**Place in Pocket of Corresponding
Volume of Main Set**

THE MICHIE COMPANY
CHARLOTTESVILLE, VIRGINIA
1955

REVISED STATUTES OF MAINE

1955 Supplement

VOLUME 2

Chapter 36.

Forestry.

Section 94-A. Kindling Out-of-Door Fires.

Section 113. Camp Sites and Lunch Grounds.

Forest Commissioner. Powers and Duties. Surveyors.

Sec. 1. Forest commissioner; appointment; qualifications; duties in respect to public lands; salary.—A forest commissioner, as heretofore appointed by the governor with the advice and consent of the council, hereinafter in this chapter called the “commissioner,” 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 4 years. The 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. The commissioner shall receive an annual salary of \$10,000, of which amount \$6,667 shall be paid from funds raised and created by the tax assessed under the provisions of section 96. (R. S. c. 32, § 1. 1945, c. 372. 1949, c. 370. 1951, c. 271, § 1. 1955, c. 473. § 11.)

Effect of amendment.—The 1955 amendment substituted “\$10,000” for “\$9,000” and “\$6,667” for “\$6,000” in the last sentence.

Park Commission. State Parks.

Sec. 34. Park commission; powers.

I. With the consent of the governor and council, to acquire in behalf of the state, land or any interests therein within this state, with or without improvements, by purchase or gift, and by eminent domain subject to proviso hereinafter set forth and with like consent to sell and convey such lands or interests therein, or lease the same, or by revocable license or agreement, or grant to any person, firm or corporation exclusive rights and privileges to the use and enjoyment of portions of such lands; provided, however, that no lease hereunder shall be for a term longer than 5 years, and any such license, lease or agreement granted or entered into hereunder shall be canceled or revoked after due notice of intention to cancel or revoke the same by action of the commission, when the use for which said license was given shall have been abandoned, materially modified, or whenever the conditions imposed in any license, lease or agreement shall have been broken; provided, however, that the right of eminent domain shall not be exercised to take any area or areas in any one park which singly or collectively exceed 200 acres, nor shall it be exercised to take any developed or undeveloped mill site or water power privilege in whole or in part or any land used or useful in connection therewith, or any land being utilized for any industrial enterprise. (1955, c. 37)

VI-A. To cooperate with federal agencies in the planning, development, maintenance and use of recreational areas; to assist state, county and municipal agencies in the study and planning of their recreational areas and programs. (1955, c. 483)

Effect of amendments.—The first 1955 amendment substituted "5 years" for "1 year" near the middle of subsection I. The second 1955 amendment added subsection

VI-A. As the rest of the section was not changed by the amendments, only subsections I and VI-A are set out.

Sec. 34-A. Surveys.—The state park commission, its authorized agents and employees may enter upon any lands, waters and premises in the State for the purpose of making surveys and examinations as it may deem necessary or convenient in the discharge of its duties under the provisions of sections 33 to 39, inclusive, and such entry shall not be deemed a trespass. (1955, c. 40.)

Baxter State Park.

Sec. 42-A. Public reserved lots in Baxter State Park.—The public reserved lots in the area known as Baxter State Park shall be forever held in trusts, and are here declared to be so held, as part of said Park not only as respects the interests conveyed to the State by Percival Proctor Baxter but also as respects the basic title originally owned by the State. The basic title of each such lot is hereby declared to be held in the same trusts and for the same purposes as are declared in the deed or deeds of the said Percival Proctor Baxter conveying to the state his interest in such lot. (1955, c. 80.)

Fire Prevention and Control in Organized Towns.

Sec. 90. Forest fire control districts.

The forest commissioner, with the approval of the governor and council, may sell to the highest bidder after advertising, any warden headquarter site not being used or deemed no longer necessary for such purposes. Sites no longer useful and obtained without cost shall be returned to the previous owners, with no charge. (1949, c. 355, § 1. 1951, c. 266, § 41. 1955, c. 137.)

Effect of amendment.—The 1955 amendment added the above paragraph at the end of this section. As the rest of the section was not changed, it is not set out.

Kindling Out-of-Door Fires.

Sec. 94-A. Kindling out-of-door fires.—No person shall kindle or use fires on land of another without permission of the owner, except at public camp sites and lunch grounds maintained or authorized by the forestry department, or when the ground is covered with snow. Out-of-door fires include the use of sterno, gasoline, charcoal or other fuel fires in or out of tents and collapsible shelters, but such fuels may be used at state highway picnic areas. The provisions of this section shall not apply to the authority of state forest fire wardens to set backfires to control a going forest fire.

To better accommodate recreational and sporting users of the woods and to prevent forest fires in the Maine forestry district, the forest commissioner or his representatives are hereby authorized to issue permits for out-of-door fires and camping, except on areas that the majority ownership of any given area may withdraw at any time in writing to the forest commissioner. Persons issued permits are in no way relieved of legal responsibility if their fires escape and cause damage to property. When forest fire conditions become serious, the forest commissioner or his representatives may declare void permits already issued. Forest fire danger indexes will be used as a basis of determining when forest fire conditions are safe to issue permits. Heavy use areas will, of necessity, be serviced by public camp sites and lunch grounds instead of individual permits.

Whosoever violates the provisions of this section shall on conviction be punished by a fine of not more than \$300, or by imprisonment for not more than 90 days, or by both such fine and imprisonment. All fines, penalties, warden costs, and all other moneys collected by the court shall be paid to the treasurer of state and credited to the district for forest fire purposes. (1955, c. 406, § 1.)

Maine Forestry District. Proclamations re Forest Fires.

Sec. 96. Annual tax.—A tax of $4\frac{3}{4}$ mills on the dollar is assessed upon all the property in the Maine forestry district, including rights in public reserved lots, to be used for the protection thereof. Such tax shall be paid on or before the 1st day of October, annually. The valuation as determined by the board of equalization, and set forth in the statement filed by it as provided by section 67 of chapter 16, shall be the basis for the computation and apportionment of the tax assessed. The state tax assessor shall determine, in accordance with the provisions of section 79 of chapter 16, the amount of such taxes due from the owners of lands in each unorganized township and lot or parcel of land not included in any township and rights in public reserved lots, and such amounts shall be included in the statements referred to in section 82 of chapter 16. The tax 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. (R. S. c. 32, § 74. 1945, c. 41, § 25. 1949, c. 103. 1951, c. 90. 1953, c. 2. 1955, c. 13.)

Effect of amendment.—The 1955 amendment, which became effective on its approval February 24, 1955, changed the first sentence by substituting “ $4\frac{3}{4}$ mills” for “ $5\frac{1}{2}$ mills.”

Sec. 109. Expenses; salary of commissioner and deputy forest commissioner.—All expenses incurred under the provisions of sections 95 to 104, inclusive, and sections 109 to 111, inclusive, shall be paid from the funds raised and created by the tax assessed under the provisions of section 96. The deputy forest commissioner shall receive annually the sum of \$700, to be paid from the funds provided under said section, in addition to the salary now provided for the clerk to the commissioner. The commissioner shall also receive from said funds the sum of \$6,667 per year in addition to the salary as now provided by law. (R. S. c. 32, § 84. 1945, c. 378, § 32. 1951, c. 271, § 2. 1955, c. 473, § 12.)

Effect of amendment.—The 1955 amendment substituted “\$6,667” for “\$6,000” in the last sentence.

Camp Sites and Lunch Grounds.

Sec. 113. Public camp sites and lunch grounds.—It shall be unlawful for any person or persons to erect any trailer, shelter or tent from May 1st to November 30th at any public camp site or lunch ground maintained or authorized by the forestry department within the state and leave such trailer, shelter or tent for more than one week in any 30-day period. It shall also be unlawful to erect any trailer, shelter or tent nearer than 20 feet from any fireplace at any public camp site or lunch ground. Persons already having occupied a camp site or lunch ground maintained or authorized by the forestry department for more than one week shall leave at the request of the forest commissioner or his representatives, or any fish and game warden. The failure of any person to comply with the provisions of this section shall, on conviction, be punished by a fine of not less than \$10, nor more than \$100, or by imprisonment for not more than 30 days, or by both such fine and imprisonment. (1955, c. 291.)