

# MAINE STATE LEGISLATURE

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REVISED STATUTES

OF THE

STATE OF MAINE

1954

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1961 CUMULATIVE SUPPLEMENT

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ANNOTATED

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IN FIVE VOLUMES

VOLUME 2

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**Discard Previous Pocket Part Supplement**

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THE MICHIE COMPANY  
CHARLOTTESVILLE, VIRGINIA  
1961

# REVISED STATUTES OF MAINE

## 1961 Cumulative Supplement

### VOLUME 2

#### Chapter 36.

#### Forestry.

Sections 67-A to 67-J. Christmas Trees.  
Section 94-A. Kindling Out-of-Door Fires.  
Section 94-B. Forest Rehabilitation.  
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 \$11,250, of which amount \$7,500 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. 1957, c. 418, § 12.)

**Effect of amendments.** — The 1955 amendment substituted “\$10,000” for “\$9,000” and “\$6,667” for “\$6,000” in the last sentence. The 1957 amendment, effective July 1, 1957, substituted “\$11,250” for “\$10,000” and “\$7,500” for “\$6,667” in the last sentence.

**Sec. 2-A. Use of facsimile signature of forest commissioner.**—A facsimile of the signature of the forest commissioner imprinted by or at his direction upon any license, registration certificate, permit or certificate of appointment issued by him under authority of this or any other chapter shall have the same validity as his written signature. (1961, c. 49.)

**Sec. 12. Granting rights to cut timber; sell gravel; grant mining rights; leasing camp sites and mill privileges; preference to Maine people.**—The commissioner, under the 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, may sell any gravel existing in the soil of such lands only for the construction of public highways or other public works in the vicinity of the location of the land from which the gravel is taken, and may lease camp sites, mill privileges, dam sites, flowage rights, the right to set poles and maintain utility service lines and the right to construct and maintain roads, and grant mining rights, after the approval of the mining bureau, on lands belonging to the state, on such terms as they direct; and the right to cut timber and grass and lease camp sites, mill privileges, dam sites, flowage rights, the right to set poles

and maintain utility service lines and the right to construct and maintain roads, and grant mining rights, after the approval of the mining bureau, on public reserved lots in any township or tract of land until the same is incorporated, on such terms as they direct. Preference in such sales or leases shall be given to persons, firms or corporations of this state. (R. S. c. 32, § 11. 1949, c. 152. 1951, c. 146. 1957, c. 185. 1961, c. 8.)

**Effect of amendments.** — The 1957 amendment inserted the words “and grant mining rights, after approval of the mining bureau,” in two places in this section.

The 1961 amendment added the provision as to sale of gravel and substituted “and” for “also” following the semicolon in the first sentence.

### Sec. 15. Foresters.

Whenever foresters of the forestry department are used to practice forest management on lands belonging to the state, reimbursement for the time and expenses of the foresters, advertising of stumpage and similar expenses incidental thereto shall be deducted from the income received from said sale of stumpage before it is credited to the department that has administration of the area. (1949, c. 436, § 1. 1959, c. 35.)

**Effect of amendment.**—The 1959 amendment added the last paragraph to this section.

Since the first paragraph was not affected by the amendment, it is not set out.

## 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)

**III-A.** **Fees for services and accommodations.** With the consent of the governor and council, the commission may:

**A.** Furnish accommodations and render services to the public on state parks and parks under state control; and

**B.** Charge reasonable fees for such services and accommodations.

All fees received under this subsection shall accrue to the general fund of the state.

**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. 1961, c. 269.)

**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.

The 1961 amendment added subsection III-A.

As the rest of the section was not affected by the amendments, only subsections I, III-A, 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.)

**Sec. 36. Allocation of funds.**—All moneys received by the commission shall be deposited with the treasurer of state to be credited to the general fund. (R. S. c. 32, § 25. 1959, c. 314.)

**Effect of amendment.**—The 1959 amendment rewrote this section.

#### **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.)

**Sec. 43-A. Agents and representatives.**—The Baxter State Park authority shall appoint agents or representatives to carry out sections 42 to 47. All appointed agents or representatives shall hold office under the rules of the personnel law. They shall be sworn to the faithful discharge of their duties and a certificate thereof shall be returned and filed in the office of the chairman of the authority. They shall receive such compensation for each and every day as determined by the authority, with approval of the state personnel board, with allowance for actual necessary expenses of travel. (1961, c. 1.)

#### **Public Reserved Lots.**

**Sec. 48. Public reserved lots located by agreement.**—In every township there shall be reserved, as the legislature may direct, 1,000 acres of land, and at the same rate in all tracts less than a township, for the exclusive benefit of such township or tract, to average in quality, situation and value as to timber and minerals with the other lands therein. In townships or tracts sold and not incorporated, the public reserved lots may be selected and located by the commissioner and the proprietors, by a written agreement, describing the reserved lands by metes and bounds, signed by said parties and recorded in the 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 commissioner's office, which shall be a sufficient location thereof. (R. S. c. 32, § 33. 1961, c. 43.)

**Effect of amendment.**—The 1961 amendment added "and minerals" near the end of the first sentence.

**Sec. 53. Funds for school purposes; disposition of unorganized townships fund.**

**I.** \$10,000 allocated annually for the use of the commissioner in managing and improving the growth of public reserved lots; and (1959, c. 123.)

**Effect of amendment.**—The 1959 amendment substituted "\$10,000" for "\$5,000" in subsection I of this section. Since the rest of this section was not affected by the amendment, it is not set out.

**Sec. 54. Organized townships fund, disposition.**—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 1st 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 shall be paid annually to 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. Before interest of said fund is so distributed to the treasurers of such plantations an amount equalling 15% of the determined total interest sum on the accrued principal fund shall be allocated annually to the forest commissioner for use in managing and improving the forest growth of the public reserved lots in said organized plantations. Said interest shall be computed to the 1st day of each January by the treasurer of state. The commissioner of education shall file in the office of the state controller 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. The 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. The state controller shall thereupon insert the name and amount due such plantations in one of the first warrants drawn in that year. (R. S. c. 32, § 39. 1951, c. 167, § 2. 1961, c. 9.)

**Effect of amendment.**—The 1961 amendment added the present fourth sentence.

**Sec. 60. Appeal filed.**—In a proceeding for the location of such public reserved lots as provided for in sections 56 to 59, an appeal may be taken to the law court as in other actions. (R. S. c. 32, § 45. 1959, c. 317, § 12.)

**Effect of amendment.**—The 1959 amendment rewrote this section.

**Effective date and applicability of Public Laws 1959, c. 317.** — Section 420, chapter 317, Public Laws 1959, provides as follows: "This act shall become effective December 1, 1959. It shall apply to all actions brought after December 1, 1959 and also to all fur-

ther proceedings in actions at law or suits in equity then pending, except to the extent that in the opinion of the court the application of this act in a particular action pending on December 1, 1959 would not be feasible or would work injustice, in which event the laws in effect prior to December 1, 1959 would prevail."

### Forest Nurseries.

**Sec. 65. Circulars for care of woodlands; forest nurseries; seedlings.**—The commissioner 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 for use in planting the waste and cut over lands of the state. (R. S. c. 32, § 50. 1957, c. 172.)

**Effect of amendment.** — The 1957 amendment deleted the words "at cost of production" formerly appearing after the word "transplants" in the last sentence.

### Shade, Ornamental or Forest Trees.

**Sec. 66. Qualification to work on trees.**—No person shall remove shade, roadside or ornamental trees, or improve the condition of such trees by pruning, trimming, treating cavities or spray or treat by any other method such trees or forest trees for control of any insects or diseases, or advertise or solicit contracts to do same, without having secured a certificate as specified in section 67, except that any person may remove, improve or protect any trees on his own premises or on the property of his regular employer without securing such a certificate. (R. S. c. 32, § 51. 1949, c. 149, § 1. 1957, c. 169, § 1. 1961, c. 336, § 1.)

**Effect of amendments.** — The 1957 amendment rewrote this section. section, which formerly provided for persons advertising, soliciting or contracting to remove or work on trees.

The 1961 amendment rewrote this

section, which formerly provided for persons advertising, soliciting or contracting to remove or work on trees.

**Sec. 67. Certificate may be issued; examination, forms and insurance requirements; fees; rates; application; penalty.**—The forest commissioner, state entomologist and a plant pathologist, employed by the state of Maine or the University of Maine, and 2 licensed commercial arborists shall constitute an arborist licensing board. The plant pathologist and 2 commercial arborists shall be appointed by the commissioner for a term of 2 years. The board shall upon application from any person determine qualifications of the applicant to remove, improve, protect or preserve shade, ornamental or roadside trees, or to spray such trees or forest trees, and if satisfied that the applicant is qualified, may issue a certificate so stating. Such certificate shall be valid for one year from the date of its issue, unless sooner revoked as provided in this section, and may be renewed by the board for succeeding years without further examination, upon payment of the fee hereinafter required, provided any person, firm or corporation receiving such certificate shall be responsible for the acts of all employees in the performance of such work.

Said board shall prepare all necessary forms and prescribe all rules and regulations governing examinations and requirements for liability insurance to protect life and property, and any certificate issued under this section may be revoked by it upon proof that improper methods have been used or for other sufficient cause.

Each applicant for examination shall pay an initial fee of \$10, and for issuance of each certificate of renewal a fee of \$5. These fees shall be credited to the board and may be expended by the board for any expense incurred for examining, licensing and carrying out the purposes of the law.

In case of accident, sickness or entering the armed services, a demit for 2 years, which may be extended at the discretion of the board, may be obtained if requested on or before the expiration date of the current certificate.

Any certified tree surgeon who fails to renew his certificate or obtain a demit during any license year may in subsequent years renew his certificate only after paying of all unpaid renewal fees or by payment of \$10 and submitting to an examination.

For all work to be performed a fixed hourly rate must be stated, and if involving a sum in excess of \$50 must be done under a written contract form describing the work and fixing the maximum cost.

This section and section 66 shall not apply to state, county, municipal or public utility employees during the course of their employment; nor to highway contractors, subcontractors and their employees in removal of trees during the performance of contracts for the construction or maintenance of highways.

Any person, firm or corporation failing to comply with the terms of this and the preceding section shall be punished by a fine of not more than \$100 and costs or not more than 60 days in jail. (R. S. c. 32, § 52. 1949, c. 149, § 2. 1953, c. 84. 1957, c. 169, § 2. 1961, c. 336, §§ 2, 3.)

**Effect of amendments.**—The 1957 amendment rewrote this section.

The 1961 amendment rewrote the first paragraph, changing the composition of the board, which formerly consisted of the forest commissioner, state entomologist and a botanist appointed by the commissioner, inserted "and requirements for lia-

bility insurance to protect life and property" in the second paragraph, rewrote the third paragraph, increasing the renewal fee from \$3 to \$5, made other minor changes in the first three paragraphs and rewrote the seventh paragraph, which formerly exempted only to state, county or municipal employees.

### Christmas Trees.

**Sec. 67-A. Registration.**—It shall be unlawful for any person, firm, corporation or partnership, for commercial purposes, to transport Christmas trees or evergreen boughs from private, state or federal lands to any place or places within or outside this state without first registering with the state forestry department or persons designated by the commissioner, but no registration will be required of landowners or holders of written permits from landowners for cutting or bundling or hauling such trees and boughs to roadside. Forms for registering shall be provided by the forest commissioner. The annual fee for such registration, when obtained from the forestry department, shall be \$1 payable to the treasurer of state and credited to the general fund; and if such registration is obtained from any town or city clerk, the annual fee shall be \$1.25, \$1 of which shall be payable to the treasurer of state and credited to the general fund, and 25¢ shall be retained by the town or city clerk for the service of issuing the certificates of registration. All such registrations shall expire on December 31st of the year issued. A proper record of all registrations issued shall be kept by the forest commissioner at his office and shall be open to inspection by any person during reasonable business hours. (1959, c. 283. 1961, c. 375, §§ 1, 1-A.)

**Effect of amendment.**—Prior to the 1961 amendment, the fees set out in the third sentence were credited to the state forestry department for administration of §§ 67-A to 67-J instead of to the general fund. The 1961 amendment also deleted "sell or"

near the beginning of the first sentence, substituted "cutting or bundling or hauling" for "bundling and hauling" near the end of the first sentence and deleted "for sale at roadside or to a dealer" at the end of that sentence.

**Sec. 67-B. Definitions.**—For the purpose of sections 67-A to 67-J:

**I. Christmas tree.** "Christmas tree" means any evergreen tree severed from the stump and includes fir, hemlock, spruce, cedar and pine, cut for commercial purposes as a Christmas tree.

**II. Evergreen boughs.** "Evergreen boughs" mean boughs or tips of all species of coniferous trees cut for commercial purposes.

**III. Roadside.** "Roadside" is defined as the nearest public way accessible to the cutting area or initial loading point. (1959, c. 283. 1961, c. 375, § 2. )

**Effect of amendment.**—The 1961 amendment designated the definitions of "Christmas tree" and "evergreen boughs" as sub-

sections I and II, deleted "as wreaths, tips or other Christmas decorations" at the end of subsection II and added subsection III.

**Sec. 67-C. Owner's permission to cut; inspection.**—It shall be unlawful for any person, firm, corporation or partnership to cut Christmas trees or evergreen boughs on land of another without first securing written permission from the owner of the land or the owner of the growth thereon, or their authorized agents. Only one permit is needed for men working in crews. Any officers authorized to make inspections and investigations under sections 67-A to 67-J may require of each person, firm, corporation or partnership to show on request:

**I. When cutting:** A current written owner permit when cutting on land or growth of another;

**II. Transit.** In transit: A current landowner permit or owner of growth thereon permit or other written proof of ownership and state Christmas tree



registration when transporting trees loosely or in bundles, or boughs, loosely or baled, and in the case of over the highway transportation, each driver must carry such permit and registration on person or in vehicle. Dealers using more than one truck may obtain duplicate copies, at a charge of 25¢ each, of their registration for use by the drivers. In the case of railroad shipment or transportation of Christmas trees, loosely or in bundles, or boughs, loosely or baled, a certificate of shipment must be posted on both doors or both sides of each railroad car. (1959, c. 283. 1961, c. 375, § 3.)

**Effect of amendment.**—The 1961 amendment inserted “at a charge of 25¢ each” in the second sentence of subsection II.

**Sec. 67-D. Forgery.**—Every permit, registration or affidavit specified in sections 67-A to 67-J, shall be deemed to be a written instrument subject to the laws relating to forgery. (1959, c. 283.)

**Sec. 67-E. Registration revocation; appeal; penalty.**—The forest commissioner may at any time for sufficient cause suspend or revoke any registration for a period of not more than 2 years for any of the following violations of the provisions of sections 67-A to 67-J:

- I. Cutting Christmas trees without [without] permission of the landowner;
- II. Failure to pay for Christmas trees and evergreen bough stumpage;
- III. Buying, accepting or receiving Christmas trees and evergreen boughs from persons without proof of ownership.

No registration shall be issued to any person, firm, corporation or partnership whose registration has been revoked.

Any person, firm, corporation or partnership aggrieved by a decision of the commissioner suspending or revoking a registration may, within 30 days after notice thereof from the commissioner, appeal therefrom to the superior court in any county where the appellant has a regular place of business or if the appellant has no such place of business within the state, to the superior court in Kennebec county. The appellant shall when such appeal is taken file an affidavit stating his reasons of appeal and serve a copy thereof on the commissioner, and in the hearing of the appeal shall be confined to the reasons of appeal set forth in such affidavit. Jurisdiction is granted to the superior court to hear and determine such appeals and to enter such order and decrees as the nature of the case may require. The decision of said court upon all questions of fact shall be final. Decisions shall be certified to the commissioner.

In addition to the penalty of a suspension or revocation of registration, any mentioned in this section or who offers any resistance to carrying out sections 67-A to 67-J shall be deemed guilty of a misdemeanor and if convicted thereof shall be punished by a fine of not less than \$25 nor more than \$100 or by imprisonment for not more than 3 months, or by both. After deductions of court costs such fines shall be credited to the general fund. (1959, c. 283. 1961, c. 317, § 76; c. 375, § 4.)

**Effect of amendments.** — The first 1961 amendment rewrote next to the last paragraph of this section.

The second 1961 amendment, amending

the last paragraph, inserted “less than \$25 nor”, added the last sentence and made other minor changes.

**Sec. 67-F. Seizure or attachment of trees.**—Any officer authorized to make inspections, investigations and arrests under the provisions of sections 67-A to 67-J may seize and hold Christmas trees or evergreen boughs until written proof of ownership permission and state registration has been established, and if no written proof of ownership permission and state registration has been established, then said officer shall try to determine where such trees or boughs were cut and notify the landowner. In case the owner does not want the trees or

boughs, the state may then dispose of them, and any moneys derived from the disposition of said trees and boughs shall be paid over to the landowner if his identity can be established, otherwise to the treasurer of state and credited to the general fund. (1959, c. 283. 1961, c. 375, § 5.)

**Effect of amendment.**—The 1961 amendment substituted “general fund” for “state forestry department for administration of the provisions of §§ 67-A to 67-J” at the end of this section.

**Sec. 67-G. Federal quarantine regulations.**—Under the provisions of sections 67-A to 67-J, no person, firm, corporation or partnership issued such registration is in any way relieved or exempt of legal responsibility of complying with the federal regulations concerning Gypsy Moth quarantine law. (1959, c. 283.)

**Sec. 67-H. Trees cut outside state but transported across state.**—When Christmas trees and evergreen boughs harvested in any Canadian province or neighboring state are transported over the highways in this state to points outside the state, some proof of ownership will be required such as customs clearance at points of entry or landowner permit. (1959, c. 283.)

**Sec. 67-I. Enforcement agencies.**—State forestry department personnel and all state, county and municipal law enforcement officers shall be authorized officers to make inspections, investigations and arrests under sections 67-A to 67-J and shall report violations to the commissioner. (1959, c. 283. 1961, c. 375, § 6.)

**Effect of amendment.**—The 1961 amendment substituted “and all state, county and municipal law enforcement officers” for “state police and county sheriffs and their deputies” and deleted “forest” preceding “commissioner.”

**Sec. 67-J. Yearly Christmas tree harvest or sale report.**—On a voluntary basis, without penalty, every person, firm, corporation, partnership or agent shipping or transporting Christmas trees, evergreen boughs, wreaths or tips, shall render a yearly written report to the forest commissioner not later than January 31st of each calendar year, giving the amount of Christmas trees, evergreen boughs, wreaths and tips, shipped or transported during the preceding calendar year; location of area cut; and the places within and outside the state to which the trees, boughs and tips were shipped. Forms for this report shall be provided by the forest commissioner. Information obtained from these reports shall be confidential. The forest commissioner shall prepare a summary of these reports and copies shall be sent to registered Christmas tree dealers and shippers. (1959, c. 283.)

### Fire Patrol and Preservation of Forests.

**Sec. 88. Yearly timber cut report.**—Owners or operators of all primary wood-using sawmills, stationary or portable, and primary processors of cordwood, boltwood, pulpwood, posts, poles, piling and fence rails, except for domestic use and not for sale or conversion into products for sale, shall render an annual report to the commissioner during the month of January of each year of the amount of softwoods and hardwoods cut by species within the state by or for them during the preceding calendar year, and showing the county or counties from which the wood was taken. Forms for this report shall be provided by the commissioner. Information contained in said reports shall not be made public insofar as the same applies to individuals. (1949, c. 423. 1959, c. 124.)

**Effect of amendment.**—The 1959 amendment rewrote this section.

### 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 of this section. As the rest of the section 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.)

### Forest Rehabilitation.

**Sec. 94-B. Forest rehabilitation.**—The forest commissioner shall carry out a forest rehabilitation program on unstocked and poorly stocked potential forest land either public or private with first priority to burned areas. He shall make use of federal funds as and if available and of inmates of state institutions, including penal, whenever possible or feasible. The state shall participate in the cost of such forest rehabilitation up to 50% of the total cost on private land including the value of the trees. (1959, c. 347, § 1.)

**Editor's note.**—P. L. 1959, c. 347, adding of the general fund the sum of \$10,000 for this section, provided in section 2 thereof the fiscal year ending June 30, 1960 and as follows: \$10,000 for the fiscal year ending June 30,

“Sec. 2. Appropriation. There is appropriated from the unappropriated surplus 1961 to carry out the purposes of this act.”

### 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; except that in organized municipalities the tax rate shall be  $4\frac{3}{4}$  mills multiplied by a fraction whose numerator is the previous year's assessed value of the land taxable by the municipality, including dams and power houses but not including any other structure or building, and whose denominator shall be the total previous year's assessed value of all property taxable by the municipality. Such tax shall be increased by  $\frac{3}{4}$  mills on the dollar assessed only for the year 1960 upon all the property in the unorganized

territory located within the Maine forestry district, including rights in public reserved lots, to be used by the forestry department for spruce budworm control. Such tax shall be increased by 1½ mills on the dollar assessed only for the year 1958 upon all the property in the unorganized territory located within the Maine forestry district, including rights in public reserved lots, to be used by the forestry department for spruce budworm control. 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. 1957, cc. 287, 424. 1959, c. 376.)

**Effect of amendments.** — The 1955 amendment, which became effective on its approval February 24, 1955, changed the first sentence by substituting "4¾ mills" for "5½ mills."

The first 1957 amendment inserted the exception at the end of the first sentence.

The second 1957 amendment, which became effective October 31, 1957, added the present third sentence.

The 1959 amendment, effective on its approval, January 29, 1960, added the second sentence.

**Sec. 100. Use of funds; when insufficient, payments from state treasury; audit of accounts.**—The tax assessed by authority of section 96 shall be recorded on the books of the state in a separate account 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 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 authorize the state controller to refund proportionately to the landowners paying the tax assessed as aforesaid, such sum or sums as shall be recommended by the commissioner. If the tax assessed by authority of section 96 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 make available for said purposes from any moneys then in the treasury not otherwise appropriated, such sum or sums of money as they may deem necessary for such purpose. Annually on February 1st a petty cash advance of \$10,000 from the proceeds of said tax shall be made by the state controller to the commissioner who shall set the same aside as an "Emergency Fire Fighting Fund" and who may expend therefrom for fire fighting purposes of an emergency nature. He shall make to the state controller accountings as necessary, but in any event monthly, of such expenditures and thereupon the state controller shall, upon audit, promptly reimburse therefor so that said petty cash advance shall be always available to the commissioner as above provided. Except as provided, the expenditures of forestry district funds shall be in accordance with the provisions of chapters 15-A, 18 and 19. The provisions of said chapters shall, however, not otherwise apply to said forestry district. The commissioner may employ from time to time such clerks in his office as will enable him to carry out the provisions hereof and the compensation of such clerks shall be paid from the funds provided for the district. (R. S. c. 32, § 79. 1959, c. 363, § 21.)

**Effect of amendment.**—The 1959 amendment deleted the word "above," formerly appearing after the word "as," and before

the word "provided," and substituted "15-A" for "16" in the third sentence from the end of this section.

**Sec. 103-A. Jurisdiction for prosecutions under sections 95 to 112.** — Trial justices and municipal courts within their counties shall have original and concurrent jurisdiction with the superior court in all prosecutions under any provisions of sections 95 to 112. Any person, arrested as a violator of said sections, may with reasonable diligence be taken before the municipal court nearest to where the offense is alleged to have been committed for a warrant and trial, and in such case jurisdiction is granted to all municipal courts in adjoining counties to be exercised in the same manner as if the offense had been committed in that county. If a trial justice whose usual place of holding court in the county where the offense is alleged to have been committed is nearer to where the offense is alleged to have been committed than is any municipal court, such violator may be taken before such trial justice for warrant and trial. (1961, c. 124.)

**Sec. 109. Expenses.**—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. (R. S. c. 32, § 84. 1945, c. 378, § 32. 1951, c. 271, § 2. 1955, c. 473, § 12. 1957, c. 397, § 27; c. 418, § 13; c. 429, § 41.)

**Effect of amendments.** — The 1955 amendment increased the annual additional compensation of the forest commissioner in the former third sentence.

The first 1957 amendment struck out the former second sentence relative to compensation of the deputy forest commissioner and also the former third sentence relative to additional compensation of the commissioner. The second 1957 amendment, effective July 1, 1957, reen-

acted the former third sentence to read as follows: "The commissioner shall also receive from said funds the sum of \$7,500 per year in addition to the salary as now provided by law." It also carried appropriations for the fiscal years ending in 1958 and 1959. The third 1957 amendment, which became effective on its approval, October 31, 1957, again repealed the former third sentence of the section.

### 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.)

## Chapter 36-A.

### Operation of Boats.

**Effective date.**—P. L. 1959, c. 349, adding this chapter, provided in section 2 thereof as follows: "This act shall become effective on April 1, 1960."

**Sec. 1. Declaration of policy.**—It is the policy of this state to promote safety for persons and property in and connected with the use, operation and equipment of vessels and to promote uniformity of laws relating thereto. (1959, c. 349, § 1.)