

in such ~~village~~ *village or city of the fourth class* for the sale of intoxicating liquor will be submitted for determination at such election. At such election, when so petitioned for, the question shall be voted upon by a separate ballot, the terms of which shall be either "for license" or "against license," which ballot shall be deposited in a separate ballot box to be provided in each voting precinct and the result of such voting shall be duly canvassed, certified and returned in the same manner and at the same time as the other facts and returns of the election.

Sec. 2. Minnesota Statutes 1965, Section 340.21, is amended to read:

340.21 **Result of election.** If a majority of all the ballots cast upon such question at such election shall be "for license" the council of the ~~village~~ *village or city of the fourth class* may grant license for the sale of intoxicating liquors for the ensuing license year, but if such majority shall be "against license" then no such license shall be granted and such vote shall remain in force until reversed at a subsequent ~~annual~~ *regular* election at which the question of license is again and in like manner submitted.

Sec. 3. Minnesota Statutes 1965, Section 340.323 is amended to read:

340.323 **Certification.** Whenever a local option election is held in a ~~village~~ *municipality*, pursuant to the provisions of Minnesota Statutes, 340.20 and 340.21, the ~~village~~ *clerk or recorder* shall certify the results of any such election to the secretary of state within ten days from the date on which such election was held.

Approved April 4, 1967.

CHAPTER 146—H. F. No. 589

An act relating to forestry and the administration of forest fire protection; amending Minnesota Statutes 1965, Sections 88.01, 88.04, 88.05, 88.06, 88.08, 88.09, 88.10, 88.11, 88.12, 88.13, 88.14, 88.16, 88.17, 88.18, and 88.19; and repealing Minnesota Statutes 1965, Section 88.07.

Be it enacted by the Legislature of the State of Minnesota:

Section 1. Minnesota Statutes 1965, Section 88.01, is amended to read:

Changes or additions indicated by italics, deletions by ~~strikeout~~.

88.01 Forestry; fire protection; definitions. Subdivision 1. **Terms.** For the purposes of chapters 88 to 91 the terms defined in subdivisions 2 and 3 have the meanings ascribed to them. For the purposes of sections 88.03 to 88.21 and 88.28 to 88.53 the term defined in subdivision 4 has the meaning ascribed to it. For the purposes of sections 88.03 to 88.21 and 88.47 to 88.53 the term defined in subdivision 5 has the meaning ascribed to it. For the purposes of sections 88.03 to 88.21 the terms defined in subdivisions 6 to 8 have the meanings ascribed to them. For the purposes of sections 88.28 to 88.46 the terms defined in subdivisions 14 to 16 have the meanings ascribed to them. For the purposes of sections 88.47 to 88.53 the terms defined in subdivisions 17 to 21 have the meanings ascribed to them. *For the purposes of Minnesota Statutes, Chapter 88, the terms defined in this section have the meanings given them.*

Subd. 2. **Division.** "Division" or "the division" means the division of forestry in the department of conservation.

Subd. 3. **Commissioner.** "Director" or "the director" means the director of the division of forestry in the department of conservation. *"Commissioner" means commissioner of conservation.*

Subd. 4. **Person.** "Person" includes a *any* natural person acting either for himself *in his own right* or in any representative capacity, a corporation, a firm, a copartnership, or an association of any nature or kind.

Subd. 5. **Timber.** "Timber" means and includes trees, saplings, bushes, *seedlings*, and sprouts from which trees may grow, of every size, nature, kind and description.

Subd. 6. **Forest areas.** Every county now or hereafter having within its boundaries any tract or area of 1,000, or more, contiguous acres of standing or growing timber or of unbroken prairie land or of cut-over timber land not cleared or otherwise denuded of combustible or inflammable growth, is hereby declared to be a forest area; and every other county is hereby declared not to be such forest area.

Subd. 7. **Forest or forest-land.** "Forest" or "forest-land" means and includes swamps, peat-bogs, cut-over lands, and every other area where timber grows and exists.

Subd. 8. **Back-fire.** "Back-fire" means a fire intentionally started ahead of, or in the path of, an approaching forest or prairie fire for the purpose of burning back toward that forest or prairie fire so that when the two fires meet both will die for lack of fuel.

Subd. 14. **County board and town board.** The term

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“County board” means the board of county commissioners; and the term “town board” means the board of town supervisors.

Subd. 15. **Improvement.** The term “Improvement” includes any act or thing done, or which may be done, and any construction made or structure erected or which may be made or erected, and any removal from any land of trees, brush, stumps, or other debris, which reasonably tend to prevent or abate forest fires.

Subd. 16. **Forest.** The term “Forest” means every area ~~where coniferous or evergreen trees, at any time, are growing or existing, including swamps, peat-bogs and cut-over lands: a plant association predominantly of trees and other woody vegetation occupying an extensive area of land.~~

Subd. 17. **Auxiliary forest.** The term “Auxiliary forest” is used in relation to state forest, and includes any privately-owned tract of land, including roads and camp or work sites, set apart for, and chiefly devoted to, the production of timber or forest products under the restrictions, and subject to the provisions, of sections 84A.31 to 84A.36.

Subd. 18. **Forest products.** The term “Forest products” means and includes all products derived from timber.

Subd. 19. **Merchantable timber.** “Merchantable timber” ~~includes all timber and all forest products having any commercial value means a tree or stand of trees which may be disposed of at a profit through conversion to a salable product.~~

Subd. 20. **Owner.** The word “Owner” includes the person owning the fee title to any tract of land, but does not include an owner of timber thereon or of minerals or any other thing therein when such ownership is separate from the ownership of the surface.

Subd. 21. **Register of deeds.** The term “Register of deeds” includes the register of deeds of the county in which the land referred to is ~~situate located~~, or the registrar of titles in case the title to the land has been registered.

Subd. 22. **Forest officer.** *Forest officer” means an employee of the conservation department designated by the commissioner.*

Sec. 2. Minnesota Statutes 1965, Section 88.04, is amended to read:

88.04 Fire-breaks; prevention of fires. *Subdivision 1.* The ~~director commissioner~~ shall cooperate with the state highway authorities and with the supervising officers of the various towns, cities, and

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villages in the construction of fire-breaks along section lines and public highways.

Subd. 2. All cities and villages in the state situated in any forest area are hereby authorized to clear off all combustible material and debris and create at least two good and sufficient fire-breaks of not less than ten feet in width each, which shall completely encircle such municipalities at a distance of not less than 20 rods apart, between which back-fires may be set or a stand made to fight forest fires in cases of emergency.

Subd. 3. All towns, villages, and cities are hereby authorized and directed to take necessary precautions to prevent the starting and spreading of forest or prairie fires and to extinguish the same; and are hereby further authorized to levy a tax of not more than ten mills annually upon the taxable property of such municipalities, but in no municipality to exceed a total of \$3,000 in any one year, which tax when collected shall be known as the fire fund and kept separate and apart from all other funds and used only in paying all necessary and incidental expenses incurred in enforcing the provisions of sections 88.03 to 88.21. Not to exceed \$500 shall be expended in any one year from any such fire fund for the support of any municipal fire department. No such municipality shall make any levy for its fire fund at any time when the same contains \$5,000 or more, consisting of cash on hand or uncollected taxes not delinquent or both.

Subd. 4. In all towns constituted within any of the forest ~~patrol~~ *protection* districts which may be established by the ~~director~~ *commissioner*, the respective town and village officers and employees shall cooperate with, and be under the general supervision and direction of, the ~~director~~ *commissioner*.

Sec. 3. Minnesota Statutes 1965, Section 88.05, is amended to read:

88.05 Roadside, clearing; fire-breaks. All highways, roads, and trails within forest areas are declared to be established fire-breaks and for that purpose the state, through the ~~division~~ *department of conservation*, is authorized to clean up all dead and down timber, all underbrush, rotting logs, stumps, and all other inflammable refuse and debris along each side of these highways, roads, and trails for a distance of 200 feet on each side from the center thereof, all of this material to be burned or disposed of under the supervision of a forestry officer in such manner as not to injure the growing timber.

All dead and usable timber taken out of these roadsides shall

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be piled for the immediate removal thereof by the owners of the land from which the same was removed.

Sec. 4. Minnesota Statutes 1965, Section 88.06, is amended to read:

88.06 Dead or down timber; removal. The ~~director~~ *commissioner* may permit, under his direct supervision and control, any civilian conservation corps, works progress administration, or other state or federal relief agency actually engaged in the improvement and conservation of state trust fund lands within the boundaries of any state forest to clean up and remove all dead or down timber, underbrush, rotting logs, stumps, and all other inflammable refuse and debris which is deemed to be a fire hazard, or the removal of any trees in forest stand improvement and cultural operations which is advisable in the interest of good forest management; and to use so much of these cuttings for firewood and other forest development needs while these camps are thus actively engaged in the improvement and care of these forests.

Sec. 5. Minnesota Statutes 1965, Section 88.08, is amended to read:

88.08 Forest fire protection districts. The ~~director~~ *commissioner* may create and establish ~~patrol forest fire protection~~ districts, including all lands of both state and private ownership, upon which there is a probability of forest and brush fires starting, and establish ~~rangers and patrolmen forest officers~~ over these districts. ~~These rangers and patrolmen may cooperate with aeroplane patrolmen acting under authority of sections 380.19 to 380.23.~~ All such ~~patrol forest protection~~ districts heretofore established and now in existence are hereby continued until and unless hereafter abolished by the ~~director~~ *commissioner*.

Sec. 6. Minnesota Statutes 1965, Section 88.09, is amended to read:

88.09 Fire protection, lands, acquisition. Subdivision 1. **Acceptance of lands.** The ~~director~~ *commissioner* is hereby authorized ~~commissioner~~ may on behalf of the state to accept as ~~gifts to the state~~ the title to any tract of land, not exceeding 40 acres in area, or to accept any easement in or upon any tract of land, which he deems necessary or convenient for the use of the state as locations for ~~watch fire look-out~~ towers, warehouses, or other buildings of any kind, or as locations for fire-breaks, or for other use ~~in connection with his duties which he may deem suitable.~~

Subd. 2. **Purchase, lease, or condemnation.** The commis-

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sioner is ~~also authorized~~ *may* on behalf of the state, where no suitable state lands are available, ~~to~~ purchase, lease or acquire easements on small tracts or parcels of lands, not exceeding 40 acres in area, or costing more than \$1500 for any single tract, to be used as locations for ~~watch fire lookout~~ towers, warehouses, or other buildings of any kind, or as locations for fire-breaks, or for any other use ~~in connection with his duties which he may deem suitable~~; also to acquire by condemnation any tract of land, not exceeding 40 acres, for these purposes; also ~~to~~ acquire, by gift, purchase, or condemnation, any easement or right of way that may be necessary to provide access to any tract of land so acquired.

Sec. 7. Minnesota Statutes 1965, Section 88.10, is amended to read:

88.10 Fighting forest fires, authority of state forest officers.
Subdivision 1. Under the direction of the ~~director commissioner~~, the ~~forest rangers forest officers~~ are charged with preventing and extinguishing forest fires in their respective districts and the performance of such other duties as may be required by him. They may arrest without warrant any person found violating any provisions of sections 88.03 to 88.21, take him before a ~~magistrate~~, and ~~there make complaint court of competent jurisdiction in the county charging the person so arrested, and the person so charged shall be arraigned and given a hearing on the complaint.~~ ~~When the forest rangers shall have information that such violation has been committed they shall without delay make similar complaint and have the same prosecuted.~~ The forest rangers and other forest officers shall not be liable in civil action for trespass committed in the discharge of their duties. All authorized state forest officers, including rangers, guards, township fire wardens, smoke chasers, fire foremen or individuals legally employed as fire fighters, may in the performance of their duties of fire fighting go onto the property of any person, company, or corporation and in so doing may set backfires, dig or plow trenches, cut timber for clearing fire lines, dig water holes, remove fence wires to provide access to the fire or carry on all other customary activities necessary for the fighting of forest, prairie or brush fires without incurring a liability to anyone, except for damages arising out of wilful or gross negligence.

Subd. 2. Any forest ~~ranger or forest guard~~ *forest officer* may serve any warrant for the arrest of any person violating any provision of sections 88.03 to 88.21 and for that purpose all ~~forest rangers and forest guards forest officers~~ are hereby vested with the same powers as constables or other similar officers of the courts issuing such warrants.

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Sec. 8. Minnesota Statutes 1965, Section 88.11, is amended to read:

88.11 Forest officers; aid for fighting fires; refusal; commandeering property. *Subdivision 1.* At any time ~~district rangers forest officers~~, with the approval of the ~~director commissioner~~, may employ suitable persons ~~to be known as fire patrolmen~~, permanently to remain upon and patrol any territory, whether comprising public or private lands, or both, as may be assigned to them as long as required to prevent and extinguish any fires. Each ~~fire patrolman forest officer~~ so employed shall be supplied with the necessary equipment. The ~~director commissioner~~, or any ~~district ranger or fire patrolman forest officer~~, may summon any male person of the age of 18 years and upward to assist in stopping any fire burning in the district under the care of such state employee and may incur any other necessary and reasonable expense for this purpose, but shall promptly report the matter to his next superior officer or other state employee over him.

Subd. 2. Any able-bodied person so summoned who refuses or neglects or otherwise fails to assist in extinguishing such fire or who fails to make all reasonable efforts to that end, until released by the state employee who summoned him, shall be guilty of a misdemeanor and punished by a fine of not less than \$10 and not more than \$50 and the costs of prosecution, or by imprisonment in the county jail for not less than 10, nor more than 30, days. The ~~director, ranger, or patrolman~~, as the case may be, ~~forest officer~~ shall have power to commandeer, for the time being, ~~any team, automobile, equipment~~, tools, appliances, or other property in the possession of any person either summoned to assist in extinguishing the fire or in the vicinity thereof, and himself to use, and to require the persons summoned to his assistance to use, the commandeered property in the fighting and extinguishing of the fire. The owner of any property so commandeered shall be promptly paid just compensation for the use thereof and all damages done to the commandeered property while in this use by the ~~director, ranger, or patrolman forest officer~~ from any money available for these expenses under sections 88.03 to 88.21.

Sec. 9. Minnesota Statutes 1965, Section 88.12, is amended to read:

88.12 Compensation of fighters of forest fires; emergency expenses. *Subdivision 1. Limitation.* The compensation and expenses of persons temporarily employed in emergencies in suppression or control of forest fires shall be fixed by the commissioner of conservation or his authorized agent and paid as provided by law.

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Such compensation shall not exceed the maximum rate for comparable labor established as provided by law or regulations, but shall not be subject to any minimum rate so established. The commissioner is authorized to draw from the state treasury out of any money at any time and expend money appropriated for the purposes of sections 88.03 to 88.21 a reasonable sum, not to exceed \$5,000 at any one time, and to place the same in the hands of the director of the division of forestry through forestry officers or other authorized agent to be used by him in paying emergency expenses, including just compensation for services rendered by persons summoned and for private property used, damaged, or appropriated under sections 88.03 to 88.21. The state auditor is authorized to draw his warrant for this sum when duly approved by the commissioner. The commissioner, director, or agent in charge shall take proper sub-vouchers or receipts from all persons to whom these moneys are paid, and after these sub-vouchers have been approved by him they shall be filed with the state auditor. Every sum placed in the hands of the commissioner, director, or agent Authorized funds as herein provided at any time shall be deposited, subject to withdrawal or disbursement by check or otherwise for the purposes herein prescribed, in a bank authorized and bonded to receive state deposits; and the bond of this bank to the state shall cover and include this deposit.

Subd. 2. **Contracts for services for forestry or fire prevention work; commissions to persons employed.** The director commissioner is hereby authorized and empowered to contract for or accept the services of any and all persons whose aid is available, temporarily or otherwise, in forestry or fire prevention work, either gratuitously or for compensation not in excess of the limits provided by law with respect to the employment of labor by him. He may issue a commission, or other written evidence of authority, to any such person whose services are so arranged for; and may thereby empower such person to act, temporarily or otherwise, as fire warden, patrol man; or in any other capacity, with such powers and duties as may be specified in the commission or other written evidence of authority, but not in excess of the powers conferred by law on district rangers forest officers.

Sec. 10. Minnesota Statutes 1965, Section 88.13, is amended to read:

88.13 **Notices of cutting of timber; penalty.** *Subdivision 1.* Each year before any person shall cut, or cause to be cut, any timber upon any land in, upon, or adjoining any forest or wild land area within this state, such person shall post in a conspicuous place in some camp building on the premises where the cutting is to be done or, if there be no such building, on and at the northwest corner

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of each ~~40~~ acre governmental subdivision or at the nearest corresponding point in each fractional subdivision of such lands; and shall deliver in person or by ~~registered~~ *certified* mail, sealed and postage prepaid, a notice in writing in the English language, addressed to the commissioner of conservation and delivered or sent as above specified, to the division of forestry supervisory headquarters of the area in which the timber to be cut is located, specifying the name and post office address of such person and specifying a full description of all the lands upon which the cutting is to be done, designating the same by each 40-acre governmental subdivision or fraction thereof with the proper section, township, and range; ~~which notice shall be kept continuously so posted during the entire time that the cutting is being done;~~ together with a statement of the kind of products proposed to be cut, and who is to be responsible for the disposal of slashings and debris resulting from the cutting.

Subd. 2. The commissioner of conservation or his agent may execute a statement certifying that as of a certain date, no report of cutting had been received, as specified herein; such certified statement to be admitted as evidence in any prosecution for failure to report cutting.

Subd. 3. Any person who fails to ~~post and~~ send the notice, as in this section required shall be guilty of a misdemeanor; and, upon conviction thereof, fined not less than \$25, or imprisoned in the county jail for not less than 20 days. The provisions of this section shall not apply to any person who shall be engaged in cutting cordwood or other fuel wood upon his own land or engaged in cutting timber for clearing any land actually owned and occupied by him.

Subd. 4. Any person who, and any municipality or political subdivision of this state which, cuts or fells timber or brush of any kind in clearing land for any public road-bed or right of way, or for any other purpose, shall before starting such operation deliver in person or by ~~registered~~ *certified* mail, sealed and postage prepaid, a notice in writing in the English language, addressed to the commissioner of conservation and delivered or sent as specified herein to the division of forestry supervisory headquarters of the area in which the timber to be cut is located, describing the intended operations.

Sec. 11. Minnesota Statutes 1965, Section 88.14, is amended to read:

88.14 **Disposal of slashings and debris.** *Subdivision 1.* Where and whenever in the judgment of the ~~director~~ *commissioner* or any ~~district ranger~~ *forest officer* there is or may be danger of

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starting and spreading of fires from slashings and debris from the cutting of timber of any kind and for any purpose, or from any accumulation of sawdust, shavings, chips, bark, edgings, slabs, or other inflammable refuse from the manufacture of lumber or other timber products the ~~director commissioner~~, or ~~district ranger forest officer~~, shall order the person by or for whom the timber or timber products have been or are being cut or manufactured to dispose of such slashings, debris, or refuse as the state employee may direct. Where conditions do not permit the burning of the slashings, debris, or refuse over the entire area so covered, the ~~director commissioner~~ may require such person to dispose of the same in such a way as to establish a safe fire-line around the area requiring such protection, the fire-line to be of a width and character satisfactory to the ~~director commissioner~~, or otherwise to dispose of the same so as to eliminate the fire hazard therefrom.

Subd. 2. When any person who has been directed by the ~~director commissioner~~, or ~~district rangers forest officers~~ to dispose of such slashings, debris, or refuse fails to comply with these directions he shall be deemed guilty of a misdemeanor; and, on conviction thereof, punished by a fine of not less than \$25, and not exceeding \$100, and costs of prosecution; *or by imprisonment in the county jail for not less than ten and not exceeding 90 days*, and each day during which the failure to comply with the requirements of the ~~director commissioner~~ continues shall be deemed a separate and distinct violation of sections 88.02 to 88.21; but any number of these offenses may be prosecuted as separate counts of one charge or information.

Subd. 3. When any such slashings, debris, or refuse are not disposed of or are left unattended contrary to the instructions of the ~~director commissioner~~, or ~~district ranger forest officer~~ the ~~director~~, or any ~~district ranger~~ or ~~patrolman~~ ~~commissioner~~, or any ~~forest officer~~ or ~~fire warden~~, may go upon the premises with such force of men as may be necessary and burn or otherwise dispose of the same and the expense thereof shall be a lien upon the land on which they are situated and upon all contiguous lands of the same owner, and also upon all logs and other timber products cut or manufactured upon all these lands. This lien shall have the same effect and may be enforced in the same manner as a judgment in favor of the state for money. An itemized statement verified by the oath of the ~~director~~, or ~~district ranger commissioner~~, or ~~forest officer~~, of the amount of the costs and expenses incurred in burning or otherwise disposing of these slashings, debris, or refuse shall be filed, within 90 days from the time the disposal thereof is completed, in the office of the register of deeds of the county in which the timber or timber products

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were cut or manufactured; and the amount of the lien shall be a valid claim that may be collected in a civil action from the person who cut or manufactured the wood, timber, or timber products from which the slashings, debris, or refuse were produced. Any moneys so collected shall be paid into the state treasury and credited to the forest service fund.

Subd. 4. Any person who cuts or fells trees or bushes of any kind in clearing land for any road-bed or right of way for any railroad, highway, or trail shall, in the manner and at the time as above prescribed, burn the slashings and all combustible material, except fuel and merchantable timber, which shall be promptly removed.

Subd. 5. Any person who cuts or fells trees or bushes of any kind in clearing land for any purpose is hereby prohibited from setting fire to any slashings, brush, roots, or excavated stumps or other combustible material on such land and letting the fire run; but the same must be disposed of pursuant to the regulations or directions of the ~~director~~ *commissioner*.

Subd. 6. Any contractor who enters into a contract for the construction of a public road or other work, which involves the cutting or grubbing of woods, standing timber, or brush, shall pile in the middle of the right of way all the slashings and debris so cut or grubbed therefrom and burn and dispose of such slashings and debris without damage to adjoining timber or woods, which burning shall be done in a manner and at a time satisfactory to the ~~director~~ *commissioner*. The foregoing provisions shall not prevent the leaving of such trees along roads as will be useful for ornamental and shade purposes and which will not interfere with travel.

Subd. 7. Every contract made by or on behalf of any municipality or political subdivision of this state which involves the cutting of any timber on the right of way of a public highway shall provide in terms for compliance with the foregoing provisions, but the failure to include this provision in the contract shall not relieve the contractor from the duty to burn and dispose of these slashings.

Subd. 8. In all cases not herein provided for, where timber is cut in, upon, or adjoining any forest land and no specific directions are given by the ~~director, or district ranger~~ *commissioner, or forest officer*, for the disposal of slashings and debris resulting therefrom, all such slashings and debris within 200 feet of any adjoining timber land or any public highway, railroad, portage, or lake shore, shall nevertheless be piled in separate and compact piles ready for burning, which piling shall be done by the person by or for whom the timber was cut within 15 days after such timber was cut and such

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person shall thereafter make such further disposition of such slashings and debris as the ~~director~~, or ~~district ranger~~ *commissioner*, or *forest officer*, may direct.

Subd. 9. No sawdust, shavings, chips, bark, edgings, slabs, or other inflammable refuse from the manufacture of lumber or other timber products shall be made or deposited upon any public highway, portage, railroad, or lake shore, or within 100 feet thereof.

Sec. 12. Minnesota Statutes 1965, Section 88.16, is amended to read:

88.16 Starting fires; fire-breaks; unauthorized fires. *Subdivision 1.* It shall be unlawful, when the ground is not snow-covered, in any place where there are standing or growing native coniferous trees, or in areas of ground from which native coniferous trees have been cut, or where there are slashings of such trees, or native brush, timber, slashings thereof, or excavated stumps, or where there is peat or peat roots excavated or growing, to start or have any open fire, except for domestic purposes, or any back-fire, without the written permission of the ~~director~~ *commissioner*, or other authorized forest officer; ~~unless a fire break sufficient to check the spread of the fire shall have been freshly made or plowed around the place or area wherein the fire is set.~~

~~Furrows plowed in peat lands or bogs shall not be deemed a sufficient firebreak as required by this section.~~

Subd. 2. The occupant of any premises upon which any unauthorized fire is burning in the vicinity of forest lands, whether the fire was started by him or otherwise, shall promptly report the fire to the ~~director~~ *commissioner*, or to the nearest ~~district ranger, patrolman, forest officer~~, or fire warden. Failure to make this report shall be deemed a violation of sections 88.03 to 88.21 and the occupant of the premises shall be deemed prima facie guilty of negligence if the unreported fire spreads from the premises to the damage, loss, or injury of the state or any person.

Sec. 13. Minnesota Statutes 1965, Section 88.17, is amended to read:

88.17 Permission to start fires; prosecution for unlawfully starting fires. *Subdivision 1.* Permission to set fire to any grass, stubble, peat, brush, *raking of leaves, rubbish, garbage, branches*, slashings or woods for the purpose of *cleanup*, clearing and improving land or preventing other fire shall be given whenever the same may be safely burned, upon such reasonable conditions and restrictions as the ~~director~~ *commissioner* may prescribe; to prevent same from spreading and getting beyond control. This permission shall be

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in the form of a written permit signed by a regular forest officer or a member of the town board, designated by the director, or some other suitable person to be designated by him, as town fire warden, these permits to be on ~~blanks forms~~ furnished by the ~~director commissioner~~. The ~~director commissioner~~, or any of his *authorized* assistants or the town fire warden, may at his discretion in cases of extreme danger refuse, revoke, or postpone the use of permits to burn when such act is clearly necessary for the safety of life and property. Any person setting any fire or burning anything under such permit shall keep the permit on his person while so engaged and produce and exhibit the permit to any ~~district ranger, patrolman, or other employee of the forestry service, or town fire warden,~~ when and as often as requested so to do by any of them *forest officer, when requested to do so.*

Subd. 2. In any prosecution under sections 88.03 to 88.21 for unlawfully starting or setting or having or permitting the continuation or spread of any fire or back-fire, proof upon the part of the prosecution that such fire or back-fire originated upon, or was permitted to burn upon, or that it spread from, lands or premises occupied by the person charged with the offense, and that this person had knowledge of the fire and made no effort to put it out, shall be prima facie evidence that he is guilty. The burden of proof as to any matter in refutation of this prima facie guilt, or in extenuation or excuse, shall be and rest upon the person so appearing prima facie to be guilty.

Sec. 14. Minnesota Statutes 1965, Section 88.18, is amended to read:

88.18 Fire wardens. The ~~director commissioner~~ may appoint supervisors, constables, and clerks of towns, mayors of cities, and presidents or presiding officers of village councils or *other responsible persons* to be fire wardens for their respective districts; and they shall do all things reasonably necessary to protect the property of such municipalities from fire and to extinguish the same.

Sec. 15. Minnesota Statutes 1965, Section 88.19, is amended to read:

88.19 Neglect or refusal to perform duty. Every forestry employee of the state who shall unjustifiably refuse or neglect to perform his duty; every person who shall kindle a fire on or near forest, brush, or prairie land and leave it unquenched, or be a party thereto, or who shall set fire to brush, stumps, dry grass, field stubble, *leaves, peat, rubbish, garbage, branches and slashings,* or other material, and fail to extinguish the same before it has endangered

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the property of another; every person who shall negligently or carelessly set on fire, or cause to be set on fire, any woods, prairie, or other combustible material, whether on his own land or not, by means whereof the property of another shall be endangered, or who shall negligently suffer any fire upon his own lands to extend beyond the limits thereof; every person who shall use other than incombustible wads for firearms, or carry a naked torch, firebrand, or exposed light in or near forest land, or who, upon any such land or in the vicinity thereof, or on or along any public or private road, trail, path, railroad right of way or road-bed, or other public or private way of any kind running over or along or in the vicinity of any such land, shall throw or drop any burning match, ashes of pipe, lighted cigar, or cigarette, or any other burning substance, and who fails to extinguish the same immediately; every person who drives upon or over forest lands in a motor vehicle with an open cut-out or without a muffler on the exhaust pipe; ~~and every person who shall deface, destroy, or remove any notice posted under sections 88.03 to 88.21, and every person who operates a tractor, chainsaw, steam or internal combustion engine in forested areas not equipped to prevent fires,~~ shall be guilty of a misdemeanor; and, on conviction thereof, punished by a fine of not less than \$25 and not exceeding \$100 and costs of prosecution, or by imprisonment in the county jail for not less than ten and not exceeding 90 days.

Sec. 16. **Repealer.** *Minnesota Statutes 1965, Section 88.07, is repealed.*

Approved April 4, 1967.

CHAPTER 147—H. F. No. 851

An act repealing the law requiring the testing for tuberculosis of cattle exhibited at fairs or other shows; repealing Minnesota Statutes 1965, Section 35.66.

Be it enacted by the Legislature of the State of Minnesota:

Section 1. **Cattle; exhibitions; testing for tuberculosis; repealed.** *Minnesota Statutes 1965, Section 35.66, is repealed.*

Approved April 4, 1967.

Changes or additions indicated by italics, deletions by strikeout.