

poisoned baits, dynamite or poison gas with reasonable care for the destruction of injurious insects, rodents or English sparrows.

SECTION 2. This act shall take effect upon passage and publication.

Approved April 13, 1927.

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No. 244, S.]

[Published April 14, 1927.

### CHAPTER 28.

AN ACT to create a new subsection (15) to section 20.12 of the statutes, relating to the purchase of filing and vault equipment for the upper vault in the office of the state treasurer, and making an appropriation.

*The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:*

SECTION 1. There is added to the statutes a new subsection (15) to section 20.12 of the statutes to read: (20.12) (15) For the fiscal year, ending June 30, 1927, one thousand five hundred dollars for the purchase, alteration, and installation of filing and vault equipment in the upper vault of the office of the state treasurer.

SECTION 2. This act shall take effect upon passage and publication.

Approved April 13, 1927.

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No. 93, S.]

[Published April 14, 1927.

### CHAPTER 29.

AN ACT to repeal sections 26.11, 26.12, 26.125, 26.13, 26.14, 26.16, 26.17, 343.071, 343.08 and 343.081; to amend sections 26.15, 26.19, and 26.205, and to create four new sections to be numbered sections 26.11, 26.12, 26.13 and 26.14 of the statutes, relating to forest fires and providing penalties.

*The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:*

SECTION 1. Sections 26.11, 26.12, 26.125, 26.13, 26.14, 26.16, 26.17, 343.071, 343.08 and 343.081 of the statutes are repealed.

SECTION 2. Sections 26.15, 26.19 and 26.205 of the statutes are amended to read: 26.15 Any fire warden who shall refuse to carry out the provisions of \* \* \* *this chapter*, or any able-bodied citizen who shall refuse to render assistance as provided by \* \* \* *this chapter, or any citizen who shall violate any of the other provisions of this chapter for which a penalty is not otherwise provided shall be guilty of a misdemeanor*, shall be punished by a fine of not less than ten or more than fifty dollars, or by imprisonment in the county jail for not less than ten days or more than thirty days, or by both such fine and imprisonment.

26.19 Any person who shall \* \* \* destroy, deface, remove or molest or destroy any forest protection equipment or property or disfigure any forest fire sign, poster or warning notice \* \* \* shall be guilty of a misdemeanor and punishable, upon conviction, by a fine of not less than \* \* \* *twenty-five* dollars nor more than one hundred dollars, or by imprisonment in the county jail for a period of not less than ten days \* \* \* nor more than three months, or by both such fine and imprisonment.

26.205 Tractors operating in \* \* \* *a forest protection district* or on other land where there is danger of setting fire, shall be equipped so that such tractors will not set fire on such lands and to reduce to a minimum the danger of setting fire. The commission or its locomotive inspector is authorized and directed to reject from service all tractors not properly equipped to prevent the setting of fires. The commission shall, after investigation, prescribe suitable fire preventive devices for tractors operating in marsh land or on other land where there is danger of fire being set by their operation.

SECTION 3. Four new sections are added to the statutes to be numbered and to read: 26.11 (1) The conservation commission of Wisconsin is vested with power, authority and jurisdiction in all matters relating to the prevention, detection and suppression of forest fires outside the limits of incorporated villages and cities in the state, and to do all things necessary in the exercise of such power, authority and jurisdiction.

(2) The term "forest fire" as used in this chapter means uncontrolled, wild, or running fires occurring on forest, marsh, field, cutover or other lands.

(3) The commission shall direct and give suitable instructions to and obtain reports as directed from, the entire fire warden

force of the state whether in officially established forest protection districts or elsewhere, and it may move about or concentrate the fire warden force as occasion demands.

(4) The commission may enter into arrangements or agreements and cooperate with town boards, county boards or committees thereof, with individuals, concerns, corporations or associations, for the purpose of improving the protection against forest fires.

26.12 (1) Whenever it shall appear to the commission from investigation, hearing or otherwise that areas in the state are in need of special protection from forest fires, the commission shall be authorized to designate and establish a forest protection district on such areas. The limits of each such forest protection district shall be defined and public notice of its establishment shall be published in the local press of the region affected for three successive times and given such other publicity as the commission deems necessary.

(2) The commission shall organize each forest protection district so as to most effectively prevent, detect and suppress forest fires and to that end may employ experienced wardens or forest rangers to have charge of its efforts in each such district; may subdivide each district into patrol areas; may establish lookout towers, construct ranger stations, telephone lines, purchase tools for fire fighting as well as other necessary supplies or equipment, and carry on all other activities considered necessary to effectively protect the district from such fires, including the promulgation of rules and regulations for the payment of fire fighters, the preparation of notices and forms for publication and the disposition and use of all fire-fighting equipment or property. All property or equipment purchased by the state shall be owned by the state but counties or towns may purchase and own equipment for fire suppression and the same shall be used for the improvement of the forest fire fighting organization.

(3) The commission may deputize additional fire wardens who shall be called emergency fire wardens and who shall serve during the fire season or for such temporary periods as may be determined upon by the commission. Such appointments shall be made in cooperation with the county board in the county concerned or with a committee thereof. A list of such appointments shall be submitted by the commission each year on or before February fifteenth to such county board or authorized committee

thereof for approval by such board or committee. Should no written approval of such list of emergency fire wardens be received by the commission before March fifteenth of the year in which submitted such list as submitted shall be deputized by the commission as the official list for the year. Any vacancies occurring during the year shall be filled by the commission as occasion demands. The provisions of chapter 16 of the statutes shall not apply to appointments under subsection (3) of section 26.12 and subsection (1) of section 26.13 of this subsection.

(4) Each county included wholly or partially in a forest protection district may appoint a committee to co-operate with the commission and to consider all matters relating to fire prevention, detection and suppression in such county, including the payment of fire fighters, the purchase of fire-fighting equipment and all matters or details relating to or arising from the prevention, detection and suppression of such fires.

(5) No person shall set any fire except for warming the person or cooking food within the limits of any forest protection district at any time of the year except when the ground is snow-covered, unless written permission has been received beforehand from a duly appointed fire warden. The commission shall prepare the necessary blanks for this purpose, shall prescribe rules for the issuance of such permits, shall appoint, if necessary, in addition to the regular or emergency fire wardens, others who shall be authorized to issue such permits, and shall have jurisdiction over all other details concerned with or growing out of the closed season on the setting of fire.

26.13 (1) The chairman of the town board of each town outside the limits of a forest protection district shall, by virtue of his office and the oath thereof, be town fire warden for such town. He shall assist and co-operate with the commission in all matters relating to the prevention, detection and suppression of forest fires. If a town is unusually large or if special or peculiar conditions in connection with such fires exist, the commission may, upon recommendation of the town chairman, annually, appoint such emergency fire wardens as are necessary, whose duties and authority shall be the same as heretofore provided for emergency fire wardens serving in forest protection districts.

(2) All expenses arising from the prevention or suppression of forest fires by the town chairman acting in his capacity as town fire warden and by those called upon by him to assist in

such work, shall be borne by the town in which such expense was incurred and the town board may levy and assess a tax for defraying such expense. In addition the town board may levy a tax for the purchase of equipment for the suppression of forest fires. Such taxes shall be collected in the same manner as other taxes and such taxes when so collected shall be paid into the town treasury from which such expense is paid.

(3) Whenever the town board of any town located outside of a forest protection district deems it imprudent to set fires upon any land within the town they shall post or cause to be posted in five or more public places in each township in such town, notices, which shall be prepared by the commission, forbidding the setting of fires therein, and after the posting of such notices no person shall set any fire upon any land in said town except for warming the person or cooking food, until written permission has been received from one of the fire wardens of said town.

26.14 (1) State forest rangers, town chairmen, emergency fire wardens, conservation wardens and other duly appointed deputies shall take prompt measures against the spread and illegal setting of forest fires. They shall have the power of sheriffs to arrest, without warrant, for violations of the provisions of any section of the statutes relating to such fires. They may execute and serve all warrants and processes issued by any justice of the peace or police magistrate or by any court having jurisdiction in the same manner as any constable may serve and execute such processes, and to arrest any person detected in the actual violation or whom such officer has reasonable cause to believe guilty of a violation of any of the provisions of this chapter, and to take such person before any court in the county where the offense was committed and make proper complaint. They shall have authority to call upon any able-bodied citizen to assist in fighting such fires in such manner as they may direct.

(2) All such forest rangers, town chairmen, emergency fire wardens, conservation wardens and other duly appointed deputies may in the performance of their official duty go on the lands of any person or corporation to fight forest fires, and in so doing may set back-fires, dig trenches, cut fire lines or carry on all other customary activities in the fighting of forest fires, without incurring a liability to anyone.

(3) Emergency fire wardens, and all persons employed by them or by any other duly appointed fire warden for the purpose

of suppressing forest fires, shall receive such pay as the commission may determine, but not to exceed thirty-five cents per hour for the time actually employed. And in addition thereto the commission may allow the cost of meals, transportation and disbursements for emergency equipment. One-half of such expense shall be paid by the state and one-half by the county where such service was performed.

(4) Emergency fire wardens or those assisting them in the fighting of forest fires shall prepare itemized accounts of their services and the services of those employed by them, as well as other expenses incurred, on blanks to be furnished by the commission and in a manner prescribed by the commission, and make oath or affirmation that said account is just and correct, which account shall be forwarded and approved for payment by the commission. As soon as any such account has been paid by the state treasurer the commission shall send to the proper county treasurer a bill for the county's share of such expenses and a copy of the bill shall be filed with the secretary of state. The county shall have sixty days within which to pay such bill but if not paid within that time the county shall be liable for interest at the rate of six per cent per annum. If payment is not made within sixty days the secretary of state shall include such amount as a part of the next levy against the county for state taxes.

(5) Any person who shall set a fire or assist in the setting of a fire, including a back-fire, on any lands in this state not his own or under his control, shall totally extinguish such fire before leaving it and upon failure so to do shall upon conviction, be punished by a fine of not less than ten dollars and not to exceed two hundred dollars, or by imprisonment in the county jail not exceeding two months, or by both such fine and imprisonment.

(6) Any person who shall set a fire or assist in the setting of a fire, including a back-fire, upon his own land and who shall wilfully, carelessly or negligently allow such fire to escape beyond the limits thereof and burn over the land of another, shall upon conviction be punished by a fine of not less than ten dollars and not to exceed two hundred dollars, or by imprisonment in the county jail not exceeding two months, or by both such fine and imprisonment.

(7) Any person, firm or corporation who shall wilfully or negligently set fire on any land and allow such fire to escape to adjoining land and become a forest fire, shall upon conviction,

be liable for all expenses incurred in the suppression of such fire by the state, county or town in which such fire occurred. The commission, the county clerk or the town clerk shall respectively certify to such person the claim of the state, county or town in writing and list thereon the items of expense incurred in the suppression of such fire. Such claim shall be paid within sixty days and if not paid within such time, the state, county or town may begin an action thereon at any time within two years.

(8) Nothing in this chapter shall be construed as affecting the right to damages. The liability of persons for damages shall include the injury to young tree growth resulting from fires.

SECTION 4. This act shall take effect upon passage and publication.

Approved April 13, 1927.

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No. 38, S.]

[Published April 14, 1927.

## CHAPTER 30.

AN ACT to amend subsection (2) of section 87.04 of the statutes, relating to bridges on state trunk highways.

*The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:*

SECTION 1. Subsection (2) of section 87.04 of the statutes is amended to read: (87.04) (2) If the state highway commission, after such hearing shall find that said construction or reconstruction is necessary, it shall locate the place at which the bridge should be constructed or reconstructed, and if the bridge at such location will necessarily be more than three hundred feet long, not including approaches, or is required by the laws of the United States to make provision for navigation by means of a swing or lift bridge, the said bridge project shall be constructed or reconstructed at the expense of the state and counties especially benefited as hereinafter provided. The commission shall determine the character and kind of bridge adapted to the location, shall determine which counties are especially benefited thereby and the proportionate special benefit of each county, shall estimate the cost of the bridge project, and shall file with the county clerk or clerks of the county or counties in or between which said bridge project is to be constructed or reconstructed its findings,