

APPENDIX D2. MAINE FOREST FIRE LAW

Maine's forest fire laws are administered and enforced primarily by the Fire Control Division of the Maine Forest Service (Bureau of Forestry) in the Department of Conservation. Following are excerpts from the Maine Revised Statutes Annotated (updated through 2006).

12 MRSA Ch. 807, Section 8901

2. Powers and duties. Forest rangers and the state supervisor shall:

B. Have the final on-site authority and responsibility for the control of forest fires;

D. Enforce all laws relating to forests and forest preservation, laws relating to the Maine Land Use Regulation Commission and laws and rules relating to lands under the jurisdiction of the Bureau of Parks and Lands;

E. Investigate and gather evidence regarding the cause of forest fires;

H. Have rights of access to all lands within the State to carry out the duties they are authorized by law to administer and enforce. Entry into private property under this paragraph is not a trespass. This paragraph does not authorize entry into any building or structure.

3. Law enforcement powers. In addition to any law enforcement powers expressly provided to forest rangers by another law:

A. Forest rangers and the state supervisor, for the purpose of enforcing forest and forest preservation laws, of the Maine Land Use Regulation Commission and laws and rules relating to the lands under the jurisdiction of the Bureau of Parks and Lands, have statewide law enforcement powers equivalent to those of a sheriff, or a sheriff's deputy, in the sheriff's county, including the right to execute or serve criminal and civil violation processes against offenders, make warrantless arrests for crimes, investigate and prosecute offenders, require aid in executing forest ranger duties and deputize temporary aides;

B. The Director of the Bureau of Forestry, at the director's discretion, may authorize forest rangers and the state supervisor while on duty to arrest without a warrant a person who has committed or is committing in the ranger's or supervisor's presence any crime involving the use or threatened use of physical force against a person.

For the purposes of this paragraph, criminal conduct has been committed or is being committed in the presence of a law enforcement officer when one or more of the officer's senses afford that officer personal knowledge of facts that are sufficient to warrant a prudent and cautious law enforcement officer's belief that a crime involving the use or threatened use of physical force against a person is being or has just been committed and that the person arrested has committed or is committing that crime. An arrest made pursuant to this

paragraph must be made at the time of the commission of the criminal conduct, or some part thereof, or within a reasonable time thereafter or upon fresh pursuit; and

C. Forest rangers and the state supervisor while on or off duty are authorized to provide assistance in a life-threatening emergency consistent with agency policies and within the scope of individual training.

12 MRSA, Ch. 807, Section 8905

Chain of Command The director [of the Bureau of Forestry] shall be responsible for the control of forest fires in all areas of the State. In carrying out these duties, the director shall have an unbroken chain of command down to, and including, town forest fire wardens.

12 MRSA, Ch. 807, Section 9001

2. Proclamation. [In the event of severe forest fire danger] the Governor may, by proclamation, suspend the open season for hunting or fishing or prohibit out-of-door smoking or building or using out-of-door fires or prohibit any other human activity likely to be a menace to the forests for such time and in such areas of the State as considered necessary. The type and manner of hunting and fishing or other human activity that is prohibited must be designated in the proclamation.

12 MRSA, Ch. 807, Section 9201

Responsibility for control of forest fires. Responsibility for the control of forest fires in municipalities lies in the first instance with the town forest wardens appointed for these municipalities by the director. When in the judgment of a forest ranger the situation so warrants, the forest ranger may relieve a town forest fire warden of responsibility for control of a forest fire within a municipality and assume responsibility therefor. Final authority and responsibility for the control of a forest fire shall be that of the forest ranger.

12 MRSA, Ch. 807, Section 9303

Deposits on other's land forbidden. No person shall deposit refuse of any kind on land not his own without the consent of the owner or the public authority having custody or maintenance responsibility of such land.

12 MRSA, Ch. 807, Section 9322

1. Permits. No person may kindle or use an out-of-door fire in the unorganized territory unless a permit has been obtained from the director. The director may issue a permit on lands of another unless the majority ownerships of the land have withdrawn permission in writing to the director.

2. Exemptions. This section shall not apply to the use of portable stoves which are fueled by propane gas, gasoline or sterno; to recreational fires kindled when the ground is covered with

snow; or to residential use of outdoor grills and fireplaces for recreational purposes, such as preparing food.

12 MRSA, Ch. 807, Section 9324

1. Extinguishment of fire. Whoever by himself or by his servant, agent or guide or as the servant, agent or guide of any other person shall build a camp, cooking or other fire or use an abandoned camp, cooking or other fire in or adjacent to any woods in the State, shall, before leaving such fire, totally extinguish the same.

3. Disposal of lighted material. No person shall dispose of a lighted match, cigarette, cigar, ashes or other flaming substance or thing in such condition that it is likely to ignite forest, brush, grass or other lands or dispose of any of the aforesaid objects or substances from a moving vehicle.

4. No person shall kindle or use an out-of-door fire on land of another without permission of the owner, except at public campsites and lunch grounds maintained or authorized by the bureau, state parks and highway picnic areas. This subsection does not apply to the use of portable stoves which are fueled by propane gas, gasoline or sterno.