

MAINE STATE LEGISLATURE

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1 SECOND REGULAR SESSION

2
3 ONE HUNDRED AND TENTH LEGISLATURE

4
5 **Legislative Document**

No. 1883

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7
8 H. P. 1911 House of Representatives, January 28, 1982
Filed by the Joint Standing Committee on Taxation under Joint
Rule 18 approved by the Legislative Council, June 4, 1981.

Reported by Representative Kane from the Committee on Taxation
and 1,600 ordered printed under Joint Rules No. 18.

EDWIN H. PERT, Clerk

9
10 **STATE OF MAINE**

11
12 **IN THE YEAR OF OUR LORD**
13 **NINETEEN HUNDRED AND EIGHTY-TWO**

14
15 **AN ACT to Revise the Procedure for Muni-**
16 **icipalities Withdrawing from the Maine Forestry**
17 **District.**

18
19 Be it enacted by the People of the State of Maine as follows:

20 **Sec. 1. 12 MRSA §1204 is enacted to read:**

21 **§1204. Withdrawal of municipality from a district**

22 **1. 20% petition. Upon receipt of a petition of 20% of**
23 **the number of voters in a municipality who voted at the last**
24 **gubernatorial election, the municipal officers shall prepare**
25 **a plan for withdrawal from the Maine Forestry District.**

26 **2. Withdrawal plan. The withdrawal plan shall contain**
27 **at least the following information:**

1 A. The number and training of personnel who will be
2 available to make initial response to a forest fire
3 within the municipality;

4 B. An inventory of forest fire fighting equipment
5 which the municipality possesses or will obtain prior
6 to withdrawal;

7 C. Plans for maintaining and storing such equipment;

8 D. A copy of any contracts with other municipalities
9 or agencies which will provide assistance in the event
10 of a forest fire;

11 E. A statement containing the municipality's potential
12 liability in the event of a forest fire and plans for
13 meeting that liability; and

14 F. Any other information required by regulations
15 promulgated by the Department of Conservation.

16 3. Review of plan. The withdrawal plan shall be sub-
17 mitted to the Department of Conservation. The department
18 shall, within 30 days, send its comments on the adequacy of
19 the plan to the municipality and may make recommendations
20 for improvements.

21 4. Submission of plan to voters. Within 60 days of
22 the receipt of the department's comments, the municipal
23 officers shall call and hold a special election, in the man-
24 ner provided for the calling and holding of town meetings or
25 city elections, to vote on the withdrawal of the municipal-
26 ity from the Maine Forestry District. At least 10 days
27 before the election, a posted or otherwise advertised public
28 hearing on the question of withdrawal shall be held by the
29 municipal officers. The municipal officers shall make
30 copies of the withdrawal plan and department comments avail-
31 able to members of the public prior to the hearing.

32 The question to be voted upon shall be in the following
33 form: "Shall the municipality of _____ withdraw from
34 the Maine Forestry District and assume initial responsibil-
35 ity for forest fires within municipal boundaries?" The
36 question must be approved by secret ballot by a majority of
37 the voters present and voting.

38 5. Notice of vote. If the residents of a municipality
39 vote favorably on the question of withdrawal, the municipal
40 officers shall notify the Department of Conservation, the
41 State Tax Assessor and the county commissioners.

1 Sec. 2. 12 MRSA §1601, 4th ¶, as amended by PL 1981,
2 c.364, §2, is further amended by adding after the first sen-
3 tence a new sentence to read:

4 The bill shall also provide for the withdrawal from the dis-
5 trict of municipalities which have voted to withdraw, fol-
6 lowing the procedures specified in section 1204.

7 Sec. 3. 12 MRSA §1601-A, 1st sentence, as enacted by PL
8 1971, c. 297, is repealed and the following enacted in its
9 place:

10 The Maine Forestry District shall reimburse the member
11 municipalities for 50% of the costs incurred each year for
12 fire protection other than what the Maine Forestry District
13 provides, up to a maximum of 50% of the contribution of the
14 respective municipality to the Maine Forestry District in
15 that year.

16 Sec. 4. 12 MRSA §9204, as enacted by PL 1979, c.545,
17 §3, is repealed and the following enacted in its place:

18 §9204. Payment of costs; first 1% of state valuation

19 Municipalities, outside the limits of the Maine For-
20 estry District, shall pay for all costs incurred by the
21 forest fire warden in charge, including state services, for
22 the control and extinguishing of forest fires. These munic-
23 ipalities shall also pay for state services provided for the
24 control and extinguishing of all other types of fires. A
25 town going to the aid of another town with a forest fire,
26 even to protect itself, shall be paid by the town aided if
27 the total suppression cost of the town is not over 1% of its
28 state valuation. In no event shall the town's total annual
29 obligations for payment under this section exceed 1% of its
30 state valuation.

31 Sec. 5. 12 MRSA §9205, 1st sentence, as enacted by PL
32 1979, c. 545, §3, is repealed and the following enacted in
33 its place:

34 When the annual total of all forest fire suppression
35 costs, including state services, and state services provided
36 for the suppression of other types of fires exceeds 1% of a
37 municipality's state valuation, the State shall pay the
38 costs which exceed 1%. The State will not pay for the use
39 or loss of municipally owned equipment within the town in
40 which the fire occurred.

