

MAINE STATE LEGISLATURE

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1 SECOND REGULAR SESSION
2

3 ONE HUNDRED AND TENTH LEGISLATURE
4

5 Legislative Document

No. 1899

7 H. P. 1913 House of Representatives, January 28, 1982
Submitted by the Department of Conservation pursuant to Joint
Rule 24.

Referred to the Committee on Energy and Natural Resources. Sent
up for concurrence and ordered printed.

8 Presented by Representative Hall of Sangerville. EDWIN H. PERT, Clerk

Cosponsors: Senator Violette of Aroostook, Representative Dexter
of Kingfield and Representative Davis of Monmouth.

9
10 STATE OF MAINE
11

12 IN THE YEAR OF OUR LORD
13 NINETEEN HUNDRED AND EIGHTY-TWO
14

15 AN ACT to Strengthen the Fire Control
16 Laws.
17

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

19 Sec. 1. 12 MRSA §8003, sub-§3, ¶1, as enacted by PL
20 1979, c. 545, §3, is amended by adding at the end 2 new sen-
21 tences to read:

22 The director may, with the consent of the commissioner,
23 acquire up to 5 acres of land, together with reasonable
24 access thereto, through the exercise of eminent domain
25 upon the determination by the director that the lands
26 are appropriate to continued fire prevention, detection
27 or suppression activities. Any taking of property by
28 the bureau pursuant to this section shall be made in
29 the manner provided in Title 35, chapter 263.

30 Sec. 2. 12 MRSA §8906, sub-§3, as enacted by PL 1979,
31 c. 545, §3, is amended by adding before the first sentence
32 a new sentence to read:

1 Funds for forest fire suppression are to be appropriated
2 into a separate account from other fire control activities
3 and that account shall not lapse and shall be carried for-
4 ward from year to year.

5 Sec. 3. 12 MRSA §9323, sub-§1, as enacted by PL 1979,
6 c. 545, §3, is amended by adding at the end 2 new sentences
7 to read:

8 In the case of a prescribed burning operation, a performance
9 bond to cover suppression costs and damages resulting from
10 wildfires escaping from the prescribed burn, for an amount
11 to be determined by the director, shall be posted with the
12 Maine Forest Service by the party responsible for that pre-
13 scribed burn. No performance bond may be required for
14 setting backfires intended to stop the spread of a forest
15 fire.

16 Sec. 4. 12 MRSA §9703, as amended by PL 1979, c. 545,
17 §3, is further amended to read:

18 §9703. Partial payment of costs of suppressing forest fires

19 Any person who intentionally or negligently causes a
20 fire which burns forest, brush, grass or other lands or
21 intentionally fails to take reasonable action to control a
22 fire on his own land shall be liable civilly up to a maximum
23 of \$2,000 of for the suppression costs to the State or
24 municipality which aids in suppressing the same. Payment
25 received by the State shall be placed in the suppression ac-
26 count established under section 8906.

27 Statement of Fact

28 Section 1 of the bill will allow the Maine Forest Ser-
29 vice to acquire lands through the power of eminent domain.
30 The Maine Forest Service currently leases a number of par-
31 cels of land for its fire towers and other fire control
32 facilities. Some landowners are reluctant to renew leases
33 and the State may lose sites vital to fire control activi-
34 ties unless some way is found to continue to use those crit-
35 ical sites.

36 Section 2 creates a separate carrying account for fire
37 suppression funds. Presently, fire suppression funds are
38 part of the "All Other" budget for fire control, and when
39 fire suppression funds become exhausted, other accounts
40 suffer because of the drain on the total "All Other" ac-
41 count.

1 Section 3 establishes the requirement of a performance
2 bond for prescribed burning, a relatively new management
3 tool being used by major landowners. The performance bond
4 protects the State from incurring costs of control of forest
5 fires caused by such activity.

6 Section 4 eliminates the cap on liability for suppres-
7 sion costs for anyone who intentionally or negligently
8 causes a forest fire.