

MAINE STATE LEGISLATURE

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FIRST SPECIAL SESSION

ONE HUNDRED AND SIXTH LEGISLATURE

Legislative Document

No. 2409

H. P. 1901

House of Representatives, January 23, 1974

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

E. LOUISE LINCOLN, Clerk

Presented by Mr. Farnham of Hampden.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
SEVENTY-FOUR

AN ACT Relating to Forest Fire Protection.

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

Sec. 1. R. S., T. 12, §§ 1201-1203, repealed. Section 1201, as repealed and replaced by section 34 of chapter 226 of the public laws of 1965 and as amended, section 1202, as amended, and section 1203, as repealed and replaced by section 5 of chapter 395 of the public laws of 1971 and as amended, of Title 12 of the Revised Statutes, are repealed.

Sec. 2. R. S., T. 12, § 1252, repealed and replaced. Section 1252 of Title 12 of the Revised Statutes, as amended, is repealed and the following enacted in place thereof:

§ 1252. Fire control districts

The director shall be reseponsible for the prevention, control and extinguishment of forest fires in all areas of the State and shall have an unbroken chain of command down to and including town forest fire wardens. He shall divide the State into as many districts, areas or units, as he deems necessary for the effective protection against loss or damage by forest fires. The director may establish lookout stations connected by telephone and radio, construct and maintain roads and trails, construct, equip and maintain office-storehouse headquarters for necessary supplies, tools and equipment and provide for any other facilities essential for forest fire prevention and control work. The director may construct and maintain public campsites and may establish a schedule of fees for the use thereof.

Sec. 3. R. S., T. 12, § 1255, amended. The first sentence of section 1255 of Title 12 of the Revised Statutes, as repealed and replaced by section 7 of chapter 395 of the public laws of 1971 and as amended, is further amended to read as follows:

Responsibility for the control and extinguishment of forest fires in municipalities ~~outside the Maine Forestry District~~ lies in the first instance with the town forest fire wardens appointed for such municipalities by the director.

Sec. 4. R. S., T. 12, § 1402, amended. The first sentence of section 1402 of Title 12 of the Revised Statutes, as amended, is further amended to read as follows:

To better accommodate recreational and sporting users of the woods and to prevent forest fires in the ~~Maine Forestry District~~ **unorganized townships**, the director is authorized to issue permits for out-of-door fires except on areas where the majority ownerships thereof have withdrawn permission in writing to the director.

Sec. 5. R. S., T. 12, § 1403, amended. The last sentence of section 1403 of Title 12 of the Revised Statutes, as amended by section 45 of chapter 226 of the public laws of 1965, is repealed.

Sec. 6. R. S., T. 12, § 1551, amended. The 2nd sentence of section 1551 of Title 12 of the Revised Statutes, as amended by section 52 of chapter 226 of the public laws of 1965, is further amended to read as follows:

Requests for permits to burn under this section may be obtained from ~~forest rangers within the State and from~~ town forest fire wardens ~~outside of the limits of the Maine Forestry District~~ and from forest rangers in the **unorganized townships**.

Sec. 7. R. S., T. 12, § 1551, amended. The last sentence of the first paragraph of section 1551 of Title 12 of the Revised Statutes, as enacted by section 52 of chapter 226 of the public laws of 1965, is repealed.

Sec. 8. R. S., T. 12, § 1551, amended. The first paragraph of section 1551 of Title 12 of the Revised Statutes, as amended, is further amended by adding at the end the following new sentence:

Forest rangers may temporarily grant authority to deputy town forest fire wardens or other persons to issue permits in case town forest fire wardens are incapacitated or absent from their town.

Sec. 9. R. S., T. 12, § 1551, amended. The 3rd sentence of the 2nd paragraph of section 1551 of Title 12 of the Revised Statutes, as amended by section 52 of chapter 226 of the public laws of 1965, is further amended to read as follows:

Whenever possible town forest fire wardens ~~of municipalities outside the limits of the Maine Forestry District~~ shall notify their forest ranger of any permit issued.

Sec. 10. R. S., T. 12, § 1554, amended. Section 1554 of Title 12 of the Revised Statutes, as amended, is further amended to read as follows:

§ 1554. —along land bordering on another

Whoever, as stumpage owner, operator, landowner or agent, cuts, causes or permits to be cut any forest growth on land which borders land of another ~~outside the limits of the Maine Forestry District or within the Maine Forestry District which borders property outside~~ within a municipality or within an unorganized township where it borders property within a municipality shall dispose of the slash in the manner described: All slash resulting from such cutting of forest growth shall not remain on the ground within 25 feet of the property line, provided that the director on his own initiative or upon written complaint of another declares that the situation constitutes a fire hazard.

Sec. 11. R. S., T. 12, §§ 1601, 1601-A, 1602, 1604-1606 and 1608, repealed. Section 1601, as amended, section 1601-A, as enacted by chapter 297 of the public laws of 1971 and as amended, section 1602, 1604, 1605, 1606, as amended, and 1608, as enacted by section 17 of chapter 616 of the public laws of 1971, of Title 12 of the Revised Statutes, are repealed.

Sec. 12. R. S., T. 12, § 1652, amended. The last paragraph of section 1652 of Title 12 of the Revised Statutes, as enacted by section 60 of chapter 226 of the public laws of 1965, is repealed.

Sec. 13. R. S., T. 25, § 2501, amended. The first sentence of section 2501 of Title 25 of the Revised Statutes, as amended by section 18 of chapter 460 of the public laws of 1973, is repealed and the following enacted in place thereof:

The Director of the Bureau of Forestry shall appoint a forest fire warden for a 3-year term in each organized municipality within the State for the prevention, control and extinguishment of forest fires.

Sec. 14. R. S., T. 25, § 2502, amended. The first sentence of section 2502 of Title 25 of the Revised Statutes, as amended by section 9 of chapter 97 of the public laws of 1971, is further amended to read as follows:

State forest rangers and town forest fire wardens shall be responsible for the control and extinguishment of forest fires in any municipality within the State ~~outside the limits of the Maine Forestry District.~~

Sec. 15. R. S., T. 25, § 2505, amended. The first sentence of section 2505 of Title 25 of the Revised Statutes is amended to read as follows:

Municipalities, within the State, ~~outside the limits of the Maine Forestry District~~ shall be holden to pay for controlling and extinguishing forest fires up to 1% of their state valuation and the State shall reimburse them ½ the above costs incurred by the forest fire warden in charge therein.

Sec. 16. R. S., T. 25, § 2506, amended. The first sentence of section 2506 of Title 25 of the Revised Statutes is amended to read as follows:

All forest fire suppression costs in municipalities within the State, ~~outside the limits of the Maine Forestry District~~ in an amount greater than 1% of

the state valuation of the municipality in which the fire occurred shall be paid by the State.

Sec. 17. R. S., T. 36, § 1141, amended. The last paragraph of section 1141 of Title 36 of the Revised Statutes, as amended, is repealed.

Sec. 18. R. S., T. 36, § 1146, repealed. Section 1146 of Title 36 of the Revised Statutes, as enacted by section 15 of chapter 616 of the public laws of 1971, is repealed.

Sec. 19. Effective date. This Act shall become effective on July 1, 1975.

STATEMENT OF FACT

Pursuant to management and cost survey recommendation #5, Bureau of Forestry, programs and funding of the Maine Forestry District and Organized Towns Forest Fire Control are combined.

The focus of the management and cost survey recommendation was to eliminate a dual system of inventory control based on sources of revenue and administrative organization wherein forest fire protection services are provided statewide.

This Act will eliminate all references to the Maine Forestry District. Revenue from the unorganized townships making up the Maine Forestry District is now provided for by a uniform tax rate. This revenue would continue to support these services in these areas in future years. Revenue from the 54 municipalities which are a part of the Maine Forestry District would be lost effective in the fiscal year 1975-76. Increased General Fund appropriation of about \$200,000, \$212,258 in fiscal year 1973-74, will be required for use in that same fiscal year. This General Fund appropriation need would continue annually thereafter to provide for forest fire protection in these 54 municipalities on the same basis as currently applies to all other municipalities in the State.

The above 2 sources of income are identified as appropriation account number 1236.4, Organized Town Forest Fire Control and appropriation account number 1236.7, Maine Forestry District. These are to be combined into a single appropriation account number as designated by the Bureau of the Budget.

This recommendation was supported by the Governor in his special message to the 106th special session of the Legislature on January 10, 1974.