

MAINE STATE LEGISLATURE

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ONE HUNDRED AND NINTH LEGISLATURE

Legislative Document

No. 626

H. P. 510

House of Representatives, February 16, 1979

On Motion of Mr. LaPlante of Sabattus, referred to the Committee on Taxation.
Sent up for concurrence and ordered printed.

EDWIN H. PERT, Clerk

Presented by Mr. Davis of Monmouth.

Cosponsor: Mr. N. Nelson of Roque Bluffs.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
SEVENTY-NINE

AN ACT to Decrease Municipal Liabilities for Forest Fire Liabilities.

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

Sec. 1. 12 MRSA § 1355, as enacted by PL 1965, c. 365, § 1, is amended to read:

§ 1355. Loss of state reimbursement

Any municipality in which a municipal dump has been posted "Closed to Dumping" as set forth in this subchapter, which continues to permit dumping therein, shall during said period lose the benefits of state reimbursement of forest fire suppression costs on fires which escape from such dump as provided by Title 25, section 2505, up to an amount equal to ~~1%~~ **of one mill of taxation** at the state valuation of the municipality.

Sec. 2. 12 MRSA § 1653, as enacted by PL 1965, c. 365, § 3 is amended to read:

§ 1653. Partial payment of costs of suppressing forest fires

Any person, firm or corporation who shall willfully or negligently cause a fire which burns forest, brush, grass or other lands or shall willfully fail to take reasonable action to control a fire on his own land shall be liable civilly up to a maximum of \$500 of the suppression costs to the State ~~or~~, municipality ~~or municipalities~~ which ~~aids aid~~ in suppressing the same.

Sec. 3. 25 MRSA § 2505, last sentence, as amended by PL 1971, c. 97, § 12, is further amended to read:

A town going to the aid of another, even to protect itself, when requested by the state forest ranger in charge, shall be paid by the town ~~aided if the total suppression cost of the town is not over 1% of its state valuation~~ **State in accordance with the formula provided in this section at ½ of the cost payable directly to the town giving aid if the total suppression cost of the town is not over one mill of taxation at its state valuation.**

Sec. 4. 25 MRSA § 2506, as amended by PL 1971, c. 97, § 13, is further amended to read:

§ 2506. Payment of costs beyond one mill of taxation at state valuation

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 one mill of taxation at the state valuation of the municipality in which the fire occurred~~ shall be paid by the State. Any municipality in order to pay labor quickly may pay beyond ~~1% of one mill of taxation at~~ its state valuation and submit for full state reimbursement or forward the unpaid bills, approved by the state forest ranger in charge, for payment.

STATEMENT OF FACT

Present law requires towns to pay up to 1% of their state valuation for the costs of controlling and extinguishing forest fires within the town's jurisdiction. The State is required to reimburse the subject town up to ½ of its own costs as described in the bill. In some instances, the present law can impose an extreme financial burden on small towns, to the extent that some towns have had to borrow funds to pay their statutory share of forest fire costs. The proposed legislation would decrease the town's liability by changing the formula from 1% of state valuation to one mill of taxation at the town's state valuation and by requiring the State to pay in accordance with the formula directly to a town going to the aid of another.