

MAINE STATE LEGISLATURE

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1 FIRST REGULAR SESSION
2

3 ONE HUNDRED AND ELEVENTH LEGISLATURE
4

5 Legislative Document

No. 636

7 H.P. 528

House of Representatives, February 9, 1983

8 Reported by Speaker Martin for the Maine Forest Fire Control Study
9 Commission. Sent up for concurrence and ordered printed.

10 EDWIN H. PERT, Clerk

11 Reported from the Maine Forest Fire Control Study Commission under
Joint Rule 18, pursuant to Public Law 1981, Chapter 705, Part H, section 3
of the 110th Legislature.

12 STATE OF MAINE
13

14 IN THE YEAR OF OUR LORD
15 NINETEEN HUNDRED AND EIGHTY-THREE
16

17 AN ACT to Amend the Forest Fire Control
18 Laws and Change the Method of Funding
19 Forest Fire Control Services.
20

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

23 Sec. 1. 5 MRSA §243, sub-§5, as amended by PL
24 1973, c. 537, §2, is repealed.

25 Sec. 2. 12 MRSA §679, as amended by PL 1973, c.
26 460, §17, is repealed.

27 Sec. 3. 12 MRSA §901, first ¶, as amended by PL
28 1975, c. 497, §3, is further amended to read:

29 All the lands in Townships 2, 3, 4, 5 and 6,
30 Range 9 W.E.L.S. and in Townships 3, 4, 5 and 6,
31 Range 10 W.E.L.S., Piscataquis Piscataquis County,
32 and Township 6, Range 8 W.E.L.S., Penobscot County,

1 that have been donated and conveyed to the State of
2 Maine in said the Townships 2, 3, 4, 5 and 6, Range 9
3 and in Townships 3, 4, 5 and 6, Range 10, and in
4 Township 6, Range 8 and all lands in Piscataquis and
5 Penobscot Counties that hereafter shall be donated
6 and conveyed to the said State by said Percival Proc-
7 tor Baxter in trust for state forest, public park and
8 public recreational purposes are named and shall
9 hereafter be named "Baxter State Park" in honor of
10 the donor, and the same hereafter shall forever be so
11 designated on the official maps and records of the
12 State. They shall be under the joint supervision and
13 control of, and shall be administered by the Director
14 of the Bureau of Forestry, the Commissioner of Inland
15 Fisheries and Wildlife and the Attorney General, and
16 the said commissioner, director and Attorney General
17 shall have full power in the control and management
18 of the same, under the title of Baxter State Park
19 Authority. The authority shall make payments to the
20 Bureau of Forestry in lieu of taxes on the basis of
21 the state-wide annual per acre expenditures for
22 forest fire protection for the last fiscal year for
23 all land within the Baxter State Park area. The
24 authority shall receive moneys available from trust
25 funds established by the donor of the park and shall
26 include fees collected, income from park trust funds
27 invested by the Treasurer of State and other miscel-
28 laneous income derived from the park for maintenance
29 and operation of the park.
30

31 Sec. 4. 12 MRSA c. 215, sub-c. II, as amended,
32 is repealed.

33 Sec. 5. 12 MRSA c. 215, sub-c. X, as amended, is
34 repealed.

35 Sec. 6. 12 MRSA §8902, first ¶, as enacted by PL
36 1979, c. 545, §3, is amended to read:

37 The director shall appoint a forest fire warden
38 in each organized municipality within the State out-
39 side the limits of the Maine Forestry District for
40 the control of forest fires. The municipal fire chief
41 shall be appointed as forest fire warden if practi-
42 cable and no other person shall may be appointed
43 without the approval of the municipal officers. All

1 appointed forest fire wardens shall serve at the
2 pleasure of the director and shall be sworn to the
3 faithful discharge of these duties and a certificate
4 thereof shall be returned to the bureau. Whoever has
5 been notified of this appointment shall file with the
6 director his acceptance or rejection within 10 days.
7 The appointed forest fire warden may appoint one or
8 more deputy forest fire wardens subject to approval
9 of the municipal officers.

10 Sec. 7. 12 MRSA §8906, sub-§2, as enacted by PL
11 1973, c. 545, §3, is amended to read:

12 2. Equipment. The director may establish lookout
13 stations connected by telephone and radio, and con-
14 struct, equip and maintain office - storehouse head-
15 quarters for necessary supplies, tools and equipment
16 and provide for any other facilities essential for
17 forest fire control. Within the ~~Maine Forestry Dis-~~
18 ~~trict~~ unorganized territory the director may, in ad-
19 dition to this subsection, construct and maintain
20 roads and trails.

21 Sec. 8. 12 MRSA c. 807, sub-c. II-A is enacted
22 to read:

23 SUBCHAPTER II-A

24 FOREST FIRE SUPPRESSION TAX

25 §9101. Definitions

26 As used in this subchapter, unless the context
27 otherwise indicates, the following terms have the
28 following meanings.

29 1. Protected land. "Protected land" means
30 forest land, whether used primarily for the growth of
31 trees and forest products and other wildlands such as
32 blueberry barrens, swamps, bogs or brushland. It
33 does not include public lands or other state-owned
34 land.

35 2. Suppression costs. "Suppression costs" means
36 the costs of suppressing forest fires including the
37 costs of labor and supplies, the acquisition and
38 maintenance of equipment which is used primarily for

1 the suppression of forest fires and reimbursement to
2 municipalities for reasonable and necessary costs
3 incurred in forest fire suppression. It does not
4 include services such as prevention, education or
5 administration.

6 §9102. Forest Fire Suppression Fund

7 1. Fund established. The Legislature creates
8 the Forest Fire Suppression Fund. The State Tax
9 Assessor shall deposit in the fund all forest fire
10 suppression tax moneys assessed and collected pur-
11 suant to section 9103.

12 2. Expenditure of moneys. The moneys in the
13 fund shall be used to pay expenses, debts, accounts
14 and lawful demands incurred in forest fire suppres-
15 sion and to reimburse municipalities for their
16 reasonable and necessary costs incurred in suppres-
17 sion of fires that threaten protected land. All
18 costs for which municipal reimbursement is sought
19 shall be approved by the Director of the Bureau of
20 Forestry. The bureau shall promulgate rules iden-
21 tifying reimbursable municipal costs.

22 3. Appropriation. In addition to the taxes col-
23 lected under this chapter, there is appropriated to
24 the fund the sum of \$1,000,000, as a contingency ac-
25 count to be used for the costs of suppression of
26 fires on protected lands when those costs exceed the
27 amount collected in taxes for that fiscal year.
28 Whenever the contents of the contingency account are
29 reduced to less than \$1,000,000, the Legislature
30 shall make an appropriation to the fund to return it
31 to that level.

32 4. Balance carried forward. Any unexpended bal-
33 ance shall not lapse but shall be carried forward to
34 the same fund for the next fiscal year and shall be
35 available for the purposes authorized by this sub-
36 chapter.

37 5. Public lands or state parks. The Bureau of
38 Public Lands shall reimburse the fund for the costs
39 of suppression of forest fires on public lands. The
40 Bureau of Parks and Recreation shall reimburse the
41 fund for the costs of suppression of forest fires in
42 state parks.

1 6. Nonforest fires. If the State assists in the
2 suppression of fires other than those that threaten
3 protected lands, the fund shall be reimbursed by the
4 local unit assisted, whether municipality or unorgan-
5 ized territory.

6 §9103. Forest fire suppression tax

7 1. Annual tax. Owners of 100 or more acres of
8 protected land shall pay an annual tax for state
9 forest fire suppression.

10 2. Computation of tax. The Commissioner of Con-
11 servations shall, by November 1st, annually, submit to
12 the State Tax Assessor a written estimate of the
13 total projected costs for forest fire suppression for
14 the next fiscal year. By January 5th, annually, the
15 Commissioner of Conservation shall submit to the
16 Legislature a written estimate of the total projected
17 costs of forest fire suppression for the next fiscal
18 year and a complete accounting of all costs and
19 expenses incurred by the Department of Conservation
20 in conducting its forest fire suppression program,
21 including reimbursements to municipalities for forest
22 fire suppression efforts. The Governor shall submit
23 a bill to the Legislature to establish the amount of
24 the forest fire suppression tax. By April 1st, annu-
25 ally, the Legislature shall determine the amount of
26 the tax to be raised for forest fire suppression for
27 the next fiscal year. The State Tax Assessor shall
28 divide the amount determined by the Legislature by
29 the total number of protected acres. The resulting
30 per acre tax shall be multiplied by the total number
31 of protected acres owned by each taxpayer and
32 assessed not later than July 15th, annually, by the
33 Bureau of Taxation. The tax shall be paid on or
34 before October 1st, annually.

35 3. Identification of protected acres. The State
36 Tax Assessor shall determine the total number of
37 acres of protected land belonging to each taxpayer
38 and subject to taxation under this subchapter. The
39 State Tax Assessor may require municipalities to
40 report parcels of protected acres and their owner-
41 ship.

42 Sec. 9. 12 MRSA §9201, first ¶, as enacted by PL
43 1979, c. 545, §3, is amended to read:

1 Responsibility for the control of forest fires in
2 municipalities ~~outside the Maine Forestry District~~
3 lies in the first instance with the town forest warden
4 appointed for ~~such~~ these municipalities by the
5 director. When in the judgment of a forest ranger
6 the situation so warrants, the forest ranger may
7 relieve a town forest fire warden of responsibility
8 for control of a forest fire within a municipality
9 and assume responsibility therefor. Final authority
10 and responsibility for the control of a forest fire
11 shall be that of the forest ranger.

12 Sec. 10. 12 MRSA §9202, first ¶, as enacted by
13 PL 1979, c. 545, §3, is amended to read:

14 ~~Within municipalities not members of the Maine~~
15 ~~Forestry District, forest~~ Forest rangers and town
16 forest fire wardens may employ any person considered
17 necessary to assist in fighting forest fires. All
18 called and employed for assistance shall proceed to
19 help control forest fires as directed by the forest
20 ranger or forest fire warden in charge.

21 Sec. 11. 12 MRSA §§9204 and 9205, as enacted by
22 PL 1979, c. 545, §3, are repealed.

23 Sec. 12. 12 MRSA §9204-A is enacted to read:

24 §9204-A. State reimbursement

25 Municipalities shall be entitled to state reim-
26 bursement for suppression costs as provided in
27 section 9102.

28 Sec. 13. 12 MRSA §9322, sub-§§1 and 4, as
29 enacted by PL 1979, c. 545, §3, are amended to read:

30 1. Permits. No person shall ~~may~~ kindle or use an
31 out-of-door fire in the ~~Maine Forestry District~~
32 unorganized territory, unless a permit has been
33 obtained from the director. The director ~~is auther-~~
34 ized to may issue a permit on lands of another unless
35 the majority ownerships of the land have withdrawn
36 permission in writing to the director.

1 4. Saco River Corridor. For the purpose of issu-
2 ing permits under this section, the lands within
3 Oxford County within the Saco River Corridor, so des-
4 ignated by Private and Special Laws of 1973, chapter
5 150, as amended, shall be ~~considered apart of the~~
6 Maine Forestry District subject to the same require-
7 ments and procedures as lands within the unorganized
8 territory.

9 Sec. 14. 12 MRSA §9334, as enacted by PL 1979,
10 c. 545, §3, is amended to read:

11 §9334. Along land bordering on another

12 Whoever, as stumpage owner, operator, landowner
13 or agent, cuts, causes or permits to be cut any
14 forest growth on land which borders land of another
15 outside the limits of the Maine Forestry District
16 unorganized territory or within the Maine Forestry
17 District unorganized territory which borders property
18 outside shall dispose of the slash in the manner de-
19 scribed: All slash resulting from ~~such~~ the cutting of
20 forest growth shall not remain on the ground within
21 25 feet of the property line, provided that the
22 director on his own initiative or upon written com-
23 plaint of another declares that the situation consti-
24 tutes a fire hazard.

25 Sec. 15. 36 MRSA §1603, sub-§1, ¶B, as repealed
26 and replaced by PL 1979, c. 646, §3, is amended to
27 read:

28 B. The cost of services the state funds in the
29 unorganized territory that are funded locally by
30 a municipality; the cost of forest fire protec-
31 tion to be included in the cost component shall
32 be determined in accordance with Title 12,
33 section ~~1601~~ 9103; and

34 Sec. 16. 36 MRSA §1605, sub-§2, as repealed and
35 replaced by PL 1979, c. 520, §10, is amended to read:

36 2. Disbursements. The treasurer shall withdraw
37 from the fund all sums necessary to pay the expenses
38 attributable to the municipal cost component, ~~includ-~~
39 ~~ing an amount equal to what a municipality would have~~
40 ~~been charged for participation in the Maine Forestry~~

1 District calculated pursuant to section 1603, subsec-
2 tion 1, paragraph B.

3 STATEMENT OF FACT

4 This bill contains the recommendations of the
5 minority report of the Maine Forest Fire Control
6 Study Commission. The bill repeals the Maine For-
7 estry District and the Maine Forestry District tax.
8 It establishes a forest fire suppression tax to be
9 assessed against all protected acres statewide to pay
10 for the costs of forest fire suppression, including
11 reimbursement to municipalities.

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