

# MAINE STATE LEGISLATURE

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1 FIRST REGULAR SESSION  
2

3 ONE HUNDRED AND ELEVENTH LEGISLATURE  
4

5 Legislative Document

No. 637

6  
7 H.P. 529

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 Repeal the Maine Forestry District.  
19

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

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23 1973, c. 537, §2, is repealed.

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25 460, §17, is repealed.

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

28 All the lands in Townships 2, 3, 4, 5 and 6,  
29 Range 9 W.E.L.S. and in Townships 3, 4, 5 and 6,  
30 Range 10 W.E.L.S., ~~Piscataquis~~ Piscataquis County,  
31 and Township 6, Range 8 W.E.L.S., Penobscot County,  
32 that have been donated and conveyed to the State of

1 Maine in trust by Percival Proctor Baxter and all  
2 lands 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  
7 Proctor Baxter in trust for state forest, public park  
8 and 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 Sec. 4. 12 MRSA c. 215, sub-c. II, as amended,  
31 is repealed.

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33 repealed.

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

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

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

9       Sec. 7. 12 MRSA §8906, sub-§2, as enacted by PL  
10 1979, c. 545, §3, is amended to read:

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

20       Sec. 8. 12 MRSA §9201, first ¶, as enacted by PL  
21 1979, c. 545, §3, is amended to read:

22       Responsibility for the control of forest fires in  
23 municipalities ~~outside the Maine Forestry District~~  
24 lies in the first instance with the town forest war-  
25 dens appointed for ~~such~~ these municipalities by the  
26 director. When in the judgment of a forest ranger  
27 the situation so warrants, the forest ranger may  
28 relieve a town forest fire warden of responsibility  
29 for control of a forest fire within a municipality  
30 and assume responsibility therefor. Final authority  
31 and responsibility for the control of a forest fire  
32 shall be that of the forest ranger.

33       Sec. 9. 12 MRSA §9202, first ¶, as enacted by  
34 1979, c. 545, §3, is amended to read:

35       Within municipalities not members of the Maine  
36 Forestry District, ~~forest~~ Forest rangers and town  
37 forest fire wardens may employ any person considered  
38 necessary to assist in fighting forest fires. All  
39 called and employed for assistance shall proceed to  
40 help control forest fires as directed by the forest  
41 ranger or forest fire warden in charge.



1 costs of forest fire suppression in the unorganized  
2 territory shall be paid by the State.

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

5 1. Permits. No person ~~shall~~ may kindle or use an  
6 out-of-door fire in the Maine Forestry District  
7 unorganized territory, unless a permit has been  
8 obtained from the director. The director ~~is auther-~~  
9 ~~ized to~~ may issue a permit on lands of another unless  
10 the majority ownerships of the land have withdrawn  
11 permission in writing to the director.

12 Sec. 14. 12 MRSA §9322, sub-§4, as enacted PL  
13 1979, c. 545, §3, is amended to read:

14 4. Saco River Corridor. For the purpose of issu-  
15 ing permits under this section, the lands within  
16 Oxford County within the Saco River Corridor, so des-  
17 ignated by Private and Special Laws of 1973, chapter  
18 150, as amended, shall be ~~considered a part of the~~  
19 Maine Forestry District subject to the same require-  
20 ments and procedures as lands within the unorganized  
21 territory.

22 Sec. 15. 12 MRSA §9334, as enacted by PL 1979,  
23 c. 545, §3, is amended to read:

24 §9334. Along land bordering on another

25 Whoever, as stumpage owner, operator, landowner  
26 or agent, cuts, causes or permits to be cut any  
27 forest growth on land which borders land of another  
28 outside the limits of the Maine Forestry District  
29 unorganized territory or within the Maine Forestry  
30 District unorganized territory which borders property  
31 outside shall dispose of the slash in the manner de-  
32 scribed: All slash resulting from ~~such~~ the cutting of  
33 forest growth shall not remain on the ground within  
34 25 feet of the property line, provided that the  
35 director on his own initiative or upon written com-  
36 plaint of another declares that the situation consti-  
37 tutes a fire hazard.

38 Sec. 16. 36 MRSA §1603, sub-§1, ~~¶B~~, as repealed  
39 and replaced by PL 1979, c. 646, §3, is amended to  
40 read:

1 B. The cost of services the state funds in the  
2 unorganized territory that are funded locally by  
3 a municipality; the cost of forest fire protec-  
4 tion to be included in the cost component shall  
5 be determined in accordance with Title 12,  
6 section ~~1601~~ 9205-A; and

7 Sec. 17. 36 MRSA §1605, sub-§2, as repealed and  
8 replaced by PL 1979, c. 520, §10, is repealed and the  
9 following enacted in its place:

10 2. Disbursements. The treasurer shall withdraw  
11 from the fund all sums necessary to pay the expenses  
12 attributable to the municipal cost component, includ-  
13 ing the amount charged to the fund under Title 12,  
14 section 9205-A.

15 STATEMENT OF FACT

16 This bill contains the recommendations of the  
17 Maine Forest Fire Control Study Commission estab-  
18 lished by the 110th Legislature. It eliminates the  
19 Maine Forestry District and the Maine Forestry Dis-  
20 trict tax. Municipalities formerly within the dis-  
21 trict will become subject to the same rights and  
22 obligations regarding forest fires as all other  
23 municipalities. The State will continue to maintain  
24 sole responsibility for forest fires in the unorgan-  
25 ized territory, and that district will pay through  
26 its property tax for forest fire suppression costs to  
27 the same extent as does a municipality. This bill  
28 also reduces the municipal limit of liability for  
29 forest fire suppression costs to 1/2 of its current  
30 level.

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