

# MAINE STATE LEGISLATURE

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1 FIRST REGULAR SESSION  
2

3 ONE HUNDRED AND TWELFTH LEGISLATURE  
4

5 Legislative Document

No. 560

6  
7 H.P. 407

House of Representatives, February 14, 1985

8 Submitted by the Department of Conservation pursuant to Joint Rule 24.  
9 Reference to the Committee on Energy and Natural Resources suggested  
and ordered printed.

10 EDWIN H. PERT, Clerk

Presented by Representative Jacques of Waterville.

11 Cosponsored by Representative Masterman of Milo, Representative  
Dexter of Kingfield and Senator Carpenter of Aroostook.

12 STATE OF MAINE  
13

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

17 AN ACT to Clarify the Law Enforcement  
18 Responsibilities of the Forest Fire  
19 Control Division.  
20

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

23 Sec. 1. 12 MRSA §7056, sub-§4 is enacted to  
24 read:

25 4. All-terrain vehicle laws. All Bureau of For-  
26 estry law enforcement personnel shall have the same  
27 powers and duties as game wardens to enforce chapter  
28 715, subchapter IV.

29 Sec. 2. 12 MRSA §8901, as enacted by PL 1979, c.  
30 545, §3, is amended to read:

31 §8901. Forest rangers

32 1. Appointment. The Director of the Bureau of  
33 Forestry shall appoint forest rangers and a state  
34 supervisor, subject to the Personnel Law.

1        2. Powers and duties. Forest rangers and the  
2        state supervisor shall:

3            A. Subject to supervision of the director, su-  
4            pervise the state forest fire control program,  
5            including personnel and facilities of all types;

6            B. Have the final on-site authority and respon-  
7            sibility for the control of forest fires;

8            C. Develop and carry out a comprehensive program  
9            of forest fire prevention education and training  
10           of persons at all levels of command in order to  
11           meet supervisory needs during forest fire emer-  
12           gencies;

13           D. Enforce all laws relating to forests and for-  
14           est preservation;

15           E. Investigate and gather evidence regarding the  
16           cause of forest fires;

17           F. Have the authority to set backfires to con-  
18           trol forest fires; and

19           G. Carry out such other duties as the director  
20           prescribes.

21        3. Law enforcement powers. Forest rangers and  
22        the state supervisor, for the purpose of enforcing  
23        forest and forest preservation laws, shall have the  
24        law enforcement powers equivalent to a sheriff or  
25        sheriff's deputy, including the right to arrest vio-  
26        lators, prosecute the same, serve criminal process  
27        against offenders, require aid in executing forest  
28        ranger duties and deputize temporary aides.

29        Sec. 3. 12 MRSA §8902, first ¶, as amended by PL  
30        1983, c. 556, §6, is further amended to read:

31        The director shall appoint a forest fire warden  
32        in each organized municipality. The municipal fire  
33        chief shall be appointed as forest fire warden if  
34        practicable and no other person may be appointed  
35        without the approval of the municipal officers. All  
36        appointed forest fire wardens shall serve at the  
37        pleasure of the director and shall be sworn to the

1 faithful discharge of these duties and a certificate  
2 thereof shall be returned to the bureau. Whoever has  
3 been notified of this appointment shall file with the  
4 director his acceptance or rejection within 10 days.  
5 The appointed forest fire warden may appoint one or  
6 more deputy forest fire wardens subject to approval  
7 of the municipal officers. A deputy forest fire war-  
8 den may act for the forest fire warden in the absence  
9 of the appointed forest fire warden, but no compensa-  
10 tion in addition to that provided in this section may  
11 be made.

12 Sec. 4. 12 MRSA §9204, as amended by PL 1983, c.  
13 556, §10, is further amended to read:

14 §9204. Payment of costs; state reimbursement

15 Municipalities shall pay for controlling and ex-  
16 tinguishing forest fires up to 1/2 of 1% of their  
17 state valuation and the State shall reimburse them  
18 1/2 these costs incurred by the forest fire warden in  
19 charge therein on a calendar year basis. Reimburse-  
20 ment will not be allowed for use or loss of munici-  
21 pally-owned equipment within the town in which the  
22 fire occurred. A municipality going to the aid of an-  
23 other, even to protect itself, when requested by the  
24 state forest ranger in charge, shall, if it requests  
25 payment, be paid by the municipality aided if the to-  
26 tal suppression cost of the municipality is not over  
27 1/2 of 1% of its state valuation.

28 Sec. 5. 12 MRSA §9205, as amended by PL 1983, c.  
29 556, §11, is further amended to read:

30 §9205. Payment of costs beyond 1/2 of 1% of state  
31 valuation

32 All forest fire suppression costs in municipali-  
33 ties in an amount greater than 1/2 of 1% of the state  
34 valuation of the municipality in which the fire oc-  
35 curred shall be paid by the State on a calendar year  
36 basis. Any municipality, in order to pay labor quick-  
37 ly, may pay beyond 1/2 of 1% of its state valuation  
38 and submit for full state reimbursement or forward  
39 the unpaid bills, approved by the state forest ranger  
40 in charge, for payment.

1       Sec. 6. 12 MRSA §9322, as amended by PL 1983, c.  
2       556, §§13 and 14, is further amended to read:

3       §9322. Permits in the unorganized territory

4       1. Permits. No person may kindle or use an  
5       out-of-door fire in the unorganized territory unless  
6       a permit has been obtained from the director. The  
7       director may issue a permit on lands of another un-  
8       less the majority ownerships of the land have with-  
9       drawn permission in writing to the director.

10      2. Exemptions. This section shall not apply to  
11      the use of portable stoves which are fueled by  
12      propane gas, gasoline or sterno, or to recreational  
13      fires kindled when the ground is covered with snow.

14      3. Resident guides. On application to the direc-  
15      tor, a statewide yearly permit for out-of-door fires  
16      shall be issued to resident guides licensed by the  
17      Department of Inland Fisheries and Wildlife. The di-  
18      rector may restrict the scope of a permit to corre-  
19      spond with the classification of the guide license.  
20      Such Use of the permit shall be conditional upon  
21      such guides shall notify notifying a forest ranger in  
22      person or by telephone of the area in which they are  
23      guiding their parties each time they enter an area to  
24      guide a party. Whoever violates this subsection shall  
25      have his permit revoked by the director, who, in tak-  
26      ing this action, need not comply with the provisions  
27      of Title 4, chapter 25 and Title 5, chapter 375.

28      4. Saco River Corridor. For the purpose of issu-  
29      ing permits under this section, the lands within  
30      Oxford County within the Saco River Corridor, so des-  
31      ignated by Private and Special Law 1973, chapter 150,  
32      as amended, shall be subject to the same requirements  
33      and procedures as lands within the unorganized terri-  
34      tory.

35      Sec. 7. 17 MRSA §2269, as repealed and replaced  
36      by PL 1975, c. 739, §14, is amended by adding before  
37      the last paragraph a new paragraph to read:

38      Remote forest campsites operated by the Depart-  
39      ment of Conservation pursuant to Title 12, chapter  
40      807, subchapter IV, Article IV, shall not be consid-

1 ered public places or establishments which serve the  
2 public, provided that they be designated as "carry-in  
3 and carry-out" sites from which users are expected to  
4 remove litter and other material upon their  
5 departures.

6 Sec. 8. 29 MRSA §1, sub-§1-B, as amended by PL  
7 1981, c. 98, §6, is further amended to read:

8 1-B. Authorized emergency vehicle. "Authorized  
9 emergency vehicle" means vehicles of the fire depart-  
10 ment, police vehicles, forest fire control vehicles  
11 and such ambulances and emergency vehicles of municipi-  
12 pal departments or public service corporations as are  
13 designated or authorized by the Commissioner of Pub-  
14 lic Safety.

15 Sec. 9. 29 MRSA §946, as amended by PL 1983, c.  
16 335, is further amended to read:

17 §946. Police and fire vehicles

18 Police, fire department, forest fire control  
19 vehicles and ambulance vehicles, when operated in re-  
20 sponse to calls, or when a police officer is in pur-  
21 suit of a motor vehicle operator for which he has  
22 probable cause to believe that the operator has com-  
23 mitted or is in the process of committing a violation  
24 of law, shall have the right-of-way. On the approach  
25 of any such vehicle, from any direction, and when  
26 such vehicle is sounding a siren and emitting a  
27 flashing light, the driver of every other vehicle  
28 shall immediately draw his vehicle as near as practi-  
29 cable to the right-hand curb and parallel thereto,  
30 clear of any intersection, and bring it to a  
31 standstill until such public service vehicles have  
32 passed.

33 Sec. 10. 29 MRSA §1362, as amended by PL 1975,  
34 c. 497, §3, is further amended to read:

35 §1362. Brakes; signals; unnecessary noise; bells and  
36 sirens; exceptions

37 Every motor vehicle shall be provided with ade-  
38 quate brakes in good working order and sufficient to  
39 control such vehicle at all times when the same is in

1 use, and a suitable and adequate horn or other device  
2 for signaling. Every such motor vehicle shall have  
3 brakes adjusted so as to stop 2-wheel brake vehicles  
4 at a speed of 20 miles per hour within a distance of  
5 45 feet and 4-wheel brake vehicles within 30 feet,  
6 excepting motorcycles and motor driven cycles, which  
7 at all times and under all conditions of loading,  
8 shall have brakes adjusted so as to stop such vehi-  
9 cles within a distance of 30 feet from a speed of 20  
10 miles per hours. Every such vehicle and combination  
11 of vehicles, except motorcycles and motor driven cy-  
12 cles, shall be equipped with parking brakes adequate  
13 to hold the vehicle on any grade on which it is oper-  
14 ated, under all conditions of loading, on a surface  
15 free from snow, ice or loose material. The parking  
16 brakes shall be capable of being applied in conform-  
17 ance with the foregoing requirements by the driver's  
18 muscular effort or by spring action or by equivalent  
19 means. Their operation may be assisted by the service  
20 brakes or other source of power, provided that fail-  
21 ure of the service brake actuation system or other  
22 power assisting mechanism will not prevent the park-  
23 ing brakes from being applied in conformance with the  
24 foregoing requirements. The parking brakes shall be  
25 so designed that when once applied they shall remain  
26 applied with the required effectiveness despite ex-  
27 haustion of any source of energy or leakage of any  
28 kind. The same brake drums, brake shoes and lining  
29 assemblies, brake shoe anchors and mechanical brake  
30 shoe actuation mechanism normally associated with the  
31 wheel brake assemblies may be used for both the ser-  
32 vice brakes and the parking brakes. If the means of  
33 applying the parking brakes and the service brakes  
34 are connected in any way, they shall be so con-  
35 structed that failure of any one part shall not leave  
36 the vehicle without operative brakes. No signaling  
37 device shall be unnecessarily sounded nor any braking  
38 or acceleration unnecessarily made so as to cause a  
39 harsh, objectionable or unreasonable noise, and no  
40 bell or siren shall be installed or used on any motor  
41 vehicle except that fire and police department vehi-  
42 cles and ambulances, and vehicles operated by state,  
43 city and town fire inspectors, city and town fire  
44 chiefs, assistant fire chiefs, police chiefs and as-  
45 sistant police chiefs may be so equipped for use only  
46 when responding to emergency calls, such motor vehi-  
47 cles used by forest rangers or personnel engaged in

1     forest fire control as may be designated by the De-  
2     partment of Conservation, and such motor vehicles  
3     used by sheriffs and deputy sheriffs, and such motor  
4     vehicles used by inland fisheries and game wardens as  
5     may be designated by the Department of Inland Fisher-  
6     ies and Wildlife and such motor vehicles used by  
7     coastal wardens as may be designated by the Depart-  
8     ment of Marine Resources, and such motor vehicles  
9     used by United States Government law enforcement of-  
10    ficials, and such motor vehicles used by a state or  
11    municipal department which controls or supervises  
12    electrical alarm and communication systems.

1

## STATEMENT OF FACT

2

This bill clarifies and provides for more consistency of laws relating to the responsibilities of the Forest Fire Control Division of the Maine Forest Service.

6

Section 1 provides for consistency in enforcement of the all-terrain vehicle laws and the snowmobile laws.

9

Section 2 adds the state supervisor of the Fire Control Division to the section concerning appointment, powers and duties and law enforcement powers of forest rangers. This is not intended to alter the state supervisor's responsibilities or collective bargaining position, but rather to recognize the position's existence and responsibilities in the appropriate section of law.

17

Section 3 clarifies responsibilities of deputy forest fire wardens.

19

Sections 4 and 5 clarify that reimbursement to municipalities for fire suppression shall occur on a calendar year basis.

22

Section 6 allows for statewide yearly out-of-door fire permits for guides to have restrictions which coincide with the guides' licenses issued by the Department of Inland Fisheries and Wildlife and clarifies the notification provision for those fire permits.

28

Section 7 amends the litter control law to allow the Department of Conservation to designate "carry-in and carry-out" campsites and lunch sites which will not require litter receptacles.

32

Sections 8, 9, and 10 designate forest fire control vehicles as emergency vehicles.

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