

MAINE STATE LEGISLATURE

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(New Draft of S.P. 769, L.D. 2026)
SECOND REGULAR SESSION

ONE HUNDRED AND THIRTEENTH LEGISLATURE

Legislative Document

No. 2254

S.P. 865

In Senate, February 12, 1988

Reported by Senator KANY of Kennebec for the Committee on Legal Affairs and printed under Joint Rule 2. Original Bill sponsored by Senator BRAWN of Knox. Cosponsored by: Representative MELENDY of Rockland, and Senator PERKINS of Hancock.

JOY J. O'BRIEN, Secretary of the Senate

STATE OF MAINE

IN THE YEAR OF OUR LORD
NINETEEN HUNDRED AND EIGHTY-EIGHT

AN ACT Pertaining to Fire Permit
Enforcement.

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

6 12 MRSA §9321-A is enacted to read:

7 §9321-A. Possession and production of permit required;
8 violation

1 1. Possession and production of permit in
2 organized territory. Any person, firm or corporation
3 which engages in out-of-door burning in any
4 municipality, plantation or village corporation as
5 permitted by this article shall possess the permit at
6 the scene of the burning and shall produce the permit
7 on the demand of authorized persons, including fire
8 chiefs, town forest fire wardens or their designated
9 agents, state forest rangers and any law enforcement
10 officer as defined in Title 17-A.

11 2. Violation. Any person, firm or corporation
12 which violates this section commits a civil violation
13 for which a forfeiture not to exceed \$100 may be
14 adjudged.

15 STATEMENT OF FACT

16 This new draft is consistent with the intent of
17 the original bill which is to aid in the enforcement
18 of out-of-doors burning laws requiring the person who
19 is doing the burning to have the permit at the scene
20 of the fire and to produce the permit on the demand of
21 those authorized to enforce the fire laws. This
22 applies only to fires in municipalities, plantations
23 and village corporations; the requirement does not
24 apply to fires in unorganized territory.

25 This new draft locates the requirement in a
26 separate section from the fire permit conditions and
27 requirements in order to clarify that possession and
28 production of the permit are not conditions of the
29 permit, but requirements of the law. Violation of
30 permit conditions is currently a Class E crime. In
31 addition, this section applies only to those who were
32 actually issued a fire permit. Anyone who burns
33 out-of-doors without obtaining a permit commits a
34 Class E crime and, since that person has no permit,
35 would not come under this section.

36 This new draft reduces the amount of the

1 forfeiture which may be adjudged against anyone who
2 does not have the permit or produce it upon demand at
3 the scene of a fire from \$1,000 in the original bill
4 to \$100.

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