

MAINE STATE LEGISLATURE

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117th MAINE LEGISLATURE

SECOND REGULAR SESSION-1996

Legislative Document

No. 1725

S.P. 665

In Senate, January 18, 1996

**An Act to Clarify and Improve the Governor's Authority to Ban
Out-of-door Fires and Restrict Human Activity during Periods of High
Fire Danger.**

Submitted by the Department of Conservation pursuant to Joint Rule 24.
Reference to the Committee on Agriculture, Conservation and Forestry suggested and
ordered printed.

A handwritten signature in cursive script that reads "May M. Ross".

MAY M. ROSS
Secretary of the Senate

Presented by Senator CASSIDY of Washington.
Cosponsored by Representative KILKELLY of Wiscasset and
Senator: PARADIS of Aroostook, Representative: SPEAR of Nobleboro.

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

2
4 **Sec. 1. 12 MRSA §9001, sub-§1, ¶B**, as enacted by PL 1979, c. 545, §3, is amended to read:

6 B. Human activity ~~in-connection-with-hunting-or-fishing~~ is likely to pose a forest fire menace, the director shall communicate ~~such~~ that determination to the Governor.

10 **Sec. 2. 12 MRSA §9001, sub-§3**, as enacted by PL 1979, c. 545, §3, is repealed.

12 **Sec. 3. 12 MRSA §9001, sub-§4** is enacted to read:

14 **4. Exemptions.** In the proclamation, the Governor may exempt from the prohibitions specified in subsection 2 human activities or out-of-door fires that the Governor determines pose a manageable or acceptable threat. These exemptions may include, but are not limited to, out-of-door fires at public campsites maintained by the Department of Conservation and other public, private and commercially operated campsites if they have received an on-site inspection and approval from the Bureau of Forestry prior to the effective date of the proclamation.

24 **Sec. 4. 12 MRSA §§9002 to 9004**, as enacted by PL 1979, c. 545, §3, are amended to read:

28 **§9002. Posting and publishing**

30 ~~Such~~ The proclamation shall ~~must~~ be published in such newspapers of the State and posted in such places as the Governor ~~deems~~ considers necessary and a copy of ~~such~~ that proclamation shall ~~must~~ be filed with the Secretary of State. A ~~like~~ copy shall ~~must~~ be furnished to the director, who shall attend to the posting and publication of the proclamation. ~~All~~ The expense ~~thereof~~ of posting and publication and ~~all~~ the expense of enforcing the proclamation shall ~~be~~ are paid by the director, after allowance by the State Controller, from the appropriation for general forestry purposes.

40 **§9003. Annulment**

42 If, after issuing the proclamation provided for in section 9001, by reason of rains or otherwise the Governor is satisfied that the occasion for the issuance of the proclamation has passed, ~~he~~ the Governor may ~~annul~~ repeal or replace it by another proclamation affecting the sections covered by the original proclamation, or any part ~~thereof~~ of the original proclamation, ~~which~~ and that new proclamation shall ~~must~~ be published and posted in the same manner as provided for the issuance of the original proclamation.

2 **§9004. Penalty**

4 Notwithstanding section 9701, any person who violates the
6 provisions of a proclamation issued under section 9001 shall-be
8 guilty-of commits a Class E crime. A person who sets or causes
to be set an arson or incendiary forest fire during the effective
period of a proclamation commits a Class A crime.

10

11 **STATEMENT OF FACT**

12

14 This bill clarifies the Governor's authority to restrict
16 those activities that are likely to result in fires while
18 allowing other activities that involve fire to continue. The
20 current statutory language specifically lists only 2 exemptions
from a ban on open fires. This recommended change would allow
the Governor to exempt other activities from a ban provided they
are not likely to pose a threat to lives or property.

20

22 This bill also strengthens the penalty for people who start
arson fires during the period of a Governor's ban.