

# MAINE STATE LEGISLATURE

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REPORT C

AGRICULTURE, CONSERVATION AND FORESTRY

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STATE OF MAINE
HOUSE OF REPRESENTATIVES
120TH LEGISLATURE
FIRST REGULAR SESSION

COMMITTEE AMENDMENT "B" to H.P. 273, L.D. 351, Bill, "An Act to Clarify the Training Requirements for Forest Rangers"

Amend the bill by striking out the title and substituting the following:

'An Act to Amend the Law Enforcement Powers of Maine Forest Rangers'

Further amend the bill by striking out everything after the enacting clause and before the summary and inserting in its place the following:

'Sec. 1. 12 MRSA §8901, sub-§3, as repealed and replaced by PL 1999, c. 352, §1, is amended to read:

3. Law enforcement powers. In addition to any law enforcement powers expressly provided to forest rangers by another law:

A. Forest rangers and the state supervisor, for the purpose of enforcing forest and forest preservation laws, laws of the Maine Land Use Regulation Commission and laws and rules relating to the lands under the jurisdiction of the Bureau of Parks and Lands, have statewide law enforcement powers equivalent to those of a sheriff, or a sheriff's deputy, in the sheriff's county, including the right to execute or serve criminal and civil violation processes against offenders, make warrantless arrests for crimes, investigate and prosecute offenders, require aid in executing forest ranger duties and deputize temporary aides; and

2 ~~B. The Director of the Bureau of Forestry, at the~~  
3 ~~director's discretion, may authorize forest rangers and the~~  
4 ~~state supervisor while on duty to arrest without a warrant a~~  
5 ~~person who has committed or is committing in the ranger's or~~  
6 ~~supervisor's presence any crime involving the use or~~  
7 ~~threatened use of physical force against a person.~~

8  
9  
10 ~~For the purposes of this paragraph, criminal conduct has~~  
11 ~~been committed or is being committed in the presence of a~~  
12 ~~law enforcement officer when one or more of the officer's~~  
13 ~~senses afford that officer personal knowledge of facts that~~  
14 ~~are sufficient to warrant a prudent and cautious law~~  
15 ~~enforcement officer's belief that a crime involving the use~~  
16 ~~or threatened use of physical force against a person is~~  
17 ~~being or has just been committed and that the person~~  
18 ~~arrested has committed or is committing that crime. An~~  
19 ~~arrest made pursuant to this paragraph must be made at the~~  
20 ~~time of the commission of the criminal conduct, or some part~~  
21 ~~thereof, or within a reasonable time thereafter or upon~~  
22 ~~fresh pursuit; and~~

23  
24 C. Forest rangers and the state supervisor while on or off  
25 duty are authorized to provide assistance in a  
26 life-threatening emergency consistent with agency policies  
27 and within the scope of individual training.

28 **Sec. 2. 12 MRSA §8901, sub-§3-A, as enacted by PL 1999, c.**  
29 **352, §2, is amended to read:**

30  
31 **3-A. Liability.** When a forest ranger or the state  
32 supervisor provides assistance under subsection 3, paragraph C,  
33 the forest ranger or the state supervisor has the same immunity  
34 from tort liability and all the pension, relief, disability,  
35 workers' compensation and insurance benefits and any other  
36 benefits the forest ranger or the state supervisor enjoys while  
37 performing duties under subsection 3, paragraphs paragraph A and  
38 B.'

39  
40 Further amend the bill by inserting at the end before the  
41 summary the following:

42  
43  
44 **FISCAL NOTE**

45  
46 The Department of Conservation may realize some minor  
47 savings from the repeal of certain law enforcement  
48 responsibilities for forest rangers.

49  
50 The State Police program within the Department of Public

COMMITTEE AMENDMENT "B" to H.P. 273, L.D. 351

2 Safety may incur some minor additional costs to perform certain  
law enforcement activities formerly conducted by forest rangers  
4 within the Department of Conservation. These costs can be  
absorbed within the department's existing budgeted resources.'

6

**SUMMARY**

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10 This amendment is one of 2 minority reports of the Joint  
Standing Committee on Agriculture, Conservation and Forestry. It  
replaces the bill. It repeals the statutory provision that  
12 allows the Director of the Bureau of Forestry within the  
Department of Conservation to expand a forest ranger's authority  
14 to arrest a person committing a crime involving physical force  
against a person. It also adds a fiscal note to the bill.