

# MAINE STATE LEGISLATURE

The following document is provided by the  
**LAW AND LEGISLATIVE DIGITAL LIBRARY**  
at the Maine State Law and Legislative Reference Library  
<http://legislature.maine.gov/lawlib>



Reproduced from electronic originals  
(may include minor formatting differences from printed original)



# 126th MAINE LEGISLATURE

## FIRST REGULAR SESSION-2013

---

Legislative Document

No. 1051

---

H.P. 744

House of Representatives, March 19, 2013

### **An Act To Clarify the Authority and Responsibility of Forest Rangers**

---

Submitted by the Department of Agriculture, Conservation and Forestry pursuant to Joint Rule 204.

Reference to the Committee on Agriculture, Conservation and Forestry suggested and ordered printed.

*Millicent M. MacFarland*  
MILLICENT M. MacFARLAND  
Clerk

Presented by Representative TIMBERLAKE of Turner.  
Cosponsored by Senator JACKSON of Aroostook.

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

2               **Sec. 1. 12 MRSA §8901, sub-§2**, as amended by PL 2011, c. 657, Pt. W, §7 and  
3       c. 682, §38, is further amended to read:

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

5               A. Subject to supervision of the director, supervise the state ~~forest-fire~~ wildfire  
6       control program, including personnel and facilities of all types;

7               B. Have the final on-site authority and responsibility for the control of ~~forest-fires~~  
8       wildfires;

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

12              D. Enforce Title 36, chapter 701 relating to blueberries, all laws relating to forests  
13      and forest preservation, laws relating to the Maine Land Use Planning Commission  
14      and laws and rules relating to lands under the jurisdiction of the Division of Parks and  
15      Public Lands;

16              E. Investigate and gather evidence regarding the cause of ~~forest-fires~~ wildfires;

17              F. Have the authority to set backfires to control ~~forest-fires~~ wildfires;

18              G. Carry out such other duties as the director prescribes; and

19              H. Have rights of access to all lands within the State to carry out the duties they are  
20      authorized by law to administer and enforce. Entry into private property under this  
21      paragraph is not a trespass. This paragraph does not authorize entry into any building  
22      or structure.

23      Forest rangers and the state supervisor may also exercise the powers in this subsection  
24      when appropriate for agricultural and park fires.

25              **Sec. 2. 12 MRSA §8901, sub-§3, ¶A**, as amended by PL 2011, c. 657, Pt. W, §7  
26      and c. 682, §38, is further amended to read:

27              A. Forest rangers and the state supervisor, for the purpose of enforcing Title 36,  
28      chapter 701 relating to blueberries, forest and forest preservation laws, laws of the  
29      Maine Land Use Planning Commission and laws and rules relating to the lands under  
30      the jurisdiction of the Division of Parks and Public Lands, have statewide law  
31      enforcement powers equivalent to those of a sheriff, or a sheriff's deputy, in the  
32      sheriff's county, including the right to execute or serve criminal and civil violation  
33      processes against offenders, make warrantless arrests for crimes, investigate and  
34      prosecute offenders, require aid in executing forest ranger duties and deputize  
35      temporary aides;

36              **Sec. 3. 12 MRSA §8901, sub-§4** is enacted to read:

37              **4. Definitions.** As used in this section, unless the context otherwise indicates, the  
38      following terms have the following meanings.

A. "Escaped prescribed fire" means an uncontrolled fire on wildland caused by a prescribed fire that escaped control efforts and burned unintended land area.

B. "Escaped wildland fire use" means an out of control fire caused by a wildland fire use that escaped control efforts and burned unintended land area.

C. "Prescribed fire" means a forest or land management practice using fire, applied in a knowledgeable manner to naturally occurring fuels on a specific land area under selected weather conditions to accomplish predetermined, well-defined management objectives.

D. "Wildfire" means an unplanned, unwanted wildland fire including an unauthorized human-caused fire, an escaped wildland fire use, an escaped prescribed fire and any other wildland fire with respect to which the Director of the Division of Forestry has determined that the objective is to put the fire out.

E. "Wildland" means an area in which development is essentially nonexistent, except for roads, railroads, powerlines and similar transportation facilities, and structures, if any, are widely scattered.

F. "Wildland fire use" means a management practice using a naturally occurring fire burning forest fuels on wildland that is not immediately controlled. The fire is allowed to burn within a predetermined area and is used to promote certain wilderness or management objectives.

## SUMMARY

This bill incorporates into the Maine Revised Statutes, Title 12, chapter 807 the authority of forest rangers contained in Title 36, chapter 701 to make inspections, conduct investigations, make arrests and otherwise enforce that chapter, which relates to blueberries and blueberry taxes. It also clarifies the powers and duties of forest rangers regarding wildfires and agricultural and park fires, consistent with the current practice of forest rangers.