

# MAINE STATE LEGISLATURE

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# 128th MAINE LEGISLATURE

## SECOND REGULAR SESSION-2018

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Legislative Document

No. 1809

S.P. 678

In Senate, January 29, 2018

### **An Act To Amend the Laws Governing the Issuance of Burn Permits**

(AFTER DEADLINE)

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Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 205.

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

A handwritten signature in cursive script, reading "Heather J.R. Priest".

HEATHER J.R. PRIEST  
Secretary of the Senate

Presented by Senator SAVIELLO of Franklin.  
Cosponsored by Representative HANLEY of Pittston and  
Representatives: BLACK of Wilton, TIMBERLAKE of Turner.

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

2 **Sec. 1. 12 MRSA §9321, sub-§3**, as enacted by PL 1979, c. 545, §3, is amended  
3 to read:

4 **3. Delegation.** The director may delegate the issuance of permits to forest rangers or  
5 town forest fire wardens and their deputies. A town forest fire warden or deputy  
6 authorized to issue permits pursuant to this subsection may issue permits using burn  
7 permit software purchased from a private party to establish a publicly accessible online  
8 system in accordance with section 9327.

9 **Sec. 2. 12 MRSA §9327** is enacted to read:

10 **§9327. Private party burn permit software**

11 The director shall allow a municipality to use burn permit software purchased from a  
12 private party to establish a publicly accessible online system to issue a permit to burn  
13 pursuant to section 9325 if the issuance of a permit to burn using the burn permit software  
14 is in accordance with the criteria in section 9321. The director shall approve burn permit  
15 software within 10 business days after a town forest fire warden or deputy submits a  
16 request for review of the software to the director if the software submitted meets the  
17 requirements of this section. If the director does not approve or deny the burn permit  
18 software within 10 business days after a town forest fire warden or deputy submits a  
19 request for review, the municipality may use the burn permit software to issue permits to  
20 burn. If a person uses burn permit software to apply for a permit to burn, that person may  
21 not be charged a fee for the permit. A person may not be required to apply for a permit to  
22 burn using approved burn permit software, but may apply as otherwise provided in this  
23 article. The director may adopt rules relating to burn permit software requirements.  
24 Rules adopted pursuant to this section are major substantive rules as defined in Title 5,  
25 chapter 375, subchapter 2-A.

26 **SUMMARY**

27 This bill requires the Director of the Bureau of Forestry within the Department of  
28 Agriculture, Conservation and Forestry to allow municipalities to use burn permit  
29 software purchased from a private party to issue a permit to burn if issuance of the permit  
30 using the burn permit software meets certain statutory requirements. The bill provides  
31 that a person may not be charged a fee for a permit to burn issued using the burn permit  
32 software and that a person may apply for a permit to burn using the burn permit software  
33 or as otherwise provided in law. The bill requires the director to approve burn permit  
34 software within 10 days after a town forest fire warden or deputy submits a request for  
35 review to the director if the burn permit software meets the requirements for approval.  
36 The bill authorizes the director to adopt major substantive rules relating to burn permit  
37 software requirements.