

MAINE STATE LEGISLATURE

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L.D. 24

Date: 4/21/23

(Filing No. S- 39)

MAJORITY

AGRICULTURE, CONSERVATION AND FORESTRY

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**STATE OF MAINE
SENATE
131ST LEGISLATURE
FIRST SPECIAL SESSION**

COMMITTEE AMENDMENT "A" to S.P. 16, L.D. 24, "An Act to Prohibit Open Burning Under a Red Flag Warning and Regulate Recreational Campfires"

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

'An Act to Prohibit Certain Open Burning Under a Red Flag Warning and Regulate Recreational Campfires'

Amend the bill by striking out everything after the enacting clause and inserting the following:

'Sec. 1. 12 MRSA §9321, sub-§1-A is enacted to read:

1-A. Red flag warning areas. The following provisions govern permits for open burning in geographic areas subject to a red flag warning.

A. Except as provided in paragraph B, the director or the director's delegate may not issue a permit or other permission for open burning to take place in a geographic area subject to a red flag warning.

B. The director or the director's delegate may issue a permit for a controlled burn on a commercially managed wild blueberry field in a geographic area subject to a red flag warning as long as the application for the permit includes a prescribed burn plan approved by the issuing authority. The permit must incorporate by reference the approved burn plan.

Sec. 2. 12 MRSA §9321, sub-§2, as amended by PL 1999, c. 547, Pt. B, §32 and affected by §80, is further amended to read:

2. Revocation. The director or the director's delegate may revoke any permit during a period of high forest fire danger or any permit ~~which that~~ results in creation of a nuisance condition without compliance with the provisions of Title 4, chapter 5 or Title 5, chapter 375. If a geographic area is subject to a red flag warning, the following provisions apply.

COMMITTEE AMENDMENT

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1 A. Except as provided in paragraph B, the director or the director's delegate shall
2 revoke any permit for open burning in the geographic area during the period in which
3 a red flag warning is in effect.

4 B. The director or the director's delegate is not required to revoke a permit for a
5 controlled burn on a commercially managed wild blueberry field during the period in
6 which a red flag warning is in effect if the permit includes an approved prescribed burn
7 plan.

8 **Sec. 3. 12 MRSA §9321-B** is enacted to read:

9 **§9321-B. Definitions**

10 As used in this article, unless the context otherwise indicates, the following terms have
11 the following meanings.

12 1. Licensed camping facility. "Licensed camping facility" means a recreational
13 camp, youth camp or camping area licensed under Title 22, section 2495.

14 2. Recreational campfire. "Recreational campfire" means an out-of-door fire that is
15 used for cooking, personal warmth, light or ceremonial or aesthetic purposes and that is not
16 a part of debris disposal. "Recreational campfire" includes a residential fire contained
17 within an out-of-door fireplace. "Recreational campfire" does not include a portable
18 lantern designed to emit light resulting from combustion or a stove that is used inside a
19 structure or living accommodation.

20 3. Red flag warning. "Red flag warning" means a forecast warning issued by the
21 United States Department of Commerce, National Oceanic and Atmospheric
22 Administration, National Weather Service or its successor, in consultation with the bureau,
23 that informs the public, firefighters and land management agencies that conditions are ideal
24 for wildland fire combustion and rapid spread. A red flag warning indicates for a given
25 geographic area, until the warning is withdrawn, that the temperature is warm, the humidity
26 is very low and strong winds are expected and that these factors produce an increased risk
27 of fire danger.

28 **Sec. 4. 12 MRSA §9324, sub-§9** is enacted to read:

29 9. Recreational campfires. A person who kindles or uses a recreational campfire,
30 other than a licensed camping facility, may not allow the recreational campfire to exceed 3
31 feet in diameter on the ground at the base of the fire or 3 feet in height.

32 **Sec. 5. 12 MRSA §9324, sub-§10** is enacted to read:

33 10. Open burning during red flag warning. A person may not engage in open
34 burning under section 9325, subsection 1 or 2, including a recreational campfire, in any
35 geographic area subject to a red flag warning. Open burning without a permit under section
36 9325, subsection 2 is allowed at the following locations:

37 A. A licensed camping facility; and

38 B. Campsites under the jurisdiction of the Department of Agriculture, Conservation
39 and Forestry or the Baxter State Park Authority, as long as the campsite and the use of
40 out-of-door fires and charcoal and gas grills at the campsite comply with rules under
41 section 9001-B, subsection 4.

COMMITTEE AMENDMENT



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LD 24

LR 91(02)

An Act to Prohibit Open Burning Under a Red Flag Warning and Regulate Recreational Campfires

Fiscal Note for Bill as Amended by Committee Amendment "A" (5-39)
Committee: Agriculture, Conservation and Forestry
Fiscal Note Required: Yes

Fiscal Note

Minor cost increase - General Fund

Fiscal Detail and Notes

Any additional costs to the Department of Agriculture, Conservation and Forestry to implement the provisions of this bill are anticipated to be minor and can be absorbed within existing budgeted resources.