MAINE STATE LEGISLATURE

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L.D. 24 Date: 4/21/23 2 (Filing No. S- 39) **MAJORITY** 3 AGRICULTURE, CONSERVATION AND FORESTRY 4 Reproduced and distributed under the direction of the Secretary of the Senate. 5 STATE OF MAINE 6 SENATE 7 131ST LEGISLATURE 8 FIRST SPECIAL SESSION COMMITTEE AMENDMENT " H " to S.P. 16, L.D. 24, "An Act to Prohibit Open 9 Burning Under a Red Flag Warning and Regulate Recreational Campfires" 10 11 Amend the bill by striking out the title and substituting the following: 12 'An Act to Prohibit Certain Open Burning Under a Red Flag Warning and Regulate 13 **Recreational Campfires'** 14 Amend the bill by striking out everything after the enacting clause and inserting the 15 following: 16 'Sec. 1. 12 MRSA §9321, sub-§1-A is enacted to read: 17 1-A. Red flag warning areas. The following provisions govern permits for open burning in geographic areas subject to a red flag warning. 18 19 A. Except as provided in paragraph B, the director or the director's delegate may not 20 issue a permit or other permission for open burning to take place in a geographic area 21 subject to a red flag warning. 22 B. The director or the director's delegate may issue a permit for a controlled burn on a 23 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 24 25 approved by the issuing authority. The permit must incorporate by reference the 26 approved burn plan. 27 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: 28 29 2. Revocation. The director or the director's delegate may revoke any permit during 30 a period of high forest fire danger or any permit which that results in creation of a nuisance 31 condition without compliance with the provisions of Title 4, chapter 5 or Title 5, chapter 32 375. If a geographic area is subject to a red flag warning, the following provisions apply.

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ROS.	COMMITTEE AMENDMENT " β " to S.P. 16, L.D. 24 $(5-39)$
1 2 3	A. Except as provided in paragraph B, the director or the director's delegate shall revoke any permit for open burning in the geographic area during the period in which a red flag warning is in effect.
4 5 6 7	B. The director or the director's delegate is not required to revoke a permit for a controlled burn on a commercially managed wild blueberry field during the period in which a red flag warning is in effect if the permit includes an approved prescribed burn plan.
8	Sec. 3. 12 MRSA §9321-B is enacted to read:
9	§9321-B. Definitions
10 11	As used in this article, unless the context otherwise indicates, the following terms have the following meanings.
12 13	1. Licensed camping facility. "Licensed camping facility" means a recreational camp, youth camp or camping area licensed under Title 22, section 2495.
14 15 16 17 18 19	2. Recreational campfire. "Recreational campfire" means an out-of-door fire that is used for cooking, personal warmth, light or ceremonial or aesthetic purposes and that is not a part of debris disposal. "Recreational campfire" includes a residential fire contained within an out-of-door fireplace. "Recreational campfire" does not include a portable lantern designed to emit light resulting from combustion or a stove that is used inside a structure or living accommodation.
20 21 22 23 24 25 26 27	3. Red flag warning. "Red flag warning" means a forecast warning issued by the United States Department of Commerce, National Oceanic and Atmospheric Administration, National Weather Service or its successor, in consultation with the bureau, that informs the public, firefighters and land management agencies that conditions are ideal for wildland fire combustion and rapid spread. A red flag warning indicates for a given geographic area, until the warning is withdrawn, that the temperature is warm, the humidity is very low and strong winds are expected and that these factors produce an increased risk of fire danger.
28	Sec. 4. 12 MRSA §9324, sub-§9 is enacted to read:
29 30 31	9. Recreational campfires. A person who kindles or uses a recreational campfire, other than a licensed camping facility, may not allow the recreational campfire to exceed 3 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 34 35 36	10. Open burning during red flag warning. A person may not engage in open burning under section 9325, subsection 1 or 2, including a recreational campfire, in any geographic area subject to a red flag warning. Open burning without a permit under section 9325, subsection 2 is allowed at the following locations:
37	A. A licensed camping facility; and
38 39 40	B. Campsites under the jurisdiction of the Department of Agriculture, Conservation and Forestry or the Baxter State Park Authority, as long as the campsite and the use of out-of-door fires and charcoal and gas grills at the campsite comply with rules under

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section 9001-B, subsection 4.

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COMMITTEE AMENDMENT

٠	COMMITTEE AMENDMENT "A" to S.P. 16, L.D. 24 (5-39)
1 2	Sec. 6. 12 MRSA §9325, sub-§2, ¶A, as enacted by PL 1991, c. 36, §4, is amended to read:
3 4 5 6	A. Recreational campfires A recreational campfire kindled when the ground is covered by snow or on a frozen bodies body of water, as long as the recreational campfire does not exceed 3 feet in diameter on the ground at the base of the fire and does not exceed 3 feet in height;
7 8	Sec. 7. 12 MRSA §9325, sub-§2, ¶B, as enacted by PL 1991, c. 36, §4, is amended to read:
9 10 11	B. Residential use of outdoor grills and fireplaces for recreational purposes such as preparing food, as long as the fire does not exceed 3 feet in diameter in a fireplace or grill at the base of the fire and does not exceed 3 feet in height; and'
12 13	Amend the bill by relettering or renumbering any nonconsecutive Part letter or section number to read consecutively.
14	SUMMARY
15 16 17 18 19 20 21 22	The bill prohibits the director of the Bureau of Forestry, within the Department of Agriculture, Conservation and Forestry, from issuing a permit or other permission for open burning to take place in a geographic area subject to a red flag warning. This amendment, which is the majority report of the committee, provides an exception for wild blueberry growers by allowing the director or director's delegate to 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.
23 24 25 26 27	The bill requires the director or the director's delegate to revoke any permit for open burning in a geographic area in which a red flag warning is in effect. The amendment provides that the director or the director's delegate is not required to revoke a permit for a controlled burn on a commercially managed wild blueberry field during the period in which a red flag warning is in effect if the permit includes an approved prescribed burn plan.
28 29 30	The amendment clarifies that a red flag warning is a forecast warning issued by the United States Department of Commerce, National Oceanic and Atmospheric Administration, National Weather Service in consultation with the Bureau of Forestry.
31 32	The bill prohibits a person who kindles or uses a recreational campfire from allowing the recreational campfire to exceed 3 feet in diameter on the ground at the base of the fire

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rom allowing se of the fire or 3 feet in height. The amendment exempts a licensed camp facility from this prohibition.

The bill prohibits open burning, both permissible open burning with a permit and permissible open burning without a permit, during the period in which a red flag warning is in effect. The amendment exempts from this prohibition open burning without a permit at a licensed camping facility and at campsites under the jurisdiction of the Department of Agriculture, Conservation and Forestry or the Baxter State Park Authority, as long as the campsite and the use of out-of-door fires and charcoal and gas grills at the campsite comply with department rules.

FISCAL NOTE REQUIRED

(See attached)

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COMMITTEE AMENDMENT



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

Fiscal Note for Bill as Amended by Committee Amendment "" (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.