

# MAINE STATE LEGISLATURE

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# 131st MAINE LEGISLATURE

## FIRST REGULAR SESSION-2022

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Legislative Document

No. 24

S.P. 16

In Senate, December 30, 2022

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

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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.

A handwritten signature in black ink, appearing to read 'D M Grant'.

DAREK M. GRANT  
Secretary of the Senate

Presented by Senator CURRY of Waldo.

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

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

3 **1-A. Prohibition during red flag warning.** The director may not issue a permit or  
4 other permission for open burning for burning to take place when a red flag warning is in  
5 effect. A recreational campfire is not allowed when a red flag warning is in effect, whether  
6 under a permit or exempt from permitting.

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

9 **2. Revocation.** The director or the director's delegate may revoke any permit during  
10 a period of high forest fire danger or any permit ~~which~~ that results in creation of a nuisance  
11 condition without compliance with the provisions of Title 4, chapter 5 or Title 5, chapter  
12 375. The director or the director's delegate shall revoke a permit for open burning during  
13 the period in which a red flag warning is in effect.

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

15 **§9321-B. Definitions**

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

18 **1. Recreational campfire.** "Recreational campfire" means an outdoor fire that is used  
19 for cooking, personal warmth, light or ceremonial or aesthetic purposes and that is not a  
20 part of debris disposal. "Recreational campfire" includes a residential fire contained within  
21 an outdoor fireplace. "Recreational campfire" does not include a portable lantern designed  
22 to emit light resulting from combustion or a stove that is used inside a structure or living  
23 accommodation.

24 **2. Red flag warning.** "Red flag warning" means a forecast warning from the United  
25 States Department of Commerce, National Oceanic and Atmospheric Administration,  
26 National Weather Service or its successor, in conjunction with the bureau, that informs the  
27 public, firefighters and land management agencies that conditions are ideal for wildland  
28 fire combustion and rapid spread. A red flag warning indicates for a given area that the  
29 temperature is warm, the humidity is very low and strong winds are expected and that these  
30 factors produce an increased risk of fire danger.

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

32 **9. Recreational campfires.** A person who kindles or uses a recreational campfire  
33 may not allow the recreational campfire to exceed 3 feet in diameter on the ground at the  
34 base of the fire or 3 feet in height.

35 **Sec. 5. 12 MRSA §9325, sub-§2, ¶A,** as enacted by PL 1991, c. 36, §4, is amended  
36 to read:

37 ~~A. Recreational campfires~~ A recreational campfire kindled when the ground is covered  
38 by snow or on a frozen bodies body of water, as long as the recreational campfire does  
39 not exceed 3 feet in diameter on the ground at the base of the fire and does not exceed  
40 3 feet in height;

