

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE

ONE HUNDRED AND TWELFTH LEGISLATURE

FIRST REGULAR SESSION

December 5, 1984 to June 20, 1985

Chapters 1-384

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PUBLIC LAWS
OF THE
STATE OF MAINE

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ONE HUNDRED AND TWELFTH LEGISLATURE

1985

expend such sums so received for such purposes and shall hold and use such lands as specified in the trust.

Effective September 19, 1985.

CHAPTER 108

H.P. 407 - L.D. 560

AN ACT to Clarify the Law Enforcement
Responsibilities of the Forest Fire
Control Division.

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

Sec. 1. 12 MRSA §7056, sub-§4 is enacted to read:

4. All-terrain vehicle laws. All Bureau of Forestry law enforcement personnel shall have the same powers and duties as game wardens to enforce chapter 715, subchapter IV.

Sec. 2. 12 MRSA §8901, as enacted by PL 1979, c. 545, §3, is amended to read:

§8901. Forest rangers

1. Appointment. The Director of the Bureau of Forestry shall appoint forest rangers and a state supervisor, subject to the Personnel Law.

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

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

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

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

- D. Enforce all laws relating to forests and forest preservation;
- E. Investigate and gather evidence regarding the cause of forest fires;
- F. Have the authority to set backfires to control forest fires; and
- G. Carry out such other duties as the director prescribes.

3. Law enforcement powers. Forest rangers and the state supervisor, for the purpose of enforcing forest and forest preservation laws, shall have the law enforcement powers equivalent to a sheriff or sheriff's deputy, including the right to arrest violators, prosecute the same, serve criminal process against offenders, require aid in executing forest ranger duties and deputize temporary aides.

Sec. 3. 12 MRSA §8902, first ¶, as amended by PL 1983, c. 556, §6, is further amended to read:

The director shall appoint a forest fire warden in each organized municipality. The municipal fire chief shall be appointed as forest fire warden if practicable and no other person may be appointed without the approval of the municipal officers. All appointed forest fire wardens shall serve at the pleasure of the director and shall be sworn to the faithful discharge of these duties and a certificate thereof shall be returned to the bureau. Whoever has been notified of this appointment shall file with the director his acceptance or rejection within 10 days. The appointed forest fire warden may appoint one or more deputy forest fire wardens subject to approval of the municipal officers. A deputy forest fire warden may act for the forest fire warden in the absence of the appointed forest fire warden, but no compensation in addition to that provided in this section may be made.

Sec. 4. 12 MRSA §9204, as amended by PL 1983, c. 556, §10, is further amended to read:

§9204. Payment of costs; state reimbursement

Municipalities shall pay for controlling and extinguishing forest fires up to 1/2 of 1% of their state valuation and the State shall reimburse them 1/2 these costs incurred by the forest fire warden in charge therein on a calendar year basis. Reimbursement will not be allowed for use or loss of municipi-

pally-owned equipment within the town in which the fire occurred. A municipality going to the aid of another, even to protect itself, when requested by the state forest ranger in charge, shall, if it requests payment, be paid by the municipality aided if the total suppression cost of the municipality is not over 1/2 of 1% of its state valuation.

Sec. 5. 12 MRSA §9205, as amended by PL 1983, c. 556, §11, is further amended to read:

§9205. Payment of costs beyond 1/2 of 1% of state valuation

All forest fire suppression costs in municipalities in an amount greater than 1/2 of 1% of the state valuation of the municipality in which the fire occurred shall be paid by the State on a calendar year basis. Any municipality, in order to pay labor quickly, may pay beyond 1/2 of 1% of its state valuation and submit for full state reimbursement or forward the unpaid bills, approved by the state forest ranger in charge, for payment.

Sec. 6. 12 MRSA §9322, as amended by PL 1983, c. 556, §§13 and 14, is further amended to read:

§9322. Permits in the unorganized territory

1. Permits. No person may kindle or use an out-of-door fire in the unorganized territory unless a permit has been obtained from the director. The director may issue a permit on lands of another unless the majority ownerships of the land have withdrawn permission in writing to the director.

2. Exemptions. This section shall not apply to the use of portable stoves which are fueled by propane gas, gasoline or sterno, or to recreational fires kindled when the ground is covered with snow.

3. Resident guides. On application to the director, a statewide yearly permit for out-of-door fires shall be issued to resident guides licensed by the Department of Inland Fisheries and Wildlife. The director may restrict the scope of a permit to correspond with the classification of the guide license. Such Use of the permit shall be conditional upon such guides shall notify notifying a forest ranger in person or by telephone of the area in which they are guiding their parties each time they enter an area to guide a party. Whoever violates this subsection shall have his permit revoked by the director, who, in tak-

ing this action, need not comply with the provisions of Title 4, chapter 25 and Title 5, chapter 375.

4. Saco River Corridor. For the purpose of issuing permits under this section, the lands within Oxford County within the Saco River Corridor, so designated by Private and Special Law 1973, chapter 150, as amended, shall be subject to the same requirements and procedures as lands within the unorganized territory.

Sec. 7. 17 MRSA §2269, as repealed and replaced by PL 1975, c. 739, §14, is amended by adding before the last paragraph a new paragraph to read:

Remote forest campsites operated by the Department of Conservation pursuant to Title 12, chapter 807, subchapter IV, Article IV, shall not be considered public places or establishments which serve the public, provided that they be designated as "carry-in and carry-out" sites from which users are expected to remove litter and other material upon their departures.

Sec. 8. 29 MRSA §1, sub-§1-B, as amended by PL 1981, c. 98, §6, is further amended to read:

1-B. Authorized emergency vehicle. "Authorized emergency vehicle" means vehicles of the fire department, police vehicles, forest fire control vehicles and such ambulances and emergency vehicles of municipal departments or public service corporations as are designated or authorized by the Commissioner of Public Safety.

Sec. 9. 29 MRSA §946, as amended by PL 1983, c. 335, is further amended to read:

§946. Police and fire vehicles

Police, fire department, forest fire control vehicles and ambulance vehicles, when operated in response to calls, or when a police officer is in pursuit of a motor vehicle operator for which he has probable cause to believe that the operator has committed or is in the process of committing a violation of law, shall have the right-of-way. On the approach of any such vehicle, from any direction, and when such vehicle is sounding a siren and emitting a flashing light, the driver of every other vehicle shall immediately draw his vehicle as near as practicable to the right-hand curb and parallel thereto, clear of any intersection, and bring it to a

standstill until such public service vehicles have passed.

Sec. 10. 29 MRSA §1362, as amended by PL 1975, c. 497, §3, is further amended to read:

§1362. Brakes; signals; unnecessary noise; bells and sirens; exceptions

Every motor vehicle shall be provided with adequate brakes in good working order and sufficient to control such vehicle at all times when the same is in use, and a suitable and adequate horn or other device for signaling. Every such motor vehicle shall have brakes adjusted so as to stop 2-wheel brake vehicles at a speed of 20 miles per hour within a distance of 45 feet and 4-wheel brake vehicles within 30 feet, excepting motorcycles and motor driven cycles, which at all times and under all conditions of loading, shall have brakes adjusted so as to stop such vehicles within a distance of 30 feet from a speed of 20 miles per hours. Every such vehicle and combination of vehicles, except motorcycles and motor driven cycles, shall be equipped with parking brakes adequate to hold the vehicle on any grade on which it is operated, under all conditions of loading, on a surface free from snow, ice or loose material. The parking brakes shall be capable of being applied in conformance with the foregoing requirements by the driver's muscular effort or by spring action or by equivalent means. Their operation may be assisted by the service brakes or other source of power, provided that failure of the service brake actuation system or other power assisting mechanism will not prevent the parking brakes from being applied in conformance with the foregoing requirements. The parking brakes shall be so designed that when once applied they shall remain applied with the required effectiveness despite exhaustion of any source of energy or leakage of any kind. The same brake drums, brake shoes and lining assemblies, brake shoe anchors and mechanical brake shoe actuation mechanism normally associated with the wheel brake assemblies may be used for both the service brakes and the parking brakes. If the means of applying the parking brakes and the service brakes are connected in any way, they shall be so constructed that failure of any one part shall not leave the vehicle without operative brakes. No signaling device shall be unnecessarily sounded nor any braking or acceleration unnecessarily made so as to cause a harsh, objectionable or unreasonable noise, and no bell or siren shall be installed or used on any motor vehicle except that fire and police department vehicles and ambulances, and vehicles operated by state,

city and town fire inspectors, city and town fire chiefs, assistant fire chiefs, police chiefs and assistant police chiefs may be so equipped for use only when responding to emergency calls, such motor vehicles used by forest rangers or personnel engaged in forest fire control as may be designated by the Department of Conservation, and such motor vehicles used by sheriffs and deputy sheriffs, and such motor vehicles used by inland fisheries and game wardens as may be designated by the Department of Inland Fisheries and Wildlife and such motor vehicles used by coastal wardens as may be designated by the Department of Marine Resources, and such motor vehicles used by United States Government law enforcement officials, and such motor vehicles used by a state or municipal department which controls or supervises electrical alarm and communication systems.

Effective September 19, 1985.

CHAPTER 109

H.P. 459 - L.D. 659

AN ACT to Amend Provisions Governing the Procedures of the Maine Health Care Finance Commission.

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

Sec. 1. 22 MRSA §397, sub-§1, as enacted by PL 1983, c. 579, §10, is repealed and the following enacted in its place:

1. Proceedings. Proceedings before the commission shall be subject to such provisions of the Maine Administrative Procedure Act, Title 5, chapter 375, as may apply to each type of proceeding that the commission conducts under this chapter. All proceedings shall also be subject to such additional rules of practice as the commission may promulgate consistent with the Maine Administrative Procedure Act, Title 5, chapter 375.

Sec. 2. 22 MRSA §398, sub-§1, as enacted by PL 1983, c. 579, §10, is amended to read:

1. Revenue limits. At least 90 days prior to the start of each payment year of each hospital subject