

# MAINE STATE LEGISLATURE

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**LAWS**  
**OF THE**  
**STATE OF MAINE**

**AS PASSED BY THE**

**ONE HUNDRED AND THIRTY-FIRST LEGISLATURE**

**FIRST REGULAR SESSION**  
**December 7, 2022 to March 30, 2023**

**FIRST SPECIAL SESSION**  
**April 5, 2023 to July 26, 2023**

**THE GENERAL EFFECTIVE DATE FOR**  
**FIRST REGULAR SESSION**  
**NONEMERGENCY LAWS IS**  
**JUNE 29, 2023**

**THE GENERAL EFFECTIVE DATE FOR**  
**FIRST SPECIAL SESSION**  
**NONEMERGENCY LAWS IS**  
**OCTOBER 25, 2023**

**PUBLISHED BY THE REVISOR OF STATUTES**  
**IN ACCORDANCE WITH THE MAINE REVISED STATUTES ANNOTATED,**  
**TITLE 3, SECTION 163-A, SUBSECTION 4.**

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**Augusta, Maine**  
**2023**

lature or by impeachment. In case of a vacancy occurring through death, resignation or removal, the Governor shall appoint a successor for the whole term of the member whose place that successor takes, subject to removal as provided in this section.

See title page for effective date.

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**CHAPTER 55**  
**S.P. 15 - L.D. 23**

**An Act to Limit Public Access  
to or Dissemination of  
Electronic Citation and  
Electronic Warning  
Information**

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

**Sec. 1. 29-A MRSA §2601, sub-§3-A**, as enacted by PL 2013, c. 112, §9, is amended to read:

**3-A. Electronic Violation Summons and Complaint.** Notwithstanding subsection 3, the Chief Judge of the District Court may approve for use an electronic Violation Summons and Complaint form. The electronic Violation Summons and Complaint form must include, at a minimum, an electronic or digital signature of the officer, a brief description of the alleged offense, the time and place of the alleged offense and the date on or before which the person is to file a written answer with the violations bureau. Personally identifying information that is contained in the electronic citation or the electronic warning database maintained, administered or contributed to by the Department of Public Safety, Bureau of State Police is confidential, except that personally identifying information that is contained in these databases may be shared with another criminal justice agency, delivered to the person under subsection 7 and transmitted to the violations bureau as required by subsection 9. For the purposes of this subsection, "personally identifying information" means an individual's name, residential and post office mailing addresses, date of birth and driver's license number, a vehicle registration plate number and any other information contained in a data field that may be used to identify a person.

See title page for effective date.

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**CHAPTER 56**  
**S.P. 16 - L.D. 24**

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

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

**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.

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.

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.

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

**§9321-B. Definitions**

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

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

**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.

**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.

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

**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.

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

**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:

- A. A licensed camping facility; and
- 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 section 9001-B, subsection 4.

**Sec. 6. 12 MRSA §9325, sub-§2, ¶A**, as enacted by PL 1991, c. 36, §4, is amended to read:

~~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;

**Sec. 7. 12 MRSA §9325, sub-§2, ¶B**, as enacted by PL 1991, c. 36, §4, is amended to read:

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

See title page for effective date.

**CHAPTER 57  
S.P. 20 - L.D. 28**

**An Act to Streamline  
Rulemaking for Revisions to  
Screening Levels for the Solid  
Waste Beneficial Use Program**

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

**Sec. 1. 38 MRSA §1304, sub-§1-D** is enacted to read:

**1-D. Rules; beneficial use of solid waste.** The board may adopt or amend rules relating to the beneficial use of solid waste. Rules adopted or amended pursuant to this subsection are major substantive rules, as defined in Title 5, chapter 375, subchapter 2-A, except that rules adopting or amending screening levels for beneficial use that are derived using the standard risk protocols of the United States Environmental Protection Agency are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A.

**Sec. 2. PL 2011, c. 304, Pt. F, §2** is repealed.

See title page for effective date.

**CHAPTER 58  
S.P. 22 - L.D. 30**

**An Act to Increase the  
Statutory Fee for Defensive  
Driving Courses**

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

**Sec. 1. 23 MRSA §4208, first ¶**, as amended by PL 2007, c. 295, §1, is further amended to read:

The Department of Public Safety is authorized to conduct defensive driving courses for the purpose of promoting highway safety and to charge a registration fee of ~~\$35~~ \$65 to participants in the defensive driving courses conducted under the auspices of the department. The fee must be used to cover the cost of conducting the courses. Any balances remaining at the end of