

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.

Augusta, Maine
2023

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 A red flag warning indicates for a given geographic area, until the warning is withdrawn, that the temperature is warm, the humidity is very low and strong winds are expected and that these factors produce an increased risk of fire danger.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