

MAINE STATE LEGISLATURE

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Final Report



Governor's Task Force on Review of
Needs, Resources and Opportunities for
Efficiency among Natural Resource Law
Enforcement

November 2013



OFFICE OF
THE GOVERNOR

NO. 2013-002
DATE May 10, 2013

**AN ORDER ESTABLISHING THE GOVERNOR'S TASK FORCE ON REVIEW OF
NEEDS, RESOURCES AND OPPORTUNITIES FOR EFFICIENCY AMONG
NATURAL RESOURCE LAW ENFORCEMENT**

WHEREAS, a comprehensive review of the mission of Maine Forest Rangers is due; and

WHEREAS, the legislature is currently considering LD 297, An Act to Require Forest Rangers To Be Trained in Order To Allow Them To Carry Firearms; and

WHEREAS, enactment of LD 297 will have significant policy implications; and

WHEREAS, the changes contemplated in LD 297 could dramatically alter the role of government responsibility to the forest products community; and

WHEREAS, LD 297 if enacted will have significant immediate and long term public safety, state personnel, and long term financial implications to Maine citizens; and

WHEREAS, executive branch leadership needs to review and prepare solutions to a wide range of safety concerns expressed by Maine Forest Rangers; and

WHEREAS, a comprehensive review of Maine state-wide law enforcement resources and opportunities for cross-training should occur; and

NOW, THEREFORE, I, Paul R. LePage, Governor of the State of Maine, hereby order as follows:

1. The Governor's Task Force on Review of Needs, Resources and Opportunities for Efficiency Among Natural Resource Law Enforcement is hereby established.
2. The membership of the task force shall consist of (10) ten people, appointed by the Governor, as follows:
 - a. Commissioner of the Department of Agriculture, Conservation, Forestry, or designee;
 - b. Commissioner of the Department of Marine Resources, or designee;

- c. Commissioner of the Department of Inland Fisheries and Wildlife, or designee;
- d. Commissioner of the Department of Public Safety, *ex officio*, or designee, as chair;
- e. Colonel Warden, Maine Warden Service, or designee;
- f. Colonel Maine Marine Patrol, or designee;
- g. Chief Forest Ranger, Maine Forest Service, or designee;
- h. One representative of a large landowner (greater than 10,000 acres) engaged in forest management;
- i. One representative of a small landowner (less than 10,000 acres) engaged in forest management;
- j. One Forest Ranger currently employed at the Maine Department of Agriculture, Conservation and Forestry familiar with the concerns shared by Maine Rangers.

3. The Task Force shall:

- a. Develop recommendations for short-term and long-term solutions in addressing the role of Forestry as the lead agency in forest fire suppression and forest land protection (law enforcement), including reviewing the Forest Ranger duties, and mission and their need to carry a sidearm. The Task Force shall review safety questions regarding whether arming forest rangers aids in carrying out their duties or increases personal safety;
- b. Review and consider opportunities for cross-training and reduction in redundancy among the Maine Warden Service, Maine Marine Patrol, and Maine Forest Rangers;
- c. Review the core mission of each the Maine Warden Service, Maine Marine Patrol, and Maine Forest Rangers;
- d. Review and consider costs associated with proposed changes;
- e. Consider anything else needed to achieve safety and maximum efficiency among Maine Natural Resource Law Enforcement and the Maine State Police.

4. The Task Force Chair shall:

- a. Identify the process, schedule and information to carry-out the Executive Order.

5. The Task Force shall submit a written report with recommendations to the Governor no later than December 1, 2013, after which the Task Force shall dissolve.

The effective date of the Executive Order is July 1, 2013.



Paul R. LePage, Governor

TASK FORCE MEMBERS

Department of Public Safety	Commissioner John Morris
Inland Fisheries & Wildlife	Commissioner Chandler Woodcock
Maine Warden Service	Colonel Joel Wilkinson
Department of Agriculture, Conservation and Forestry	Commissioner Walt Whitcomb
Maine Forest Service	Chief Bill Hamilton
Maine Forest Service	Regional Ranger Jeff Currier
Department of Maine Resources	Commissioner Patrick Keliher
Maine Marine Patrol	Colonel Joe Fessenden
Small Landowner Group	John Caswell III
Large Landowner Group	Mark Doty

To Governor LePage:

An Order Establishing the Governor's Task Force on Review of Needs, Resources and Opportunity for Efficiency among Natural Resource Law Enforcement was issued by the Governor on May 10, 2013.

The Task Force met a total of six times with all assigned members represented.

The first few meetings were spent defining the missions and responsibilities of the Law Enforcement Officer's in the State's three Natural Resource Law Enforcement Agencies (Wardens, Marine Patrol and Forest Rangers.) The concentration of the Task Force then shifted to better understanding the role of the Forest Rangers.

The subject of "Arming the Forest Rangers" began to monopolize the meetings with a great deal of passion from both sides of the question.

Some of the more meaningful and relevant findings of the initial meetings are listed below. These findings are important as they help shape the conclusions of the Task Force members:

- 1) A super majority of members agreed that Forest Rangers are placed in "Harms Way" during the normal course of their duties.
- 2) Appendix (A) describes the top 20 complaints investigated by the Maine Forest Rangers, 2010 to 2013 (YTD). These top 20 complaints total a number of 12,305.

These top 20 complaints do not represent all calls for service and duties performed.

- 3) The number of forest fires and acreage burned (low of 117 acres in 2011 and high of 1,772 in 2006) are found in Appendix (B).
- 4) The costs associated with arming and training all Forest Rangers are provided in Appendix (C). Costs range from \$142,837 to \$2,120,495.
- 5) The Forest Rangers have not submitted a workers compensation claim for injury caused by a physical assault with another person.

- 6) There are fifty-five (55) Forest Rangers who meet Maine Criminal Justice Academy standards to carry a firearm. However, all fifty five would need to attend a sixty four (64) hour course to be certified.
- 7) A seasonal workforce of forest firefighters is not practical as the wildfire season in Maine lasts from March through October limiting the ability to hire college students and provide them with the extensive training necessary.
- 8) Those representing land owners consistently stated, "The areas of largest concern from landowners are fire, disease and insects." In addition, there was a concern that the commercial forestry excise tax would be expended for law enforcement activity and not used exclusively for firefighting.
- 9) The issue of arming the Rangers has created a serious wedge of disagreement and frustration between landowners and the Forest Rangers.
- 10) There is a vocal and passionate group of elected officials who are advocating to arm the Forest Rangers.
- 11) A survey of 31 States including Maine concerning arming Forest Rangers is enclosed as Appendix (D).

However, it should be noted that these figures can be misleading as the duties of Forest Rangers in most of the surveyed States are not comparable to the responsibilities required of Maine Forest Rangers to include law enforcement duties already established by statute.

- 12) The only costs examined were the cost of dispatching and the cost to equip and train as it relates to arming the Forest Rangers.

Conclusion and Recommendation

The Task Force could not reach a consensus on arming the Forest Rangers; however, a compromise was eventually reached.

Four members recommended arming all Forest Rangers, four members recommended arming the Forest Rangers incrementally over a several year period and the two members representing the landowners remain opposed to arming the Forest Rangers but could support a small group to be armed as a test with a required "report back" period.

Accordingly, the Task Force recommendation is to arm the Forest Rangers over a period of several years on an incremental basis as determined by the Commissioner of Agriculture, Conservation and Forestry. Fiscal constraints are recognized to have a significant influence on this effort. Rangers selected to be armed must conform to and be certified by the Maine Criminal Justice Academy as law enforcement officers eligible to carry a weapon. This includes but not limited to attending all instruction and firing range activities mandated by the MCJA Board of Trustees.

A statute change would be required to allow Forest Rangers to work more than 1,040 hours a year as an armed law enforcement officer as is now allowed for probation officers and Capitol Police. Title 25 MRSA §2801-B, §2803 and §2804 refer.

All future Forest Rangers must be graduates of the Basic Law Enforcement Training Program (BLETP 18 weeks.) The Commissioner of Agriculture, Conservation and Forestry must develop policies that include the mandatory law enforcement polices as prescribed by statute. The MCJA model policies are available and have been approved by the MCJA Board of Trustees, the Maine Chiefs of Police Association and the Attorney General.

The Task Force also recommends that any costs associated with the purchase of firearms, related equipment, initial and subsequent training shall not be calculated in the yearly computation of the Commercial Forestry Excise Tax.

Efficiencies

One of the charges to the Task Force was to discuss possible efficiencies that could be realized through cooperative effort between the three Natural Resources Law Enforcement Agencies. Efficiencies that would also be gained by arming the Forest Rangers were also carefully considered. The Chiefs of the three Natural Resources Law Enforcement Agencies met on several occasions and were very successful in working together on the following areas that can be achieved prior to arming the Rangers:

- 1) Consolidated Dispatch (all members agree this must be accomplished). This will cost about \$150,000 per year
- 2) Training
- 3) RMS – Records Management System
- 4) IMT – Incident Management Team
- 5) SAR – Search and Rescue
- 6) Facilities sharing
- 7) Mechanics – both aircraft and boat
- 8) Centralized ordering of equipment

Please note the Maine State Police will also be involved with the above eight areas. It should be noted that the effort by the Chiefs was sincere and they are committed to continue to pursue these efficiencies to completion.

Arming and required training of the Forest Rangers would allow for a greater number of efficiencies to be accomplished. There has been a significant amount of time and energy spent in developing both short and long term efficiencies that can be realized. More than fifty proposals have been suggested that require more time to evaluate; not all require the Forest Rangers to be armed. A few examples are listed below:

- 1) Provide Forest Rangers and Marine Patrol Officers with ATV and Snowmobile accident investigation skills.
- 2) Establish joint task forces (seasonal) for the enforcement of laws regulating the harvest of moose, elvers, smelts and evergreen boughs, etc.
- 3) Establishing protocols for having one Natural Resources Law Enforcement Officer serve as the court officer for arraignments at District Court, rather than the current practice of each agency sending their own.

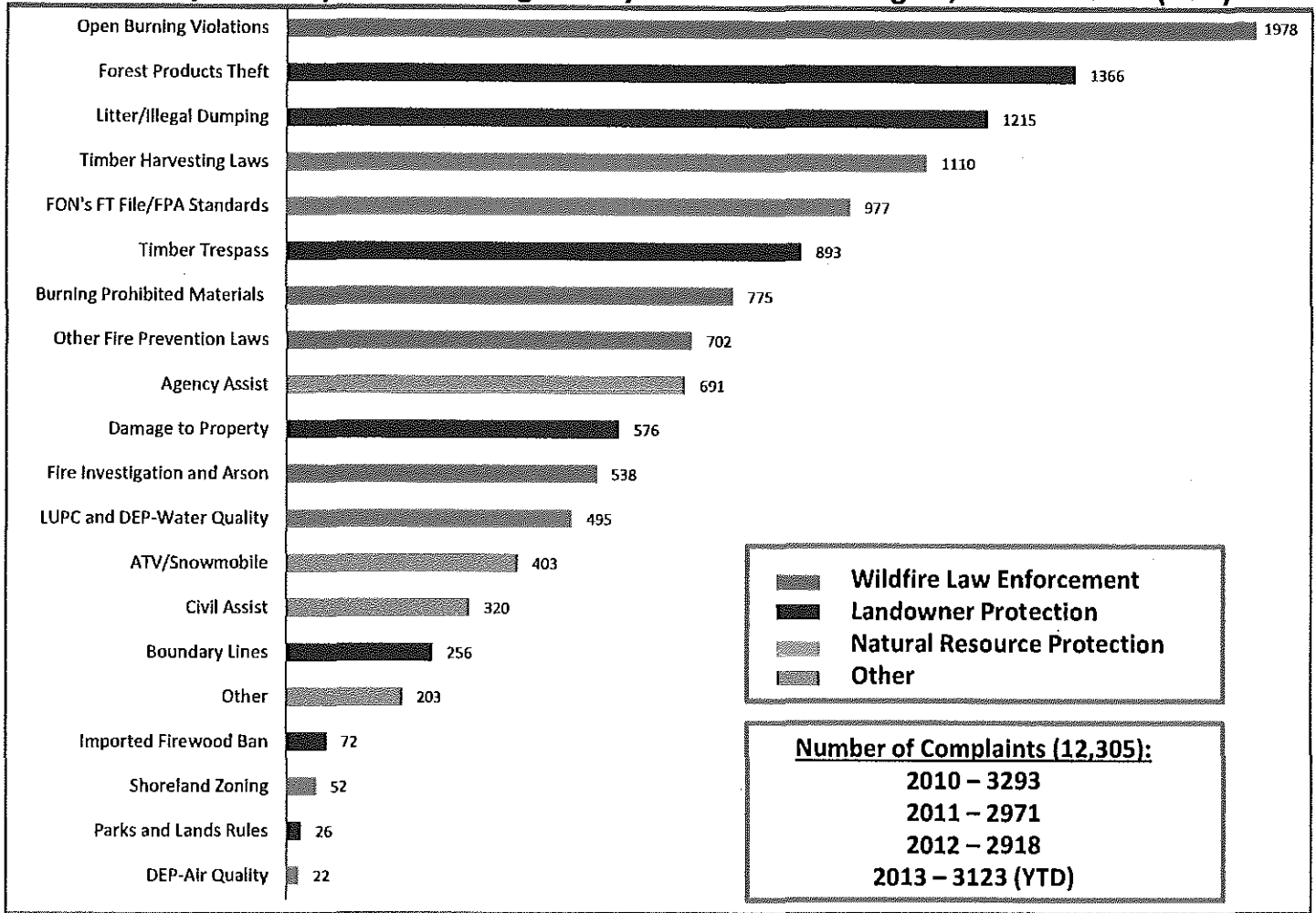
These are but a few examples. The Task Force is very pleased and comfortable that the efficiency and effectiveness of all State Law Enforcement Agencies have been enhanced by this effort.

I would be pleased to discuss or respond to any questions.

Commissioner John Morris

Appendix A

Top 20 Complaints Investigated by Maine Forest Rangers, 2010 to 2013 (YTD)

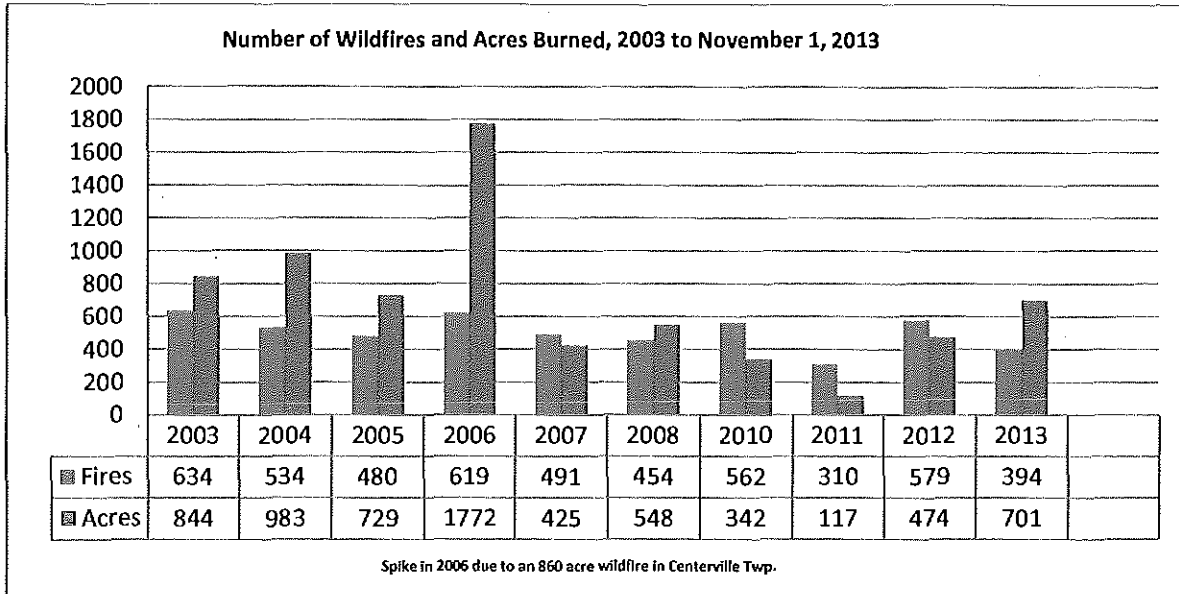


Maine Forest Rangers 2012

Complaint Disposition

Type of Investigation	Summonses	Percent of Total Summonses	Warning	Percent of Total Warning
Open Burning-No Permit	150	26.32%	67	14.96%
Open Burning- Prohibited Materials	102	17.89%	53	11.83%
Timber Trespass	39	6.84%	12	2.68%
Litter	38	6.67%	24	5.36%
ATV	35	6.14%	44	9.82%
Failure to Pay for Forest Products-45 Days	34	5.96%	6	1.34%
Open Burning-Failure to Extinguish	31	5.44%	15	3.35%
Open Burning-Permit Criteria	26	4.56%	21	4.69%
Theft of Evergreen Boughs/Trees	18	3.16%	7	1.56%
Timber Theft	18	3.16%	6	1.34%
Criminal Mischief-Property	17	2.98%	3	0.67%
Trip Ticket	12	2.11%	0	0.00%
Criminal Mischief-Fire	10	1.75%	12	2.68%
Failure to File Harvest Notification	10	1.75%	28	6.25%
Arson	7	1.23%	0	0.00%
Damage to Forest/Crops with Motor Vehicle	7	1.23%	2	0.45%
Failure to Maintain Spark Arrester	5	0.88%	9	2.01%
Failure to Mark Boundary Lines	4	0.70%	5	1.12%
Open Burning-Improper Disposal of Lighted Materials	3	0.53%	16	3.57%
Failure to File Delinquent Landowner Report	2	0.35%	89	19.87%
Criminal Trespass	1	0.18%	4	0.89%
Disposal of Slash	1	0.18%	6	1.34%
Campsite 14 Day Rule	0	0.00%	1	0.22%
Failure to File Delinquent Wood Processor Report	0	0.00%	6	1.34%
Imported Firewood Ban	0	0.00%	7	1.56%
Fireworks	0	0.00%	1	0.22%
Open Burning-Nuisance Smoke	0	0.00%	3	0.67%
Railroad ROW	0	0.00%	1	0.22%
TOTAL	570		448	

Appendix B



2013 Maine Wildfires by Cause		
Cause	Number of Wildfires	Total Acres Burned
ARSON	42	260.4
DEBRIS	109	223.2
MISC	75	89.43
MACHINE	75	61.64
CAMPFIRE	26	21.61
SMOKING	17	19.51
CHILDREN	22	13.96
RAILROAD	17	9.91
LIGHTNING	11	1.63
TOTAL	394	701.29



STATE OF MAINE
 Department of Public Safety
MAINE CRIMINAL JUSTICE ACADEMY
 15 Oak Grove Road
 Vassalboro, Maine 04989



Paul R. LePage
 Governor

John E. Morris
 Commissioner

John B. Rogers
 Director

Appendix C

Option #1. Require a training program for Firearms; however I would insist that it must include how we are currently train officers in the BLETP, which is 7 hours of classroom, and 40 hours on the range taught by a MCJA Certified Firearms Instructor. I would strongly insist there must be an additional 8 hours of Use of Force Laws/AG Protocol for Officer Involved Shooting taught by the AG's Office and 8+ hours of Weapon Retention/Use of Force Scenarios taught by a MARC Instructor. This training program could be done in approximately 64 hours. This would require 74 handguns, gun belts, holsters and ballistic vests, plus the cost of ammo at 1500 rounds for each Forest Ranger.

Total Cost - \$142,837, plus the unknown salary costs, policy formulation costs, lock boxes, and ongoing training to be determined by the Maine Forest Service.

Option #2. Require that all 74 Forest Rangers take the 64 hour program outlined in **Option #2**, plus 39 Forest Rangers be required to take the LEPS course, outlined in 25 M.R.S. §2804-B, and the mandatory annual in-service training, outlined in 25 M.R.S. §2804-E. I would also require the agency to file mandatory policies, outlined 25 M.R.S §2803-B and the mandatory annual reports, outlined in 25 M.R.S. §2805-B. This would also require a legislative change in 25 M.R.S, §2801-B to take the Maine Forest Rangers off the list of being exempt from mandatory training and mandatory policies. **Total Cost - \$238,426, plus the unknown salary costs, lock boxes, policy formulation costs and on-going training to be determined by the Maine Forest Service.**

Option #3: Require all 74 Forest Rangers take the training requirements (LEPS, Mandatory In-service and 64 hour Firearm Program) as outlined in **Option #2** until the 65 Forest Rangers go through the BLETP training over several years. It would also require the Maine Forest Service to abide by the mandatory policies and for the agency to file the mandatory annual report. Specifically, it would also require that Forest Rangers hired after 7/1/2014 be required to attend the BLETP. This would require a legislative change to 25 M.R.S. §2801-B, §2803-A and a new §2804-L. **Total Cost - \$2,120,495, plus lock boxes, policy formulation costs and ongoing training to be determined by the Maine Forest Service.**

MCJA Costs

Firearms Course	1500 rounds of ammo	Guns with 3 clips	Ballistic Vest	Range Rental (4weeks)	5 Firearms Instructors	64 Hour Class	Total
1 Ranger	\$250	\$550	\$938			\$128	\$1,866
74 Rangers	\$18,500	\$40,700	\$69,412	\$3,000	\$1,625	\$9,600	\$142,837

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74 Forest Rangers Positions (including 8 vacant positions)
 39 Forest Rangers needing LEPS Training or equivalent training
 65 Forest Rangers needing BLETP or equivalent training

LEPS	Phase I	Alert Test	PFT Test	Phase II	Firearms Equipment	Firearms Class	Total
1 Ranger	\$250	\$50	\$35	\$250	\$1,738	\$128	\$2451
39 Rangers	\$9,750	\$1,950	\$1,365	\$9,750	\$67,782	\$4,992	\$95,589

BLETP	Tuition	Alert Test	PFT Test	Polygraph / Psy. Exam	Firearms Equipment	Personnel Costs	Total
1 Ranger	\$2,500	\$50	\$35	\$800	\$1,738	\$27,500	\$32,623
65 Rangers	\$162,500	\$3,250	\$2,275	\$52,000	\$112,970	\$1,787,500	\$2,120,495

None of these costs include the annual firearms qualifications.

Appendix D

EXHIBIT A

Survey of 31 States Responding to the Question of Arming Rangers

<p>Summary</p> <p>19 States Prohibit all Rangers from bearing arms.</p> <p>11 States select & further train a limited force as conservation law enforcement officers</p> <p>1 State (NY) arms all rangers & environment officers.</p>		
State	Y-N	Comment
Northeastern States		
Connecticut	N	CT Forestry does resource protection, not public safety and/or law enforcement. Ready assistance from agency law enforcement (outdoor rec/fish and game), state police, and local muni PDs.
Massachusetts	N	Massachusetts has a separate Enforcement Division. We have no forestry folks that carry.
New York	Y	Office of Public Protection with the Rangers and Environmental Officers have guns. Forest Ranger 1 "required to carry firearms and complete necessary annual training for State certification."
New Hampshire	Y	The 9 Fulltime New Hampshire Forest Rangers do carry guns, seasonal firefighting crew members do not. Rangers attend the fulltime police academy for the same training as state troopers, & sheriffs. Authority is the enforcement of any state statute pertaining to forest protection on all lands of the state, and any law for the protection of persons and property on our own lands. Several policies exist regarding when they carry and when they don't, since they have wildfire suppression duties in addition to aw enforcement duties.
Pennsylvania	N	Certain staff work specifically for the Bureau of Forestry, carry firearms and have full police powers <u>only on State Forestry lands</u> . They must go through the same training as State Police.
Vermont	N	Doesn't have 'rangers'. Enforcement is done through enforcement officers assigned to the department of environmental

		conservation. "They don't carry guns either."
REST OF COUNTRY		
Alaska	N	Very few if any armed personnel despite bears. Alaska is "kind of a don't ask don't tell state."
Arkansas	Y	3 Armed Full time Law Enforcement and 11 LEO that are fully qualified to carry but not armed 100% of the time. There are up to 100 Rangers that are unarmed.
California	Y	Peace Officers rather than forest rangers, some carry, in charge of timber harvest and investigations.
Colorado	N	Have no forest rangers, they have forest technicians. Not armed and do no law enforcement.
Delaware	N	The Delaware Forest Service has no personnel that carry firearms and technically have no law enforcement capabilities. They either call the State Police or the Division of Fish and Wildlife's game officers who do carry firearms and who do have law enforcement capabilities.
Georgia	N	Forest Rangers are not armed in Georgia. There was a period (during the Olympics) when there were a few District rangers that were certified, but as they retired they were not replaced. Arson investigators are armed. In Georgia you must be "Post Certified" to serve in law enforcement, a basic course that all deputies, game wardens and police officers have to pass.
Illinois	N	Division of Forest resources staff in Illinois do not carry firearms. Department has a separate Office (Office of Law Enforcement) and they employ Conservation Police Officers throughout the state. These CPO's, as they are called, work closely with field staff on regulation of their Timber Buyers License program and Ginseng collector/dealers program as well as fishing, hunting etc.
Kentucky	N	Rely on local law enforcement.
Louisiana	Y	None of the approx.. 100 firefighters are armed. A special enforcement unit of 3 people do bear arms.
Maryland	N	Nobody with the MFS "picks heat."
Michigan	N	Michigan has a separate Enforcement Division. No forestry staff carry. MI does have 120 armed officers for public parks and