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AGRICULTURE, CONSERVATION AND FORESTRY

Reproduced and distributed under the direction of the Secretary of the Senate.

STATE OF MAINE

SENATE

131ST LEGISLATURE

FIRST SPECIAL SESSION

COMMITTEE AMENDMENT “ ” to S.P. 16, L.D. 24, “An Act to Prohibit Open Burning Under a Red Flag Warning and Regulate Recreational Campfires”

Amend the bill by striking out the title and substituting the following:

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

Amend the bill by striking out everything after the enacting clause and inserting the following:

'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.

COMMITTEE AMENDMENT

1 growers by allowing the director or director's delegate to issue a permit for a controlled
2 burn on a commercially managed wild blueberry field in a geographic area subject to a red
3 flag warning as long as the application for the permit includes a prescribed burn plan
4 approved by the issuing authority.

5 The bill requires the director or the director's delegate to revoke any permit for open
6 burning in a geographic area in which a red flag warning is in effect. The amendment
7 provides that the director or the director's delegate is not required to revoke a permit for a
8 controlled burn on a commercially managed wild blueberry field during the period in which
9 a red flag warning is in effect if the permit includes an approved prescribed burn plan.

10 The amendment clarifies that a red flag warning is a forecast warning issued by the
11 United States Department of Commerce, National Oceanic and Atmospheric
12 Administration, National Weather Service in consultation with the Bureau of Forestry.

13 The amendment strikes from the bill provisions restricting the size of a recreational
14 campfire to 3 feet in diameter on the ground at the base of the fire or 3 feet in height.

15 The bill prohibits open burning, both permissible open burning with a permit and
16 permissible open burning without a permit, during the period in which a red flag warning
17 is in effect. The amendment exempts from this prohibition open burning without a permit
18 at a licensed camping facility and at campsites under the jurisdiction of the Department of
19 Agriculture, Conservation and Forestry or the Baxter State Park Authority, as long as the
20 campsite and the use of out-of-door fires and charcoal and gas grills at the campsite comply
21 with department rules.

22 **FISCAL NOTE REQUIRED**

23 **(See attached)**