

PLEASE NOTE: Legislative Information **cannot** perform research, provide legal advice, or interpret Maine law. For legal assistance, please contact a qualified attorney.

## **An Act To Clarify the Authority and Responsibility of Forest Rangers**

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

**Sec. 1. 12 MRSA §8901, sub-§2**, as amended by PL 2011, c. 657, Pt. W, §7 and c. 682, §38, is further amended to read:

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

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

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

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

D. Enforce Title 36, chapter 701 relating to blueberries, all laws relating to forests and forest preservation, laws relating to the Maine Land Use Planning Commission and laws and rules relating to lands under the jurisdiction of the Division of Parks and Public Lands;

E. Investigate and gather evidence regarding the cause of ~~forest fires~~wildfires;

F. Have the authority to set backfires to control ~~forest fires~~wildfires;

G. Carry out such other duties as the director prescribes; and

H. Have rights of access to all lands within the State to carry out the duties they are authorized by law to administer and enforce. Entry into private property under this paragraph is not a trespass. This paragraph does not authorize entry into any building or structure.

Forest rangers and the state supervisor may also exercise the powers in this subsection when appropriate for agricultural and park fires.

**Sec. 2. 12 MRSA §8901, sub-§3, ¶A**, as amended by PL 2011, c. 657, Pt. W, §7 and c. 682, §38, is further amended to read:

A. Forest rangers and the state supervisor, for the purpose of enforcing Title 36, chapter 701 relating to blueberries, forest and forest preservation laws, laws of the Maine Land Use Planning Commission and laws and rules relating to the lands under the jurisdiction of the Division of Parks and Public Lands, have statewide law enforcement powers equivalent to those of a sheriff, or a sheriff's deputy, in the sheriff's county, including the right to execute or serve criminal and civil violation processes against offenders, make warrantless arrests for crimes, investigate and prosecute offenders, require aid in executing forest ranger duties and deputize temporary aides;

**Sec. 3. 12 MRSA §8901, sub-§4** is enacted to read:

**4. Definitions.** As used in this section, unless the context otherwise indicates, the following terms have the following meanings.

A. "Escaped prescribed fire" means an uncontrolled fire on wildland caused by a prescribed fire that escaped control efforts and burned unintended land area.

B. "Escaped wildland fire use" means an out of control fire caused by a wildland fire use that escaped control efforts and burned unintended land area.

C. "Prescribed fire" means a forest or land management practice using fire, applied in a knowledgeable manner to naturally occurring fuels on a specific land area under selected weather conditions to accomplish predetermined, well-defined management objectives.

D. "Wildfire" means an unplanned, unwanted wildland fire including an unauthorized human-caused fire, an escaped wildland fire use, an escaped prescribed fire and any other wildland fire with respect to which the Director of the Division of Forestry has determined that the objective is to put the fire out.

E. "Wildland" means an area in which development is essentially nonexistent, except for roads, railroads, powerlines and similar transportation facilities, and structures, if any, are widely scattered.

F. "Wildland fire use" means a management practice using a naturally occurring fire burning forest fuels on wildland that is not immediately controlled. The fire is allowed to burn within a predetermined area and is used to promote certain wilderness or management objectives.

## SUMMARY

This bill incorporates into the Maine Revised Statutes, Title 12, chapter 807 the authority of forest rangers contained in Title 36, chapter 701 to make inspections, conduct investigations, make arrests and otherwise enforce that chapter, which relates to blueberries and blueberry taxes. It also clarifies the powers and duties of forest rangers regarding wildfires and agricultural and park fires, consistent with the current practice of forest rangers.