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H.P. 744

House of Representatives, March 19, 2013

An Act To Clarify the Authority and Responsibility of Forest Rangers

Submitted by the Department of Agriculture, Conservation and Forestry pursuant to Joint Rule 204.

Reference to the Committee on Agriculture, Conservation and Forestry suggested and ordered printed.

Millicent M. MacFarland
MILLICENT M. MacFARLAND
Clerk

Presented by Representative TIMBERLAKE of Turner.
Cosponsored by Senator JACKSON of Aroostook.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

