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In Senate, December 30, 2022

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

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.

A handwritten signature in black ink, appearing to read 'D M Grant'.

DAREK M. GRANT
Secretary of the Senate

Presented by Senator CURRY of Waldo.

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

2 **Sec. 1. 12 MRSA §9321, sub-§1-A** is enacted to read:

3 **1-A. Prohibition during red flag warning.** The director may not issue a permit or
4 other permission for open burning for burning to take place when a red flag warning is in
5 effect. A recreational campfire is not allowed when a red flag warning is in effect, whether
6 under a permit or exempt from permitting.

7 **Sec. 2. 12 MRSA §9321, sub-§2,** as amended by PL 1999, c. 547, Pt. B, §32 and
8 affected by §80, is further amended to read:

9 **2. Revocation.** The director or the director's delegate may revoke any permit during
10 a period of high forest fire danger or any permit ~~which~~ that results in creation of a nuisance
11 condition without compliance with the provisions of Title 4, chapter 5 or Title 5, chapter
12 375. The director or the director's delegate shall revoke a permit for open burning during
13 the period in which a red flag warning is in effect.

14 **Sec. 3. 12 MRSA §9321-B** is enacted to read:

15 **§9321-B. Definitions**

16 As used in this article, unless the context otherwise indicates, the following terms have
17 the following meanings.

18 **1. Recreational campfire.** "Recreational campfire" means an outdoor fire that is used
19 for cooking, personal warmth, light or ceremonial or aesthetic purposes and that is not a
20 part of debris disposal. "Recreational campfire" includes a residential fire contained within
21 an outdoor fireplace. "Recreational campfire" does not include a portable lantern designed
22 to emit light resulting from combustion or a stove that is used inside a structure or living
23 accommodation.

24 **2. Red flag warning.** "Red flag warning" means a forecast warning from the United
25 States Department of Commerce, National Oceanic and Atmospheric Administration,
26 National Weather Service or its successor, in conjunction with the bureau, that informs the
27 public, firefighters and land management agencies that conditions are ideal for wildland
28 fire combustion and rapid spread. A red flag warning indicates for a given area that the
29 temperature is warm, the humidity is very low and strong winds are expected and that these
30 factors produce an increased risk of fire danger.

31 **Sec. 4. 12 MRSA §9324, sub-§9** is enacted to read:

32 **9. Recreational campfires.** A person who kindles or uses a recreational campfire
33 may not allow the recreational campfire to exceed 3 feet in diameter on the ground at the
34 base of the fire or 3 feet in height.

35 **Sec. 5. 12 MRSA §9325, sub-§2, ¶A,** as enacted by PL 1991, c. 36, §4, is amended
36 to read:

37 ~~A. Recreational campfires~~ A recreational campfire kindled when the ground is covered
38 by snow or on a frozen bodies body of water, as long as the recreational campfire does
39 not exceed 3 feet in diameter on the ground at the base of the fire and does not exceed
40 3 feet in height;

