

STATE OF MAINE

IN THE YEAR OF OUR LORD

TWO THOUSAND TWENTY-THREE

S.P. 16 - L.D. 24

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

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

**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.

A. Except as provided in paragraph B, the director or the director's delegate shall revoke any permit for open burning in the geographic area during the period in which a red flag warning is in effect.

B. The director or the director's delegate is not required to revoke a permit for a controlled burn on a commercially managed wild blueberry field during the period in which a red flag warning is in effect if the permit includes an approved prescribed burn plan.

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

## **§9321-B. Definitions**

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

**1. Licensed camping facility.** "Licensed camping facility" means a recreational camp, youth camp or camping area licensed under Title 22, section 2495.

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

**3. Red flag warning.** "Red flag warning" means a forecast warning issued by the United States Department of Commerce, National Oceanic and Atmospheric Administration, National Weather Service or its successor, in consultation with the bureau, that informs the public, firefighters and land management agencies that conditions are ideal for wildland fire combustion and rapid spread. A red flag warning indicates for a given geographic area, until the warning is withdrawn, that the temperature is warm, the humidity is very low and strong winds are expected and that these factors produce an increased risk of fire danger.

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

**9. Recreational campfires.** A person who kindles or uses a recreational campfire, other than a licensed camping facility, may not allow the recreational campfire to exceed 3 feet in diameter on the ground at the base of the fire or 3 feet in height.

**Sec. 5. 12 MRSA §9324, sub-§10** is enacted to read:

**10. Open burning during red flag warning.** A person may not engage in open burning under section 9325, subsection 1 or 2, including a recreational campfire, in any geographic area subject to a red flag warning. Open burning without a permit under section 9325, subsection 2 is allowed at the following locations:

A. A licensed camping facility; and

B. Campsites under the jurisdiction of the Department of Agriculture, Conservation and Forestry or the Baxter State Park Authority, as long as the campsite and the use of out-of-door fires and charcoal and gas grills at the campsite comply with rules under section 9001-B, subsection 4.

**Sec. 6. 12 MRSA §9325, sub-§2, ¶A**, as enacted by PL 1991, c. 36, §4, is amended to read:

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

**Sec. 7. 12 MRSA §9325, sub-§2, ¶B**, as enacted by PL 1991, c. 36, §4, is amended to read:

B. Residential use of outdoor grills and fireplaces for recreational purposes such as preparing food, as long as the fire does not exceed 3 feet in diameter in a fireplace or grill at the base of the fire and does not exceed 3 feet in height; and