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Legislative Document

No. 866

S.P. 311

In Senate, March 12, 2015

An Act To Ensure Efficiency and Safety in the Bureau of Forestry

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

HEATHER J.R. PRIEST Secretary of the Senate

Heath & Buit

Presented by Senator BURNS of Washington.
Cosponsored by Representative NADEAU of Winslow and
Senators: DAVIS of Piscataquis, SAVIELLO of Franklin, Representatives: BEAVERS of
South Berwick, LONG of Sherman, MAKER of Calais, MALABY of Hancock, TIMMONS of
Cumberland, TURNER of Burlington.

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

- Sec. 1. 12 MRSA §8901, sub-§1, as amended by PL 2011, c. 657, Pt. X, §7 and PL 2013, c. 405, Pt. A, §23, is repealed and the following enacted in its place:
 - 1. Appointment. The Director of the Bureau of Forestry shall appoint forest rangers and the state supervisor of the forest protection unit of the Bureau of Forestry subject to the Civil Service Law. The state supervisor is appointed from among the forest rangers of the bureau.
 - A. The forest protection unit of the Bureau of Forestry shall employ no fewer than 16 forest rangers classified as Forest Ranger III to serve as the primary law enforcement officers for the unit and may enforce all laws of the State, with an emphasis on forest, natural resource and wildfire protection. Each forest ranger in this classification must meet the training, certification and evaluation standards for full-time law enforcement officers established by the department and the Board of Trustees of the Maine Criminal Justice Academy pursuant to Title 25, section 2803-A. Each Forest Ranger III must be armed with a firearm. Notwithstanding any other provision of law, only a person employed as a forest ranger by the bureau is eligible for appointment as a Forest Ranger III.
 - B. The forest protection unit of the Bureau of Forestry shall employ no fewer than 32 forest rangers classified as Forest Ranger II to serve as wildfire control specialists and forestry law enforcement officers. Each forest ranger in this classification must, at a minimum, be a graduate of the Maine Criminal Justice Academy's law enforcement preservice program or equivalent and must be equipped with a ballistic vest and an electronic control device for officer safety. Use of an electronic control device by a trained law enforcement officer is considered to be the use of nondeadly force. A Forest Ranger II may enforce laws listed in subsection 3.
 - **Sec. 2. 12 MRSA §8901, sub-§2, ¶G,** as amended by PL 1989, c. 174, §1, is further amended to read:
 - G. Carry out such other duties as the director prescribes; and
- Sec. 3. 12 MRSA §8901, sub-§2, ¶H, as enacted by PL 1989, c. 174, §2, is amended to read:
 - 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:
 - Sec. 4. 12 MRSA §8901, sub-§2, ¶¶I and J are enacted to read:
- I. Investigate, plan and implement measures regarding forest health issues, including
 the control of invasive forest insect species, and provide support to the units within
 the bureau that are responsible for forest health and insect disease control; and
- J. Subject to the supervision of the director, assist in disasters and emergencies,
 including search and rescue operations.

Sec. 5. 12 MRSA §8901, sub-§4, ¶B-1 is enacted to read:

B-1. "Electronic control device" means a portable device or weapon with an electrical current, impulse, wave or beam that may be directed toward and have a disabling effect upon human beings.

Sec. 6. PL 1999, c. 352, §§3 and 4 are repealed.

6 SUMMARY

 This bill requires the Director of the Bureau of Forestry within the Department of Agriculture, Conservation and Forestry to appoint no fewer than 16 Forest Ranger IIIs, subject to the Civil Service Law, who are each to be armed with a firearm and are selected from forest rangers employed by the bureau. A Forest Ranger III is required to meet the same training, certification and evaluation requirements as a full-time law enforcement officer as established by the department and Board of Trustees of the Maine Criminal Justice Academy. A Forest Ranger III has the same powers and duties as a sheriff or sheriff's deputy to enforce criminal and civil laws, with an emphasis on forestry, natural resource and wildfire protection laws.

Additionally, the director is required to appoint the state supervisor and no fewer than 32 Forest Ranger IIs, subject to the Civil Service Law, who serve in a role similar to that of current forest rangers and who must be provided ballistic vests and electronic control devices for their safety while performing their duties.

This bill changes the duties of forest rangers to include investigating, planning and implementing measures regarding forest health issues, including the control of invasive forest insect species, and providing support to the units within the bureau that are responsible for forest health and insect disease control. It also changes the duties of forest rangers to include providing assistance in disasters and emergencies, including search and rescue operations. It removes the prohibition of the purchase of firearms, ballistic vests and other firearms-related equipment by the Department of Conservation.