

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

This bill prohibits open burning, including recreational campfires, whether the open burning is permitted or not, during periods in which a red flag warning is in effect. The bill limits the size of recreational campfires, including those that do not require a permit. It will go into effect on October 25, 2023.

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

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

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. The director or the director's delegate shall revoke a permit for open burning during the period in which a red flag warning is in effect.

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. Recreational campfire. "Recreational campfire" means an outdoor 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 outdoor 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.

2. Red flag warning. "Red flag warning" means a forecast warning from the United States Department of Commerce, National Oceanic and Atmospheric Administration, National Weather Service or its successor, in conjunction 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 area 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 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 §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. 6. 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

Sec. 7. 12 MRSA §9325, sub-§3 is enacted to read:

3. Prohibition. A person may not engage in open burning under subsection 1 or 2, including a recreational campfire, during the period in which a red flag warning is in effect.