

§9324. Prohibited acts

1. Extinguishment of fire. Whoever by himself or by his servant, agent or guide or as the servant, agent or guide of any other person shall build a camp, cooking or other fire or use an abandoned camp, cooking or other fire in or adjacent to any woods in this State, shall, before leaving such fire, totally extinguish the same.

[PL 1979, c. 545, §3 (NEW).]

2. Time and manner of kindling. A person who kindles or uses a fire on that person's own land shall do so at a suitable time and in a careful and prudent manner and is liable in a civil action to another person injured by the failure to comply with this provision.

[RR 2021, c. 2, Pt. B, §68 (COR).]

3. Disposal of lighted material. No person shall dispose of a lighted match, cigarette, cigar, ashes or other flaming or glowing substance or any other substance or thing in such a condition that it is likely to ignite forest, brush, grass or other lands or dispose of any of the aforesaid objects or substances from a moving vehicle.

[PL 1979, c. 545, §3 (NEW).]

4. No person shall kindle or use an out-of-door fire on land of another without permission of the owner, except at public campsites and lunch grounds maintained or authorized by the bureau, state parks and state highway picnic areas. This subsection shall not apply to the use of portable stoves which are fueled by propane gas, gasoline or sterno.

[PL 1979, c. 545, §3 (NEW); PL 2011, c. 657, Pt. W, §7 (REV); PL 2013, c. 405, Pt. A, §23 (REV).]

5. Permit required. No person, firm or corporation may burn out of doors without a permit from a town forest fire warden or forest ranger, except as provided in sections 9322, 9324 and 9325.

[PL 1991, c. 36, §3 (AMD).]

6. Domestic trash.

[PL 1997, c. 512, §4 (RP).]

7. Trash.

[PL 2001, c. 626, §3 (RP).]

7-A. Solid waste. Except as provided in this subsection, the out-of-door burning of plastic, rubber, styrofoam, metals, food wastes, chemicals, treated wood or other solid wastes is prohibited in all areas of the State. For the purposes of this subsection, the term "lumber" means material that is entirely made of wood and is free from metal, plastics, coatings and chemical treatments and the term "wood wastes" means brush, stumps, lumber, bark, wood chips, shavings, slabs, edgings, slash, sawdust and wood from production rejects that are not mixed with other solid or liquid waste. The following materials are exempt from this subsection:

A. Wood wastes; [PL 2001, c. 626, §4 (NEW).]

B. Painted and unpainted wood from construction and demolition debris; [PL 2001, c. 626, §4 (NEW).]

C. Empty containers, including fiberboard boxes and paper bags, previously containing explosives and being disposed of in accordance with the provisions of Title 25, section 2472; and [PL 2001, c. 626, §4 (NEW).]

D. Explosives being disposed of under the direct supervision and control of the State Fire Marshal. [PL 2001, c. 626, §4 (NEW).]

[PL 2001, c. 626, §4 (NEW).]

8. Construction and demolition debris.

[PL 2001, c. 626, §5 (RP).]

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.

[PL 2023, c. 56, §4 (NEW).]

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 [PL 2023, c. 56, §5 (NEW).]

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. [PL 2023, c. 56, §5 (NEW).]

[PL 2023, c. 56, §5 (NEW).]

SECTION HISTORY

PL 1979, c. 545, §3 (NEW). PL 1983, c. 504, §4 (AMD). PL 1991, c. 36, §3 (AMD). PL 1997, c. 512, §§4,5 (AMD). PL 2001, c. 277, §§1,2 (AMD). PL 2001, c. 626, §§3-5 (AMD). PL 2011, c. 657, Pt. W, §7 (REV). PL 2013, c. 405, Pt. A, §23 (REV). RR 2021, c. 2, Pt. B, §68 (COR). PL 2023, c. 56, §§4, 5 (AMD).

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