

TITLE XIX-A FORESTRY

CHAPTER 227-L WOODLAND FIRE CONTROL

Permits, Prohibitions, and Penalties

Section 227-L:17

227-L:17 Permits; Damages; Penalties. –

I. It shall be unlawful for any person to kindle or cause to be kindled a fire upon the land of another without first obtaining permission from the landowner or the landowner's agent, or upon public land without the written permission from the official caretaker, excepting that upon a public recreational area where fireplaces and a supervisor are provided, presence of an official supervisor or caretaker upon such land shall constitute permission.

II. No person, firm, or corporation shall kindle or cause to be kindled any fire or shall burn or cause to be burned any material, and no city or town shall kindle or maintain a fire on a public dump, except when the ground is covered with snow, without first obtaining a written permit from the forest fire warden of the town where the burning is to be done unless it is in the presence of the warden or the warden's agent.

III. Permits for the burning of blueberry stands to increase their productivity and for the burning of waste materials of mills processing forest products may be granted by the forest ranger, provided such burnings are done under the surveillance of the landowner or the landowner's agent.

IV. Camp or cooking fires may be kindled only with written permission of the landowner or the landowner's agent and written permission of the forest fire warden of the town in which the fire is to be kindled and only at suitable times and in suitable places when the fire will not endanger woodlands; except in such towns as have adopted bylaws or regulations equally as stringent as provided in this paragraph. Camp or cooking fires may be built without written permission on public camp or picnic grounds when such areas are open for public use or private camp and picnic places where suitable fireplaces approved by the forest fire warden are provided for such fires. As used in this paragraph, a camp or cooking fire shall be a small fire suitable for cooking purposes used in connection with camp, picnic or lunch purposes and does not include the burning of household rubbish, or large amounts of brush or other flammable material. Whoever shall kindle or cause to be kindled any such fire or use an abandoned fire in or near woodlands shall totally extinguish the same before leaving it and, upon failure to do so, such person or persons shall be subject to the same liabilities and penalties as prescribed in this section.

V. Any person causing or kindling a fire without permit of the forest fire warden, when such permit is required, and any person by whose negligence, or by the negligence of the person's agents, any fire shall be caused, shall be liable in a civil action for the payment to the town, or the state or the United States, or any or all of the same, of the expenses incurred by the forest fire warden or deputy warden in attending or extinguishing such fire. The items of expenses of the fire shall be approved in writing by the director.

VI. Every person who sets fire on any land, that runs upon the land of any other person, shall pay to the owner all damages done by such fire.

VII. Any person violating any provision of this section shall be guilty of a misdemeanor, and any person who causes or kindles a fire by any means, willfully or recklessly, which shall endanger a woodland shall be guilty of a misdemeanor if a natural person, or guilty of a felony if any other person.

Source. 1995, 299:1, eff. Jan. 1, 1996. 2000, 66:1, eff. Jan. 1, 2001.