

STATE OF MAINE
RULES AND GUIDELINES
FOR
OPEN BURNING

*This pamphlet is a condensation of the following statutes
and regulatory guidelines:*

Department of Environmental Protection, Bureau of Air Quality
Chapter 102 Open Burning

Department of Conservation, Bureau of Forestry
12 MRSA Sections 9301 & 9321-9325

Revised April 2003

Open Burning is the burning of any type of combustible material out of doors in the open or in incinerators that are less than 1,000 gallons.

OPEN BURNING PERMITS

Permits are granted by the DOC Forest Ranger, the town forest fire warden or the fire chief that has jurisdiction over the location where the fire is to be set.

Permits must be issued in accordance with all applicable state and local fire regulations. ***A permit may be revoked:***

- during a period of high forest fire danger
- where a nuisance condition is created
- when permit conditions are not followed

Open Burning Permit Terms

- Burning must proceed with all necessary precautions to prevent the spread of fire and must not create any nuisance* conditions.
- Burning must follow all criteria listed on the back of the pamphlet.

Forest Rangers and town forest fire wardens are legally responsible for ensuring that all established criteria for allowable burning are followed. Any person who engages in outdoor burning that is prohibited by statute or who fails to comply with the conditions of the permit shall be guilty of a *Class E crime*.

HAZARD CLEARANCE

Any solid waste facility shall be operated with the fire preventive measures specified below and in their solid waste facility license:

- *A strip 10 feet wide cleared to mineral soil* or water supply constructed on all sides of the landfill as approved by the forest ranger and town forest fire warden.

- *A 100 foot buffer zone, cleared of vegetation, debris and other flammable material, with green branches of conifers and dead branches/snags of all trees pruned to a height of 10 feet above the ground.*
- *A watchman must be on site during periods of high forest fire hazard, when any demolition debris facility is burning,*

Outdoor burning is **prohibited** in all areas of the State, except as follows:

PERMISSIBLE OPEN BURNING WITH PERMIT

When not prohibited by local ordinances the following types of burning are permissible after a written permit has been obtained and provided no nuisance* is created:

- Recreational campfires kindled when the ground is not covered by snow, and fires in conjunction with holiday and festive celebration;
- Burning of solid or liquid fuels and structures for the purpose of research or bona fide instruction and training of municipal or volunteer firefighters and industrial fire fighters in methods of fighting fires. Criteria for bona fide instruction include:
 - ✓ Must be conducted under the direct control and supervision of qualified instructors (i.e. the fire chief or designee or a fire-fighting instructor)
 - ✓ Must have a written objective for the training.
 - ✓ Structures burned for instructional purposes must be emptied of waste materials that are not part of the training objective.
- Out-of-door burning of painted and unpainted wood and demolition debris, wood wastes [i.e. brush, stumps, lumber (material that is entirely made of wood and is free from metal, plastics, coatings and chemical treatments), bark, wood chips, shavings, slabs, edgings, slash, sawdust and wood from production rejects that are not mixed with other solid or liquid waste]. This includes burning in the open, or in an incinerator with a primary chamber volume no greater than 133 cubic feet or 1,000 gallons that is not licensed by the Department of Environmental Protection.
- Burning on site for the disposal of wood wastes and painted and unpainted wood from construction and demolition debris generated from the clearing of any land or by the erection, modification, maintenance, demolition or construction of any highway, railroad, power line, communication line, pipeline, building or development.
 - Burning of vegetative growth for hazardous abatement purposes, such as, but not limited to, the burning of grass fields.

Note: A small amount of paper or cardboard may be burned as kindling only in small amounts necessary to ensure ignition of **permissible** fires.

Burning for agricultural purposes which include but are not limited to open burning of blueberry fields, potato tops, hayfields and prescribed burning for timberland management.

- Open burning of leaves, brush, deadwood and tree cuttings accrued from normal property maintenance by the individual landowner or lessee of the land unless expressly prohibited by municipal ordinance.
- Burning of vegetative growth for hazardous abatement purposes, such as, but not limited to, the burning of grass fields.

- Burning for the containment or control of spills of gasoline, kerosene, heating oil or similar petroleum product.
- The burning of wood wastes and painted and unpainted wood from construction and demolition debris at solid waste facilities in accordance with the facility license.
- The burning of empty containers, including fiberboard boxes and paper bags, previously containing explosives and being disposed of in accordance with law.
- Explosives being disposed of under the direct supervision and control of the State Fire Marshal.

PERMISSIBLE OPEN BURNING WITHOUT A PERMIT

When not prohibited by local ordinances, the following types of burning are permissible without a permit so long as no nuisance* is created:

- Residential use of outdoor grills and fireplaces for recreational purposes such as preparing food.
- Recreational campfires kindled when the ground is covered with snow or on frozen bodies of water.
- Use of outdoor grills and fireplaces for recreational purposes such as preparing food at commercial campgrounds in organized towns, as long as the commercial campgrounds are licensed by the health engineering division of the Department of Human Services.

- **A nuisance means preventing the enjoyment of one's property.**

PERMITTEE RESPONSIBILITIES

The permittee must:

- **follow all safety guidelines**
- **have a written permit in their possession**
- **assure that no nuisance* is created**

The Permittee is responsible for the fire if it escapes and may be liable for suppression costs up to \$10,000 as well as any damages caused to other property.

PERMITTER RESPONSIBILITIES

It is the responsibility of those authorized to issue permits to understand and inform all permittees of what materials may be burned and under what conditions open burning may take place.

The number of permits issued within any town during the day should be limited according to available firefighting resources.

OPEN BURNING PERMIT CRITERIA

The criteria to be evaluated by the forest ranger or town forest fire warden before a permit can be issued are:

- forest fire danger index and burning location;
- time of day and season of year;
- temperature, humidity, windspeed and direction;
- the matter and type of burning proposed;
- for recreational fires, the feasibility of use of public campsites;
- experience and capability of permittee in the safe use and control of proposed burning;
- length of burning period;
- presence or availability of sufficient force and equipment to control the burning; and
- the practicality of locating open burning as far away as possible from any abutting property boundary and/or building, in order to prevent creating a nuisance* condition.

OPEN BURNING SAFETY CRITERIA

Appropriate wind speeds for burning are 1-10 mph. For grass burning, wind speed should be 5 mph and lower. For brush, wind speeds less than 10 mph are acceptable.

Small, hot fires assist in dispersion and produce less smoke.

Short, frequent burn periods will help ensure that weather conditions won't change and cause a nuisance from air pollution.

Fires must be attended at all times:

- **Debris or incinerators**--one adult, one garden hose or bucket of water present at all times.
- **Grass**--at least 2 adults, brooms or other appropriate items to suffocate a fire, buckets of water as well as garden hose.
- **Brush**--at least 2 adults, garden hose, buckets of water and a few hand tools such as shovel and rake.

Supplemental conditions or restrictions may be added by officials issuing permits.

Do not burn during an inversion (stagnant air conditions). The State guidelines allow open burning at the appropriate daylight hours for the season and fire hazards index. Although the Bureau of Forestry generally recommends burning after 5 p.m. for fire control safety, be aware that night time and early morning burning when air may be stagnant can create an air pollution nuisance and may necessitate a permit being revoked and the fire to be extinguished.

To protect the lives and property of its citizens, the State of Maine has adopted statutes and guidelines concerning open burning. The statutes are in two categories: 1) to protect air quality and eliminate nuisance* conditions from air pollutants, 2) to protect life and property from fire hazards.

All of open burning laws can be enforced by the DOC Forest Rangers under the authority granted to them in 12 MRSA Section 8901. Other officials that can enforce these laws include: municipal police, county sheriffs and authorized state law enforcement officers.