

# TITLE XIX-A FORESTRY

## CHAPTER 227-L WOODLAND FIRE CONTROL

### Section 227-L:1

**227-L:1 Declaration of Purpose.** – It is hereby recognized and declared that the public welfare of this state requires an efficient and effective statewide forest fire detection and protection program that will prevent control and reduce the incidence and severity of woodland fires through prevention, presuppression and suppression activities.

**Source.** 1995, 299:1, eff. Jan. 1, 1996.

### Section 227-L:2

#### **227-L:2 Duties and Authority of Director.** –

##### I. The director shall:

(a) Divide the state into forest fire districts to more effectively carry out a statewide forest fire control program.

(b) Maintain the present mountain lookout stations, establish and maintain additional stations connected by telephone lines or radio communication, and use aircraft and other available means for surveillance, detection, reporting, and control of forest fires and shall have the right to receive and hold, in the name of the state, gifts of land for observatory sites and rights of way for paths and telephone and electric lines.

##### II. The director may:

(a) Purchase firefighting equipment for resale to towns on such terms as the commissioner may approve.

(b) Cooperate with the forestry departments of the states of Maine, Massachusetts, and Vermont in the establishment and maintenance jointly of lookout stations serving New Hampshire and any of such other states.

(c) Establish, at advantageous points throughout the state, supply stations for tools and apparatus used in firefighting and provisions necessary to personnel employed, make proper maps for the use of forest rangers and wardens, build fire trails and fire lines, employ paid patrols at suitable points and at necessary times, and use other means as seem advisable to the commissioner within the limits of the appropriation.

##### III. The director, or the director's authorized agents shall:

(a) Be the primary enforcement agency for this chapter.

(b) Enforce the provisions of RSA 637 insofar as they pertain to the protection and improvement of woodlands.

##### IV. The director or the director's authorized agents may:

(a) For the purpose of performing the duties under this chapter, enter upon all lands in this state, posted or otherwise.

(b) Exercise the powers of arrest pursuant to RSA 227-G:7.

(c) Issue a written cease and desist order against any operation in violation of this chapter. Any such violation may be enjoined by the superior court, upon application of the attorney general. A person failing to comply with the cease and desist order shall be guilty of a violation.

V. The director, with the approval of the commissioner and after notice and hearing pursuant to RSA 541-A, may impose an administrative fine not to exceed \$2,000 for each offense upon any person who violates any provision of this chapter. Rehearings and appeals from a decision of the commissioner under this paragraph shall be in accordance with RSA 541. Any administrative fine imposed under this section shall

not preclude the imposition of further penalties under this chapter. The commissioner shall adopt rules, under RSA 541-A, relative to:

(a) A schedule of administrative fines which may be imposed under this paragraph for violation of this chapter.

(b) Procedures for notice and hearing prior to the imposition of an administrative fine.

VI. The proceeds of administrative fines levied pursuant to paragraph V shall be deposited by the commissioner into the forest protection personnel training fund established under RSA 227-G:5, III.

**Source.** 1995, 299:1, eff. Jan. 1, 1996.

### **Section 227-L:3**

**227-L:3 Taking Land.** – If sites or rights of way necessary for the maintenance and effective operation of lookout stations, fire trails, or lines cannot be acquired by gift or purchase, the department shall have the right to acquire the same under the power of eminent domain, and the value shall be determined as provided in RSA 227-H:3, II.

**Source.** 1995, 299:1, eff. Jan. 1, 1996.

## **Forest Fire Personnel**

### **Section 227-L:4**

**227-L:4 Forest Fire Personnel.** – The commissioner, upon the recommendation of the director, shall appoint such field and office personnel and such other assistants as the state woodland fire control program may warrant.

**Source.** 1995, 299:1, eff. Jan. 1, 1996.

### **Section 227-L:5**

#### **227-L:5 Cooperation in Forest Fire Protection. –**

I. The director, with the approval of the commissioner and the governor and council, may enter into an agreement with other states, Canadian provinces, or the federal government, or any combination of them, to exchange assistance in the control of forest fires and to train personnel. Any state employee assigned to fire control duties or training programs outside this state under such an agreement shall be deemed to be working within this state for the purposes of compensation and other employee benefits.

II. In this section, the term "employee" means any appointee, volunteer, or auxiliary member of a fire department, legally included within the firefighting forces of this state.

**Source.** 1995, 299:1, eff. Jan. 1, 1996.

### **Section 227-L:6**

**227-L:6 Duties of Personnel.** – It shall be the responsibility of such personnel appointed within the provisions of RSA 227-L:4 to carry out duties assigned by the director in enforcing state forest laws and rules; directing and aiding forest fire wardens, deputy forest fire wardens, and other forest fire personnel in the performance of their duties; and performing other duties as may be authorized by law and as directed by the director and the commissioner.

**Source.** 1995, 299:1, eff. Jan. 1, 1996.

# Forest Fire Wardens and Deputy Wardens

## Section 227-L:7

### **227-L:7 Forest Fire Warden Appointment. –**

I. The selectmen of towns and the mayors of cities shall, and other citizens may, recommend to the director the names of such persons as may in their estimation be fit to fill the offices of forest fire warden and deputy forest fire warden in their respective towns and cities.

II. After investigation the director shall appoint from the persons so recommended not more than one competent person in each town or city to be the forest fire warden for the town or city, and such deputy forest fire wardens as the director deems necessary. In such towns or cities where the fire chief is not the appointed town or city forest fire warden, the fire chief shall be appointed as deputy forest fire warden. The director may appoint a forest fire warden or deputy forest fire warden for 2 or more towns or parts of towns.

III. In unorganized places, upon the recommendation of the forest ranger, the director shall appoint a forest fire warden and one or more deputy forest fire wardens, to have the same powers and the same duties as the town forest fire wardens.

**Source.** 1995, 299:1, eff. Jan. 1, 1996.

## Section 227-L:8

**227-L:8 Special Deputy Forest Fire Wardens. –** The director may appoint as special deputy forest fire wardens persons in the employ of the department and, upon the recommendation of the forest ranger, such other persons as may be in a position to assist the director in preventing and suppressing fires. The appointees shall have the same powers and duties as the town forest fire wardens, but the powers and duties shall be exercised and performed only in emergencies or in the absence of a regularly appointed forest fire warden or deputy forest fire warden or when requested by the director or the director's agent. Appointees shall be allowed for their services such compensation as may be fixed by the commissioner and the director, and such compensation shall be deemed to be an expense of fighting woodland fires and paid by the state.

**Source.** 1995, 299:1, eff. Jan. 1, 1996.

## Section 227-L:9

**227-L:9 Term. –** Upon the appointment of a forest fire warden or deputy forest fire warden in any town, city or place, the term of office of the forest fire warden or deputy forest fire warden previously acting in such capacity shall immediately cease, and the new appointee shall serve for 3 years, or until a successor is appointed as provided in this subdivision. The term of a special deputy forest fire warden shall be 3 years.

**Source.** 1995, 299:1, eff. Jan. 1, 1996.

## Section 227-L:10

**227-L:10 Removal; Vacancy. –** The director shall have the discretionary power to remove any warden, deputy warden, or special deputy warden from office. Upon the termination in any manner of the term of office of any warden, deputy warden, or special deputy warden, a successor shall be appointed in the manner provided in this subdivision for the appointment of such officers.

**Source.** 1995, 299:1, eff. Jan. 1, 1996.

## Section 227-L:11

### **227-L:11 Duties of Forest Fire Wardens and Deputy Wardens. –**

I. Wardens and deputy wardens, or some agent or agents designated by them, shall:

(a) When directed by the director, patrol the woods in their respective cities, towns or places, warning persons who traverse the woods, campers, hunters, fishermen, and others about lighting and extinguishing fires. They shall post extracts from the fire laws and other notices sent them by the director along the highways, streams, and waters frequented by tourists and others, at campsites and in other public places.

(b) Extinguish all woodland fires occurring in their town, or elsewhere when so directed by the director or the director's authorized agent. Either of them may call such assistance as the person deems necessary to aid in extinguishing the fires, may require the use of vehicles or other equipment and property for that purpose, and may order any road or highway closed to any motor vehicle if it becomes necessary in order to safeguard the proper extinguishing of such fire. Such authority shall not interfere with the authority of chiefs of city fire departments.

(c) Make reports to the forest ranger of the district in which they are located or to the director of the division, at such time and in such form as the director may require.

II. Forest fire wardens and deputy wardens or any agent designated by them may, with the approval of the director, brush-out and make passable old roads and trails useful for the passage of personnel and equipment in case of woodland fires. Expenditures for this purpose shall be shared by the state and town, place or municipality in the same proportion as other prevention expense, except that the state's share under this section shall not exceed \$25 to any one town, place, or municipality in any year.

III. If any warden or deputy warden shall willfully neglect or refuse to perform the duties prescribed in this subdivision, the warden or deputy warden shall, upon complaint of the director, be guilty of a misdemeanor.

**Source.** 1995, 299:1, eff. Jan. 1, 1996.

## **Section 227-L:12**

### **227-L:12 Remuneration; Expenses. –**

I. Wardens and deputy wardens in towns and unorganized places shall be allowed for their services such remuneration as may be fixed by the commissioner and the director. Any regularly paid warden, deputy warden, lookout watcher, or fire patroler may be directed and used by the forest ranger or the director on any state or municipal forestry work or other public work, when in the judgment of the director the safety of woodlands is not endangered by such use.

II. The town forest fire wardens and deputy wardens attending training sessions called by the director under RSA 227-G:3, II(e) shall be paid for their time and expenses in attending such training sessions, within the limits of available funds, such payment to be borne equally by the municipalities represented and the state in the same manner as provided in RSA 227-L:22.

**Source.** 1995, 299:1, eff. Jan. 1, 1996.

## **Public Duties**

### **Section 227-L:13**

#### **227-L:13 Public Duties; Penalties. –**

I. It shall be the duty of any person who discovers a woodland fire not under control or supervision of some person to extinguish it or report it immediately to the warden or deputy warden or other public official. Whoever fails so to do shall be guilty of a violation.

II. Any person who fails to respond to the warden's call for assistance or the use of the person's property, or any person who drives a motor vehicle over a road or highway that has been closed under RSA 227-L:11, I(b), after having been instructed not to do so, shall be guilty of a violation.

III. Notwithstanding the provisions of paragraph II and RSA 227-L:11, I(b) no person authorized to

compel assistance by conscription under such authority shall order any person under the age of 18 years or over the age of 45 years (except when such person has voluntarily consented to accept direction and if under the age of 18, has furnished parental consent in writing); or any person having a physical or mental disability or who is otherwise disabled in capability to perform acts of firefighting, to perform any act of firefighting which would subject such person to the possible risk of grievous bodily injury, harm or death, except in a dire emergency, and then only if such act or acts are deemed necessary to protect and preserve public property endangered by fire, or in the case of a national emergency. Notwithstanding this limitation, nothing in this section shall be construed to limit a person's ability, if over 18 years of age, to voluntarily consent to perform acts of firefighting so long as the person agrees to accept direction of qualified firefighters and the person accepting consent is authorized by paragraph II and RSA 227-L:11, I(b) to call for such assistance and reasonably believes that the person volunteering understands the personal risk.

IV. Owners of property required by the warden or deputy warden in the extinguishment of a woodland fire shall receive reasonable compensation for their services. In case the warden or deputy warden, and the persons summoned to assist or furnish the use of property, shall fail to agree upon the terms of compensation, the dispute shall be referred to the forest ranger, the director, or the commissioner for settlement, and the decision of the commissioner shall be final.

**Source.** 1995, 299:1, eff. Jan. 1, 1996.

### **Section 227-L:14**

**227-L:14 Interference With Forest Fire Control Personnel; Penalty.** – It is unlawful to resist or attempt to resist arrest by any forest fire control personnel authorized to make arrests pursuant to RSA 227-G:7, or to obstruct or attempt to obstruct, or to intimidate or interfere with any such persons in the performance of their duties. Whoever violates the provisions of this section shall be guilty of a violation if a natural person and guilty of a misdemeanor if any other person.

**Source.** 1995, 299:1, eff. Jan. 1, 1996.

## **Permits, Prohibitions, and Penalties**

### **Section 227-L:15**

**227-L:15 Prohibiting Smoking or Kindling of Fires; Penalty.** – The governor, upon the recommendation of the director, when there is danger of starting fires in the woodlands of the state due to a period of protracted drought or excessive dryness which requires extraordinary precautions, may, with verbal approval of the council, by official proclamation, prohibit smoking in or near woodlands and prohibit the kindling of any open fire in or near woodlands in any or all parts of the state for such time as they may designate. Whoever is found guilty of violating the provisions of any proclamation issued pursuant to this section shall be guilty of a violation.

**Source.** 1995, 299:1, eff. Jan. 1, 1996.

### **Section 227-L:16**

**227-L:16 Trespass Upon or Smoking in White Mountain National Forest; Penalty.** – It shall be unlawful for any person to enter upon, or to smoke upon, lands of the United States known as the White Mountain National Forest, as now or hereafter constituted, at any time when such entry or smoking shall be forbidden by valid order made for the purpose of protecting such forest from forest fire, pursuant to the laws of the United States. Any person violating the provisions of this section shall be guilty of a violation.

**Source.** 1995, 299:1, eff. Jan. 1, 1996.

## 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.

## Section 227-L:18

### **227-L:18 Flammable Material; Penalty. –**

I. No person, firm, or corporation shall place, drop, or throw any flammable waste material on, near, or adjacent to, a public highway or private way in any place where a fire starting or burning in such waste material is liable to be or may be communicated to woodlands. Whoever is found guilty of violating the provisions of this section shall be guilty of a violation.

II. The department, by notice in writing to both the operator and the owner, may require the removal or disposal of lumber, slash, or other flammable material wherever located when in the judgment of the department such lumber, slash, or flammable material constitutes an unusual hazard endangering other property through the setting or spreading of woodland fires.

**Source.** 1995, 299:1, eff. Jan. 1, 1996.

## **Section 227-L:19**

**227-L:19 Dropping Lighted Matches, etc; Penalty.** – No person shall drop or throw from any vehicle while the vehicle is upon a public highway or private way, or from any steam, gas, or electric car where the right-of-way is adjacent to woodlands, or drop, throw, or otherwise deposit on or near such woodlands except as permitted by law, any lighted match, cigar, cigarette, live ashes, or any other substance liable to cause a fire. Whoever is found guilty of violating the provisions of this section shall be guilty of a violation.

**Source.** 1995, 299:1, eff. Jan. 1, 1996.

## **Section 227-L:20**

### **227-L:20 Suitable Exhaust Systems on Motorized Equipment; Penalty.** –

I. Any motorized vehicle, which does not bear a currently valid state inspection sticker, and other motorized equipment including generators operating in woodlands and which emits exhaust within 4 feet of the ground, shall be equipped with a suitable exhaust system which will inhibit the discharge of sparks and carbon deposits likely to cause fires. Baffled mufflers or spark arresters in good working order, tested and approved by the U.S. Forest Service or the director shall be deemed to meet these requirements. In the case of trucks, pickups, passenger cars, and motor bikes, primarily used for travel over gravel and other mineral soil roads, exhaust systems equivalent to original equipment are suitable. Any car, truck, or other vehicle that has been modified shall be required to have exhaust systems which are tight, have not been shortened excessively, and are directed away from the forest floor, or be equipped with a baffled muffler in good working condition.

II. Any such vehicle or equipment operating in woodlands, which, in the judgment of the director or the director's agent, presents an imminent danger of igniting a woodland fire, may be impounded by the director or the director's agent until equipped with a suitable exhaust system.

III. Any owner or operator who violates the provisions of this section shall be guilty of a violation.

IV. Any person who sells any new equipment or new vehicle covered by the provisions of this section that is not properly equipped shall be guilty of a violation.

**Source.** 1995, 299:1, eff. Jan. 1, 1996.

## **Fire Control Payments**

### **Section 227-L:21**

#### **227-L:21 Fire Control Payments on Federal Lands.** –

I. The expenses lawfully incurred by a forest fire warden or other authorized local fire official in the extinguishment of woodland fires on the White Mountain National Forest or other federal land within the state under a cooperative forest fire protection agreement with the state computed at rates within limits established by the director and excluding the initial costs of firefighting equipment shall be paid in the first instance by the state.

II. The forest fire warden or other authorized local fire official shall render to the director a statement of expenses incurred in extinguishing woodland fires on the federal lands described in paragraph I, showing in detail the amount and character of the services performed including names, addresses, hours worked, dates, and recommended compensation for persons authorized for fire duty by the fire warden or other authorized local fire official, costs of food and other supplies, operating and repair expenses of motorized equipment, reimbursement costs for lost and damaged pumps, hose, tools, and other fire equipment and such other costs as may be actually incurred on such fire.

III. The director shall review such bills and, upon approval, shall forward them for payment to the state treasurer. The governor shall draw a warrant on the state treasury from money in the treasury not otherwise appropriated for the payment of such bills. Upon such payment, the director shall prepare and submit to the

receiving federal agency appropriate vouchers for reimbursement to the state treasury of such costs paid by the state treasurer under this section.

IV. The director shall also prepare and submit to the receiving federal agency appropriate vouchers for reimbursement of salary and expenses of permanent and temporary employees who remain on the state payroll while on authorized duty on federal lands within the state under a cooperative forest fire protection agreement with the state, the actual cost of food and other supplies, operating and repair costs of motorized equipment, reimbursement for lost or damaged pumps, hose, tools, and other fire equipment and such other costs as actually may be incurred by the state on such cooperative fire assignment.

**Source.** 1995, 299:1, eff. Jan. 1, 1996.

## **Section 227-L:22**

### **227-L:22 Municipal Fire Control Payments; Apportionment of Expenses. –**

I. The expenses of presuppression and suppression of woodland fires in municipalities, and other expenses lawfully incurred by wardens and deputy wardens of municipalities in preventing woodland fires, shall be borne equally by the municipality and the state, except as otherwise provided in this chapter, and except that when in any one municipal fiscal year the net total of sums required for the presuppression, suppression, and prevention of woodland fires, excluding the initial cost of firefighting equipment, to be so borne by such municipality, computed at rates within limits established by the commissioner and the director, shall equal 1/4 of one percent of the latest equalized locally assessed valuation on such municipality, expenses incurred in excess of such sum shall be borne entirely by the state on the basis of the rate limits specified in this paragraph. The provisions of this section shall not apply to expenses incurred in fighting any woodland fire when, as determined by the commissioner, such fire was caused either by the negligence of the town or of its agents; or in cases in which there is negligence on the part of the town or its agents in collecting expenses from violators under RSA 227-L:17, V. Any determination of the commissioner under the provisions of the preceding sentence shall be subject to rehearing and appeal as provided in RSA 541.

II. The warden shall render to the selectmen or the mayor or the authorized city department, on blanks prepared by the director, a statement of the expenses under paragraph I, incurred by the municipality, or aiding municipality which had responded upon request, as soon as possible after they are incurred, showing in detail the amount and character of the services performed, including the costs of services rendered by volunteers, the exact duration of the service, and all disbursements made by the warden or wardens, and bearing the approval of the warden, and of the deputy warden if the expenses were incurred by the warden's authority.

III. Upon receipt of the statement, the selectmen of towns and mayors of cities, if the bill is approved, shall draw an order upon the treasurer for payment to each person employed of the amount of compensation due or to the warden for the total amount of the bill as approved, as the selectmen or mayor may determine. If payment is made to the warden, the warden shall forthwith pay to each person employed the amount of compensation due. The account of the warden shall be audited and included in the town report.

IV. Bills incurred in rendering aid to another town after having been paid in the first instance as prescribed in paragraph III shall, within 30 days of the date the aid was rendered, be presented for reimbursement to the town receiving the aid.

V. A duplicate bill, showing that the bill has been audited and paid by the municipality, shall be filed by the selectmen or the mayor with the director within 60 days of the date in which the expenses were incurred. If the director finds the expenses to be reasonable, the director shall forward the bill to the state treasurer as approved, and the governor shall draw a warrant on the state treasury in favor of the municipality for the portion of the bill for which the state is liable in accordance with the provisions of this section from any money in the treasury not otherwise appropriated. The state, however, shall not reimburse municipalities or unorganized places at a rate in excess of that established from time to time by the commissioner and the director, nor shall the state be responsible for reimbursement to municipalities for such bills upon failure to render the bills within 60 days of the date expenses were incurred.

VI. If any such bill is not paid by a municipality within 30 days from the date rendered by the warden, the

director may investigate the cause and may issue an order for payment. Upon receipt of the order, the bill shall be paid forthwith by the municipality.

**Source.** 1995, 299:1, eff. Jan. 1, 1996.

### **Section 227-L:23**

#### **227-L:23 State Fire Control Payments. –**

I. When, in the opinion of the director, the expenses of fighting woodland fires in municipalities, and other expenses lawfully incurred by wardens and deputy wardens of municipalities in preventing forest fires, shall exceed an amount equal to 1/4 of one percent of the latest equalized locally assessed valuation on such municipality, the state may pay such bills in the first instance.

II. The town forest fire warden shall submit all bills for payment to the director, certifying on the bills that the bills were lawfully incurred and a proper charge.

III. Upon receipt by the director of the bills, the director shall approve the bills and forward them for payment to the state treasurer. The governor shall draw a warrant on the state treasury from money in the treasury not otherwise appropriated for the payment of the bills.

IV. The director shall thereafter bill the responsible municipality for its proportionate share of fire expenses together with any amounts found by the director to be in excess of the rates established by the commissioner and the director as provided in RSA 227-L:22, I. Upon receipt of the bill the municipality shall reimburse the state for the amount specified.

**Source.** 1995, 299:1, eff. Jan. 1, 1996.

### **Section 227-L:24**

#### **227-L:24 Unorganized Places Fire Control Payments. –**

I. The wardens and the deputy wardens in unorganized places shall render to the director a like statement of such expenses as they have lawfully incurred under this chapter in suppressing or preventing fires in woodlands within one month of the date upon which such expenses are incurred.

II. The statement shall be audited by the director, and, if approved, the director shall draw an order upon the state treasurer for the same.

III. The expenses lawfully incurred by a warden or deputy warden in presuppression, prevention, and suppression of woodland fires in unorganized places, computed at rates within limits established by the department and excluding the initial cost of firefighting equipment, shall be paid in the first instance by the state. Any person causing or kindling a fire in an unorganized place without a permit from the forest fire warden and written permission of the woodland owner, if no previous arrangement exists between the forest fire warden and the woodland owner when such permit is required under RSA 227-L:17, I-III, and any person, by whose negligence or by the negligence of the person's agents any fires shall be caused, shall be liable to the state in a civil action for the payment of all expenses incurred in extinguishing the fire. If a fire results from unknown or natural causes, up to 1/2 of the costs, but in no case to exceed 10 percent of the assessed valuation of the property in the place, shall thereafter be added to the tax assessed the following year against the place in the same manner as is provided for the assessment of property taxes.

**Source.** 1995, 299:1, eff. Jan. 1, 1996.

## **Northeastern Interstate Forest Fire Protection Compact**

### **Section 227-L:25**

**227-L:25 Authorization. –** The governor on behalf of this state is hereby authorized to enter into a compact, substantially in the following form, with any one or more of the states of Connecticut, Maine, New

York, Rhode Island, and Vermont, and the Commonwealth of Massachusetts, and with such other states of the United States or provinces of the Dominion of Canada as may legally join therein, and the legislature hereby signifies in advance its approval and ratification of such compact so entered into, such approval and ratification to be effective upon the filing of a copy of such compact in the office of the secretary of state.

**Source.** 1995, 299:1, eff. Jan. 1, 1996.

## **Section 227-L:26**

### **227-L:26 Northeastern Interstate Forest Fire Protection Compact. –**

#### ARTICLE I.

The purpose of this compact is to promote effective prevention and control of forest fires in the northeastern region of the United States and adjacent areas in Canada by the development of integrated forest fire plans, by the maintenance of adequate forest fire fighting services by the member states, by providing for mutual aid in fighting forest fires among the states of the region and for procedures that will facilitate such aid, and by the establishment of a central agency to coordinate the services of member states and perform such common services as member states may deem desirable.

#### ARTICLE II.

This agreement shall become operative immediately as to those states ratifying it whenever any 2 or more of the states of Maine, New Hampshire, Vermont, Rhode Island, Connecticut, New York, and the Commonwealth of Massachusetts have ratified it and the Congress has given its consent. Any state not mentioned in this article which is contiguous with any member state may become a party to this compact. Subject to the consent of the Congress of the United States, any province of the Dominion of Canada which is contiguous with any member state may become a party to this compact by taking such action as its laws and the laws of the Dominion of Canada may prescribe for ratification. In this event, the term ""state" in this compact shall include within its meaning the term ""province" and the procedures prescribed shall be applied in the instance of such provinces, in accordance with the forms and practices of the Canadian government.

#### ARTICLE III.

Each state joining herein shall appoint 3 representatives to a commission hereby designated as the Northeastern Forest Fire Protection Commission. One shall be the state forester or officer holding an equivalent position in such state who is responsible for forest fire control. The second shall be a member of the legislature of such state designated by the commission or committee on interstate cooperation of such state, or if there be none, or if said commission on interstate cooperation cannot constitutionally designate the said member, such legislator shall be designated by the governor thereof; provided that if it is constitutionally impossible to appoint a legislator as a commissioner from such state, the second member shall be appointed by the governor of said state in the governor's discretion. The third member shall be a person designated by the governor as the responsible representative of the governor. In the event that any province of the Dominion of Canada shall become a member of this commission, it shall designate 3 members who will approximate this pattern of representation to the extent possible under the law and practices of such province. This commission shall be a body corporate with the powers and duties set forth herein.

#### ARTICLE IV.

It shall be the duty of the commission to make inquiry and ascertain from time to time such methods, practices, circumstances, and conditions as may be disclosed for bringing about the prevention and control of forest fires in the area comprising the member states, to coordinate the forest fire plans and the work of the appropriate agencies of the member states and to facilitate the rendering of aid by the member states to each other in fighting forest fires. The commission shall formulate and, in accordance with need, from time to time, revise a regional forest fire plan for the entire region covered by the compact which shall serve as a common forest fire plan for that area. The commission shall, more than one month prior to any regular meeting of the legislature in any signatory state, present to the governor and to the legislature of the state its recommendations relating to enactments to be made by the legislature of that state in furthering the interests and purposes of this compact. The commission shall consult with and advise the appropriate administrative agencies of the states party hereto with regard to problems connected with the prevention and control of forest fires and recommend the adoption of such regulations as it deems advisable. The commission shall have power to recommend to the signatory states any and all measures that will effectuate the prevention and control of forest fires.

ARTICLE V.

Any 2 or more member states may designate the Northeastern Forest Fire Protection Commission as a joint agency to maintain such common services as those states deem desirable for the prevention and control of forest fires. Except in those cases where all member states join in such designation for common services, the representatives of any group of such designating states in the Northeastern Forest Fire Protection Commission shall constitute a separate section of such commission for the performance of the common service or services so designated, provided that, if any additional expense is involved, the states so acting shall appropriate the necessary funds for this purpose. The creation of such a section as a joint agency shall not affect the privileges, powers, responsibilities, or duties of the states participating therein as embodied in the other articles of this compact.

ARTICLE VI.

The commission may request the United States Forest Service to act as the primary research and coordinating agency of the Northeastern Forest Fire Protection Commission, in cooperation with the appropriate agencies in each state and the United States Forest Service may accept the initial responsibility in preparing and presenting to the commission its recommendations with respect to the regional fire plan. Representatives of the United States Forest Service may attend meetings of the commission and of groups of member states.

ARTICLE VII.

The commission shall annually elect from its members a chairperson and a vice-chairperson. The commission shall appoint such officers or employees as may be required to carry the provisions of this compact into effect, shall fix and determine their duties, qualifications and compensation, and may at its pleasure, remove or discharge any such officer or employee. The commission shall adopt rules and regulations for the conduct of its business. It may establish and maintain one or more offices for the transaction of its business and may meet at any time or place but must meet at least once a year. A majority of the members of the commission representing a majority of the signatory states shall constitute a quorum for the transaction of its general business, but no action of the commission imposing any obligation on any signatory state shall be binding unless a majority of the members from such signatory state shall have voted in favor thereof. For the purpose of conducting its general business, voting shall be by state units. The representatives of any 2 or more member states, upon notice to the chairperson as to the time and purpose of

the meeting, may meet as a section for the discussion of problems common to those states. Sections established by groups of member states shall have the same powers with respect to officers, employees and the maintenance of offices as are granted by this article to the commission. Sections may adopt such rules, regulations and procedures as may be necessary for the conduct of their business.

#### ARTICLE VIII.

It shall be the duty of each member state to formulate and put in effect a forest fire plan for that state and to take such measures as may be recommended by the commission to integrate such forest fire plan with the regional forest fire plan. Whenever the state forest fire control agency of a member state requests aid from the state forest fire control agency of any other member state in combating, controlling, or preventing forest fires, it shall be the duty of the state forest fire control agency of that state to render all possible aid to the requesting agency which is consonant with the maintenance of protection at home. Each signatory state agrees to render aid to the forest service or other agencies of the government of the United States in combating, controlling, or preventing forest fires in areas under their jurisdiction located within the member state or a contiguous member state.

#### ARTICLE IX.

Whenever the forces of any member state are rendering outside aid pursuant to the request of another member state under this compact, the employees of such state shall, under the direction of the officers of the state to which they are rendering aid, have the same powers (except the power of arrest), duties, rights, privileges, and immunities as comparable employees of the state to which they are rendering aid. No member state or its officers or employees rendering outside aid pursuant to this compact shall be liable on account of any act or omission on the part of such forces while so engaged, or on account of the maintenance or use of any equipment or supplies in connection therewith. All liability that may arise either under the laws of the requesting state or under the laws of the aiding state or under the laws of a third state on account of or in connection with a request for aid, shall be assumed and borne by the requesting state. Any member state rendering outside aid pursuant to this compact shall be reimbursed by the member state receiving such aid for any loss or damage to, or expense incurred in the operation of any equipment answering a request for aid, and for the cost of all materials, transportation, wages, salaries, and maintenance of employees and equipment incurred in connection with such request. Provided, that nothing herein contained shall prevent any assisting member state from assuming such loss, damage, expense or other cost or from loaning such equipment or from donating such services to the receiving member state without charge or cost. Each member state shall provide for the payment of compensation and death benefits to injured employees and the representatives of deceased employees in case employees sustain injuries or are killed while rendering outside aid pursuant to this compact, in the same manner and on the same terms as if the injury or death were sustained within such state. For the purposes of this compact the term employee shall include any volunteer or auxiliary legally included within the forest firefighting forces of the aiding state under the laws thereof. The commission shall formulate procedures for claims and reimbursement under the provisions of this article. Aid by a member state to an area subject to federal jurisdiction beyond the borders of such state shall not be required under this compact unless substantially the same provisions of this article relative to powers, liabilities, losses, and expenses in connection with such aid are embodied in federal laws.

#### ARTICLE X.

When appropriations for the support of this commission or for the support of common services maintained by the commission or a section thereof under the provisions of article V are necessary, the commission or section thereof shall allocate the costs among the states affected with consideration of the

amounts of forested land in those states that will receive protection from the service to be rendered and the extent of the forest fire problem involved in each state, and shall submit its recommendations accordingly to the legislatures of the affected states. The commission shall submit to the governor of each state, at such time as the governor may request, a budget of its estimated expenditures for such period as may be required by the laws of such state for presentation to the legislature thereof. The commission shall keep accurate books of account, showing in full its receipts and disbursements, and said books of account shall be open at any reasonable time to the inspection of such representatives of the respective signatory states as may be duly constituted for that purpose. On or before the first day of December of each year, the commission shall submit to the respective governors of the signatory states a full and complete report of its activities for the preceding year.

#### ARTICLE XI.

The representatives from any member state may appoint and consult with an advisory committee composed of persons interested in forest fire protection. The commission may appoint and consult with an advisory committee of representatives of all affected groups, private and governmental.

#### ARTICLE XII.

The commission may accept any and all donations, gifts and grants of money, equipment, supplies, materials, and services from the federal or any local government, or any agency thereof and from any person, firm or corporation, for any of its purposes and functions under this compact, and may receive and utilize the same subject to the terms, conditions and regulations governing such donations, gifts, and grants.

#### ARTICLE XIII.

Nothing in this compact shall be construed to authorize or permit any member state to curtail or diminish its forest firefighting forces, equipment, services or facilities, and it shall be the duty and responsibility of each member state to maintain adequate forest firefighting forces and equipment to meet normal demands for forest fire protection within its borders. Nothing in this compact shall be construed to limit or restrict the powers of any state ratifying the same to provide for the prevention, control, and extinguishment of forest fires, or to prohibit the enactment or enforcement of state laws, rules or regulations intended to aid in such prevention, control, and extinguishment in such state. Nothing in this compact shall be construed to affect any existing or future cooperative relationship or arrangement between the United States Forest Service and a member state or states.

#### ARTICLE XIV.

This compact shall continue in force and remain binding on each state ratifying it until the legislature or the governor of such state takes action to withdraw therefrom. Such action shall not be effective until 6 months after notice thereof has been sent by the chief executive of the state desiring to withdraw to the chief executives of all states then parties to the compact.

**Source.** 1995, 299:1, eff. Jan. 1, 1996.

### **Section 227-L:27**

**227-L:27 When Effective.** – When the governor shall have executed said compact on behalf of this state and caused a certified copy thereof to be filed in the office of the secretary of state, as required by RSA 227-

L, and said compact shall have been ratified by one or more of the states named in article II thereof in accordance with the constitution of such state or states of the United States or provinces of the Dominion of Canada, in accordance with the laws of Canada, then said compact shall become operative and effective as between this state and such other state or states of the United States or provinces of the Dominion of Canada. The governor is hereby authorized and directed, upon the execution of said compact by the governor and filing of the required copy thereof in the office of the secretary of state, to notify forthwith the governors of the said named states and the President of the United States, that the state on its part has ratified said compact; or in the instance of a province of the Dominion of Canada the proper officials of that province and that dominion through the United States Secretary of State. The original notice of ratification received from the governor or other duly authorized official of any state or province joining in said compact shall be filed with the official copy of said compact in the office of the secretary of state, and such notice, if any, as may be received from the President or the Congress of the United States, signifying the consent of the Congress to said compact, shall be filed in the same manner.

**Source.** 1995, 299:1, eff. Jan. 1, 1996.

### **Section 227-L:28**

**227-L:28 Commission.** – After the aforesaid compact shall become operative and effective as provided for in RSA 227-L:27, the governor shall appoint 3 members hereinafter called commissioners of the Northeastern Forest Fire Protection Commission. One of such commissioners shall always be the director of the division of forests and lands, department of resources and economic development. The second shall be a member of the legislature, and the third shall be a citizen of the state designated by the governor as a responsible representative to serve at the pleasure of the governor.

**Source.** 1995, 299:1, eff. Jan. 1, 1996.

### **Section 227-L:29**

**227-L:29 Compensation.** – The commissioners shall serve without compensation but shall be reimbursed for their actual expenses incurred in the performance of their duties.

**Source.** 1995, 299:1, eff. Jan. 1, 1996.

### **Section 227-L:30**

**227-L:30 Report.** – The commissioners on the part of the state shall keep accurate accounts of all receipts and disbursements and shall report to the governor on or before the seventh day of January annually, setting forth in detail the transactions of the commission during the preceding calendar year, and shall include in said report recommendations for any legislative action that the commission deems advisable, including such amendments or additions to the laws of the state as may be necessary or desirable to carry out the intent and purposes of the Northeastern Interstate Forest Fire Protection Compact.

**Source.** 1995, 299:1, eff. Jan. 1, 1996.

### **Section 227-L:31**

**227-L:31 Powers.** – There is hereby granted to the commission and the commissioners thereof all the powers provided for in the said compact and all the powers necessary or incidental to the carrying out of said compact in every particular. All officers of the state of New Hampshire are hereby authorized and directed to do all things falling within their respective provinces and jurisdiction necessary or incidental to the carrying out of said compact in every particular; it being hereby declared to be the policy of the state of

New Hampshire to perform and carry out the said compact and to accomplish the purposes thereof and to execute a compact on behalf of the state of New Hampshire with any one or more of the states of Maine, Vermont, Connecticut, Rhode Island, and New York and the Commonwealth of Massachusetts and with such other states of the United States or provinces of the Dominion of Canada as may legally join therein. All officers, bureaus, departments, and persons of and in the state government or administration of the state of New Hampshire are hereby authorized and directed at convenient times and upon request of the said commission to furnish the said commission with information and data possessed by them or any of them and to aid said commission by any means lying within their legal rights respectively.

**Source.** 1995, 299:1, eff. Jan. 1, 1996.

### **Section 227-L:32**

**227-L:32 Payment by State.** – Upon recommendation of the director of the division of forests and lands, department of resources and economic development, and upon warrant of the governor with the approval of the council, the state treasurer shall pay out of any money in the treasury not otherwise appropriated to any state giving aid within the state under this chapter, such sums as shall be due under the terms of this chapter.

**Source.** 1995, 299:1, eff. Jan. 1, 1996.

### **Section 227-L:33**

**227-L:33 Reimbursement by Towns.** – Each town receiving aid under the provisions of this chapter shall reimburse the state for payments made by the state under RSA 227-L:32 in the same proportion and to the same extent that such town would be required under RSA 227-L:22 to bear such expense if it had been incurred within the state.

**Source.** 1995, 299:1, eff. Jan. 1, 1996.

### **Section 227-L:34**

**227-L:34 Reimbursement Procedure.** – When the state has made any payment under RSA 227-L:32, the director of the forests and lands shall, in writing, notify all towns involved, of the amount of their liability as provided in RSA 227-L:33, and within 60 days of the receipt of such notice, the respective towns shall remit the amount due to the state treasurer.

**Source.** 1995, 299:1, eff. Jan. 1, 1996.

### **Section 227-L:35**

**227-L:35 Distribution to Towns.** – When the state receives payment from another state for aid given by towns under the provisions of this chapter, the director of the division of forests and lands shall advise the state treasurer the amount due each town involved, and the state treasurer shall distribute the amounts due, to the respective towns. The governor is hereby authorized to draw a warrant for the respective amounts due.

**Source.** 1995, 299:1, eff. Jan. 1, 1996.