

Department of Legislative Services  
Maryland General Assembly  
2007 Session

FISCAL AND POLICY NOTE  
Revised

House Bill 102

(Wicomico County Delegation, Worcester County  
Delegation, and Somerset County Delegation)

Environmental Matters

Education, Health, and Environmental Affairs

---

Natural Resources - Open Air Burning Limitations - Application

---

This bill modifies exceptions to the prohibition regarding open air burning in an area in which a burning ban has been imposed.

The bill takes effect June 1, 2007.

---

Fiscal Summary

**State Effect:** The bill would not significantly affect State operations or finances.

**Local Effect:** The bill would authorize local fire departments to conduct open air burning in an area in which a burning ban has been imposed provided qualified personnel are in direct control. This should not have a significant impact on local finances. Wicomico County reports that the bill will offer special event organizers flexibility when locating trained assistance to provide adequate fire protection when State burning bans are imposed. Montgomery County reports that the bill will provide the ability to have live burn training exercises during periods of burning bans.

**Small Business Effect:** Minimal.

---

Analysis

**Bill Summary:** Under the bill, the prohibition would not apply to supervised burnings of buildings or solid, liquid, or gaseous fuels conducted under the direct control and supervision of qualified instructors at a training center operated by a fire department or

any other supervised burning conducted under the direct control and supervision of qualified fire instructors or, in Wicomico County, Worcester County, or Somerset County, specified personnel of a fire department that has jurisdiction over the area where the supervised burning occurs.

**Current Law:** A person may not start or allow open air burning in an area in which a burning ban imposed by the Secretary of Natural Resources is in effect.

“Open air burning” means a fire where any material is burned in the open or in a receptacle other than a furnace, incinerator, or other equipment connected to a stack or chimney. The term does not include the supervised burning of buildings or solid, liquid, or gaseous fuels conducted under the direct control and supervision of qualified instructors at a training center operated by a fire department or any other supervised burning conducted under the direct control and supervision of qualified instructors.

A “burning ban” means a complete ban on all open air burning that is declared by the Secretary or the Governor as a result of prolonged or unusual conditions conducive to the easy starting and spread of fire.

---

### **Additional Information**

**Prior Introductions:** None.

**Cross File:** SB 237 (Senators Stoltzfus and Colburn) – Education, Health, and Environmental Affairs.

**Information Source(s):** Department of Natural Resources, Department of State Police, Anne Arundel County, Dorchester County, Garrett County, Montgomery County, Prince George’s County, Somerset County, Wicomico County, Worcester County, Department of Legislative Services

**Fiscal Note History:** First Reader - February 1, 2007  
mll/ljm Revised - Updated Information - February 13, 2007  
Revised - House Third Reader - March 20, 2007

---

Analysis by: Lesley G. Cook

Direct Inquiries to:  
(410) 946-5510  
(301) 970-5510