



Maine Forest Products Council

Maine's woods are working

Maine Forest Products Council Testimony in Opposition to: LD 297, An Act To Require Forest Rangers To Be Trained in Order To Allow Them To Carry Firearms

April 24, 2013

Patrick Strauch, Executive Director

Senator Gerzofsky, Representative Dion and members of the Criminal Justice and Safety Committee, I am Patrick Strauch, executive director of the Maine Forest Products Council. I am here today to oppose LD 297.

MFPC is a trade association formed in 1961. We have more than 350 member companies, which represent all segments of the forest industry in Maine. We speak for logging contractors, sawmills, paper mills, biomass energy facilities, pellet manufacturers, furniture manufacturers, and on behalf of more than nine million acres of commercial forestland in Maine. We have a special interest in forest protection because our industry depends on a strong and healthy forest.

The safety of forest rangers is very important to MFPC, so we have researched this issue thoroughly. We requested statistics from the Maine Forest Service and the Maine Department of Labor, which we are happy to share with the committee. We've reviewed the report of Maine's Ranger Safety Review Committee, which considered this issue carefully when the Legislature was asked to arm rangers in the late 1990s. Most importantly, we've tried to assess the level of risk forest rangers encounter and determine whether carrying guns would decrease that risk or elevate it.

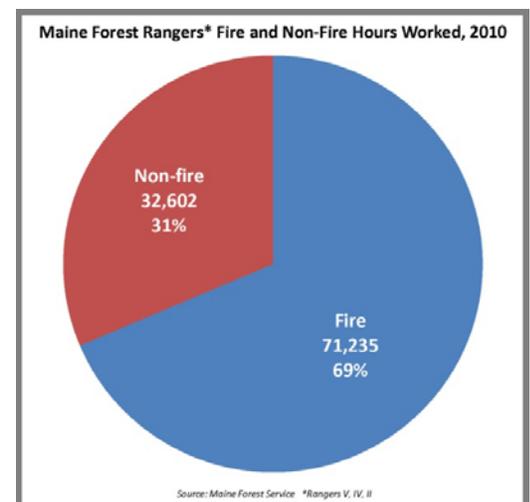
It's important to assess risk as it relates to the core mission of Maine Forest Service's Forest Protection Division: "To protect homes and Maine's forest resources from wildfire, respond to disasters and emergencies and to enhance the safe, sound, and responsible management of the forest for this and future generations."

Forest rangers took their first steps into law enforcement in 1947, after Maine's most devastating fire season made it clear that fighting fires wasn't enough – they had to be prevented. Laws regulating open burning were enacted and it only made sense for rangers to enforce them. Rangers still spend the majority of their time on protecting Maine's forest from fire, but their efforts have expanded to prevent and control insect and disease outbreaks, and to insure sound forest practices.

The law enforcement authority of rangers is, by statute, "for the purpose of enforcing forest and forest preservation laws, laws of the Maine Land Use Planning Commission and laws and rules relating to the lands under the jurisdiction of the Division of Parks and Public Lands."

Forest rangers have always prided themselves on what some call "law enforcement with a white hat." They rely heavily on education and outreach, not apprehending criminals.

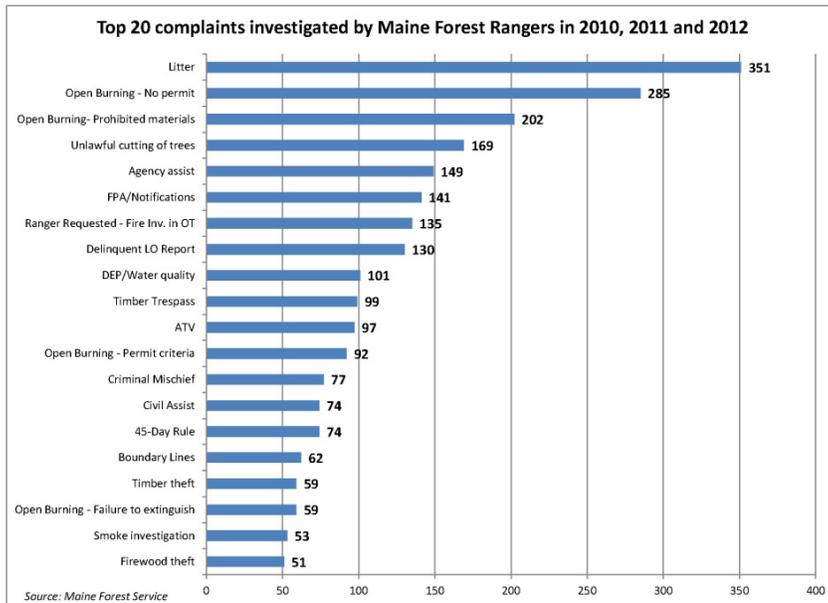
"We're very much into the good-guy image," one ranger told a reporter when this issue came before the Legislature in 1999. "We're Smokey the Bear. We're everybody's friend."



Preserving that image is crucial to their mission. Maine is 83 percent forested, including 17.1 million acres of timberland. Right now there are 74 forest rangers. They need the support and trust of Maine people. That’s why rangers work so hard to enlist the help of local firefighters and to educate citizens and visitors about fire hazards and forest protection. That’s why they issue only about 500 summonses a year. By comparison, Maine’s game wardens issue about 4,000 summonses annually.

Rangers spend only about 25 percent of their time on activities related to law enforcement and more than half those hours are spent on fire activities or enforcing the Forest Practice Act. More hours are devoted to working on compliance with LUPC (formerly LURC) and DEP.

Another key element to consider is the nature of the offenses that forest rangers enforce. For the past three years



Year	Summonses	Warnings
2005	444	542
2006	631	625
2007	680	570
2008	437	419
2009	571	765
2010	415	822
2011	399	741
2012	547	598

combined, the number one complaint investigated was littering and number two was lack of a burning permit. Those two complaints alone accounted for 20 percent of the 2,913 total complaints that rangers responded to in 2010, 2011 and 2012. More serious complaints occur much more rarely. Complaints of timber theft, for example, accounted only two percent of total complaints and arson not quite 1 percent.

MFS law enforcement policies stress that forest rangers “shall not” execute arrest warrants and they may assist other law enforcement officers to execute arrest warrants only with approval from a supervisor and “only when required to identify persons or elements of an arrest warrant.” Only in “ex-

treme” cases should a ranger make an arrest, the policy says.

“The primary focus of enforcement by the Forest Protection Division is to prevent violations from occurring. Prevention of violations will be achieved by educating the public through individual and public contacts, by inspections and by patrolling areas of potential violations. In all law enforcement situations, the safety of the forest ranger and others is of primary importance,” the policy says.

There is no way, in any profession, to reduce risk to zero, but forest rangers are trained to manage and minimize risk and avoid conflict. According to MFS and workers comp statistics, that system is working very well.

At MFPC’s request, Mark Dawson of the Maine Department of Labor researched injuries and fatalities to forest rangers as a result of violence and, for comparison, game wardens and marine patrol officers (both armed), as well as biologists, park rangers, foresters and ranger pilots.

Over the past 30 years, in all those professions, Dawson found no fatalities. Reliable data on injuries was available only for the past 20 years, Dawson said, but he found no violence-related injuries to forest rangers or any of the others, except game wardens. Three game wardens had suffered injuries at the hands of another person: 1993, “Kick, hit or beat by person;” 1997, “Tried to stop ATV operator,” and 2001, “Injured knee while apprehending a suspect.”

A single fact speaks volumes about how well Maine's forest rangers interact with the public and manage risk. They have carried pepper spray for self defense for many years, yet only one ranger has ever used it – against a threatening dog in 2008.

Rangers file "Use of Force" reports when they feel threatened or when force is used in their presence, such as when state police or wardens take a person into custody. Of the 19 incidents reported since 2008, 17 took place in organized townships, where other law enforcement officers were available, and two in unorganized territory.

Only three times were "weapons" present – a homeowner was holding a firearm and another an axe, while the third seemed unable to control the threatening dog. No one was hurt, nor were any charges filed.

There were two incidents in which a ranger made contact with a "subject." One ranger put his hands on a subject's chest – literally keeping him at arm's length. Another ranger handcuffed a subject who "appeared under the influence" until a state trooper arrived. The most serious threats were left on a ranger's voicemail in 2008, but though that was certainly disturbing, it did not present an immediate danger, nor lead to an altercation.

It's also very important to recognize, as Maine's Ranger Safety Review Committee concluded in 1998, that carrying a firearm presents its own added risk and, if rangers are armed, they're more likely to be called into dangerous situations to aid other law enforcement officers.

That is exactly how the most serious injury to a Maine forest ranger occurred in 1989. A Washington County deputy asked a ranger to help him locate a man who had requested urgent medical aid. When they pulled into the man's driveway, he began firing. The deputy radioed for help, backed the cruiser to a safer spot. They stopped traffic, warned neighbors and took up a defensive position behind a building. But as they waited for reinforcements, the man fired from behind them, hitting the ranger, who spent six weeks recovering. Lack of a gun wasn't an issue; the ranger was holding the deputy's shotgun when he was shot. State police later stormed the mobile home and arrested the gunman, who got a lengthy sentence for attempted murder.

New Hampshire armed its forest rangers about seven years ago, in part because a ranger in a remote town was involved in a physical altercation, but managed to leave unharmed. Since then, N.H. rangers have only once drawn their weapons in a threatening situation, according to State Forester Brad Simpkins. A gunman killed one person and wounded two others in Pittsburg, N.H., on Nov. 2, 2010. "I believe they had to draw their weapons when they surrounded the building that the gunman was supposedly in," Simpkins said in an email, "but they were there assisting the police chief and state police."

So after careful consideration, MFPC opposes LD 297 because:

- Forest rangers have successfully relied for decades on good sense, caution and the ability to anticipate when they should enlist back-up from state police, game wardens and local police officers.
- As the Ranger Safety Review Committee concluded in 1998, "overall the current risk of serious bodily injury or death posed by citizens to unarmed Forest Rangers while performing their mission would essentially remain the same if Rangers were to carry a firearm, because carrying itself presents its own added risk to the Ranger and, if armed, Rangers are more likely to be called into dangerous emergency situations to aid other law enforcement agencies."
- Equipping, training and retraining rangers to carry guns would divert time and resources from their mission – protecting the forests of Maine.
- Wearing a gun would change the relationship of trust and confidence that exists between Maine's forest rangers and the public. We would rather change the job to further minimize risk, than see that trust and confidence diminish.

Maine legislators rejected bills to arm rangers by large margins in 1999, 2000 and 2001. We hope you will do the same. We agree with former Conservation Commissioner Ron Lovaglio, who said, "It's not our mission to be a strike force. We have been unarmed since our beginning and we have done our job exceedingly well."