

MAINE STATE LEGISLATURE

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(New Draft of H.P. 1422, L.D. 1867)

SECOND REGULAR SESSION

ONE HUNDRED AND ELEVENTH LEGISLATURE

Legislative Document

No. 2142

H.P. 1625

House of Representatives, March 2, 1984

Reported by the Majority from the Committee on Energy and Natural Resources and ordered printed under Joint Rules 2.

Original bill presented by Representative Racine of Biddeford.

Cosponsored by Representative Dexter of Kingfield, Representative Ridley of Shapleigh and Representative Jacques of Waterville.

EDWIN H. PERT, Clerk

STATE OF MAINE

IN THE YEAR OF OUR LORD
NINETEEN HUNDRED AND EIGHTY-FOUR

AN ACT Concerning the Open Burning of
Leaves and Brush.

Be it enacted by the People of the State of Maine as follows:

Sec. 1. 38 MRSA §599, sub-§2, ¶F, as repealed and replaced by PL 1983, c. 504, §7, is repealed and the following enacted in its place:

F. The residential open burning of leaves, brush, deadwood and tree cuttings accrued from normal maintenance by the individual land or homeowner or lessee thereof is prohibited, unless expressly allowed by the municipality in all or part of the municipality through an ordinance or unless the land on which that burning takes place is located in a plantation or an unorganized territory. Any municipality which adopts such an open-burning policy shall file the ordinance with

the Department of Environmental Protection upon its passage. No municipality which is designated as a nonattainment area for particulate matter may allow open burning under this paragraph.

Sec. 2. 38 MRSA §599, sub-§3, ~~TF~~, as repealed and replaced by PL 1983, c. 504, §7, is repealed and the following enacted in its place:

F. Residential open burning of leaves, brush, deadwood and tree cuttings accrued from normal property maintenance by the individual land or homeowner or lessees thereof where allowed in accordance with subsection 2, paragraph F;

Sec. 3. Effective date. This Act shall take effect on January 1, 1985.

STATEMENT OF FACT

This new draft prohibits open burning of leaves and brush, except in the unorganized territory or in plantations or in municipalities that expressly authorize it. Thus, all municipalities are treated equally. To protect air quality, municipalities in nonattainment areas for particulate matter may not authorize such open burning.

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