## MAINE STATE LEGISLATURE

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## 118th MAINE LEGISLATURE

## FIRST REGULAR SESSION-1997

Legislative Document

No. 967

H.P. 703

House of Representatives, February 11, 1997

An Act to Expand Recycling through Reduced Burning.

Reference to the Committee on Natural Resources suggested and ordered printed.

OSEPH W. MAYO, Clerk

Presented by Representative VOLENIK of Brooklin.

Cosponsored by Representatives: BERRY of Livermore, GAGNE of Buckfield.

•	Be it enacted by the People of the State of Maine as follows:
2 4	Sec. 1. 12 MRSA §9324, sub-§6, as enacted by PL 1983, c. 504, §4, is repealed.
6	Sec. 2. 12 MRSA §9325, sub-§1, ¶E, as enacted by PL 1991, c. 36, §4, is repealed.
8	Sec. 3. 38 MRSA §2143 is enacted to read:
10	§2143. Burning of solid waste prohibited
12 14	1. Prohibition. Except as provided in subsection 2, the burning of solid waste is prohibited.
16	2. Exemptions. When not prohibited by other law, rule or local ordinance and provided that any required permits have been
18	obtained, the following activities are exempt from the prohibition in subsection 1:
20	A. The burning of materials, not including chemically
22	treated wood, that are customarily burned in fireplaces, wood stoves, campfires and outdoor grills, provided that the
24	materials are not burned for purposes of disposal;
26	B. The burning of yard wastes or natural wood;
28	C. The incineration of solid waste at a waste facility that is regulated by the department;
30	D. The burning of structures and solid or liquid fuels for
32	the purpose of bona fide instruction and training of municipal, volunteer or industrial firefighters when
34	conducted under the direct control and supervision of qualified instructors;
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38	E. The burning in forest areas of brush, tree cuttings and slash that are the result of logging or site-clearing activities;
40	F. Burning for the following purposes:
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44	(1) Weed abatement;
46	(2) Disease prevention or control;
48	(3) Forest fire prevention or control; or
50	(4) Agricultural, forestry or wildlife habitat management;
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2	G. Burning that is necessary to abate imminent threats to
4	<pre>public health, safety and welfare; and</pre>
6	H. Burning of waste in year-round island communities that are not connected to the mainland by bridge and whose trash is not transported to the mainland at state expense.
-8	18 not transported to the maintain at state expense.
10	SUMMARY
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14	This bill prohibits the burning of solid waste. The following activities are exempt from the prohibition:
16	<ol> <li>The burning of materials customarily burned in fireplaces, wood stoves, campfires and grills;</li> </ol>
18	
20	2. The burning of yard wastes or natural wood;
22	<ol><li>The incineration of solid waste at a regulated waste facility;</li></ol>
24	4. The burning of structures and solid or liquid fuels for the purpose of instruction and training of firefighters;
26	5. The burning in forest areas of brush, tree cuttings and
28	slash;
30	6. Burning for the purposes of weed abatement; disease
32	prevention or control; forest fire prevention or control; or agricultural, forestry or wildlife habitat management;
34	7. Burning that is necessary to abate imminent threats to
36	public health, safety and welfare; and
38	<ol><li>8. Burning of waste in year-round island communities that are not connected to the mainland by bridge.</li></ol>
40	The bill also repeals existing statutory provisions that

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