

MAINE STATE LEGISLATURE

The following document is provided by the
LAW AND LEGISLATIVE DIGITAL LIBRARY
at the Maine State Law and Legislative Reference Library
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied
(searchable text may contain some errors and/or omissions)

**This document is from the files of the Office of
the Maine Attorney General as transferred to
the Maine State Law and Legislative Reference
Library on January 19, 2022**

STATE OF MAINE

Inter-Departmental Memorandum Date August 29, 1975

To David Tudor, Chief, Bureau of Air
Quality
From Donald G. Alexander, Assistant

Dept. Environmental Protection
Dept. Attorney General

Subject Open burning variance; Town of Houlton

Your memorandum of August 27th asks if towns of the size of Houlton may receive open burning variances if applied for after September 1, 1975. The answer is that the changes in statutes adopted this year in no way require that towns apply for variances before September 1, 1975, or lose all options.

The relevant statutory provision is 38 M.R.S.A. § 599-1-D as adopted by P.L. 1975, Chapter 228. That law provides:

"Open burning of solid waste materials at a municipal solid waste disposal site serving 1,000 or more persons is prohibited after September 1, 1975, unless the owners and lessee of the municipal solid waste disposal site apply for a variance under this section from the Board of Environmental Protection"

Though this section may be ambiguous, the clear intent is to allow municipalities to apply for variances at any time.


DONALD G. ALEXANDER
Assistant Attorney General

DGA:mfe