

MAINE STATE LEGISLATURE

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ONE HUNDRED AND SECOND LEGISLATURE

Legislative Document

No. 1192

S. P. 375

In Senate, February 16, 1965

Referred to the Committee on Appropriations and Financial Affairs. Sent down for concurrence and ordered printed.

EDWIN H. PERT, Secretary

Presented by Senator Casey of Washington.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
SIXTY-FIVE

AN ACT Relating to Study of Air Pollution.

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

Sec. 1. R. S., T. 22, c. 565, additional. Title 22 of the Revised Statutes is amended by adding a new chapter 565, to read as follows:

CHAPTER 565

AIR POLLUTION

§ 2551. Definitions

The following terms as used in this chapter shall, unless the context otherwise requires, have the following meanings:

1. Air contaminant. "Air contaminant" is dust, fumes, gas, mist, smoke or vapor or any combination thereof.

2. Air contaminant source. "Air contaminant source" is any and all sources of emission of air contaminants, whether privately or publicly owned or operated. Without limiting the generality of the foregoing, this term includes all types of business, commercial and industrial plants, works, shops and stores, and heating and power plants and stations, buildings and other structures of all types, including single and multiple family residences, apartments, houses, office buildings, public buildings, hotels, restaurants, schools, hospitals, churches and other institutional buildings, automobiles, trucks, tractors, buses and other motor vehicles, garages and vending and service locations and stations, railroad locomotives, ships, boats and other waterborne craft, portable fuel-burning equipment, incinerators of all types, indoor and outdoor, refuse dumps and piles, and all stack and other chimney outlets from any of the foregoing.

3. Air pollution. "Air pollution" is presence in the outdoor atmosphere of one or more air contaminants in sufficient quantities and of such characteristics and duration as to be or may tend to be injurious to human, plant or animal life or to property, or which reasonably interfere with the comfortable enjoyment of life and property.

4. Person. "Person" is any individual, partnership, firm, company, public or private corporation, association, joint stock company, trust, estate, municipality or any other legal entity, or their legal representative, agent or assigns.

§ 2552. Powers and duties of the Department of Health and Welfare

The Department of Health and Welfare shall be authorized and empowered to:

1. Studies. Conduct studies, investigations and research relating to air pollution, its causes and effects and its possible prevention, control and abatement;

2. Information. Collect and disseminate information relating to air pollution, its prevention and control;

3. Voluntary cooperation. Encourage voluntary cooperation by persons, towns, cities and counties or other affected groups in restoring and preserving a reasonable degree of purity of air within this State;

4. Encouragement. Encourage authorized air pollution agencies of towns, cities and counties to handle air pollution problems within their respective jurisdictions to the greatest extent possible;

5. Technical assistance. Provide technical assistance to towns, cities and counties requesting same for the furtherance of a study of air pollution;

6. Grants. Accept and administer grants or other funds or gifts for the purpose of carrying out any of the provisions of this chapter;

7. Entering premises. Enter at all reasonable times in or upon any private or public property, except private residences, for the purpose of inspecting and investigating conditions relating to the pollution of the air of this State;

8. Cooperation from others. Require persons engaged in operations which may result in or contribute to air pollution to supply information when available about pollution, including but not limited to composition of effluents, sources of emission and rates of discharge; provided, however, that no person shall be required to disclose any secret formulae, processes or methods used by any manufacturing operation carried on by him or under his direction;

9. Moneys. Budget and receive duly appropriated moneys for expenditures to carry out this chapter.

It shall be unlawful in any manner to hinder, obstruct, delay, resist, prevent or in any way interfere or attempt to interfere with the Department of Health and Welfare and its personnel in the performance of any duty under this chapter, or to refuse to permit such personnel to perform their duty by refusing them entrance to any premises at reasonable hours, after proper identification.

§ 2553. Penalty

Any person who violates any of the provisions of this chapter, or who fails to perform any duty imposed by this chapter shall be guilty of a misdemeanor, and in addition thereto may be enjoined in a civil action by a court of competent jurisdiction from continuing such violation.

§ 2554. Injunctive relief

A civil action may be instituted by the Attorney General in the appropriate court on behalf of the department for injunctive relief to prevent the violation of this chapter, and said court may proceed in the action in a summary manner or otherwise and in all such cases may restrain any person from violating any of the provisions of this chapter.

§ 2555. Ordinances

Nothing in this chapter shall prevent towns, cities or counties from enacting ordinances with respect to air pollution which will not conflict with this chapter and which are designed to effectuate the general intent and purpose expressed in this chapter.

Sec. 2. Study. The Department of Health and Welfare is authorized and empowered to conduct a study of air pollution and make a report of their findings, including recommendations for future action, to the 103rd Legislature in regular session.

Sec. 3. Appropriation. There is appropriated from the General Fund to the Department of Health and Welfare the sum of \$15,000 for the fiscal year ending June 30, 1966 and the sum of \$15,000 for the fiscal year ending June 30, 1967. The breakdown shall be as follows:

HEALTH AND WELFARE, DEPARTMENT OF	1965-66	1966-67
Personal Services (2)	\$10,500 (2)	\$11,150
All Other	4,500	3,850
	\$15,000	\$15,000