

MAINE STATE LEGISLATURE

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ONE HUNDRED AND FIFTH LEGISLATURE

Legislative Document

No. 887

H. P. 657

House of Representatives, February 16, 1971

Referred to Committee on Natural Resources. Sent up for concurrence and ordered printed.

BERTHA W. JOHNSON, Clerk

Presented by Mr. McCloskey of Bangor.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
SEVENTY-ONE

AN ACT to Regulate Noise Pollution of the Supersonic Transport under the
Environmental Improvement Commission.

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

Sec. 1. R. S., T. 38, § 582, sub-§ 1, amended. Subsection 1 of section 582 of Title 38 of the Revised Statutes, as enacted by section 1 of chapter 474 of the public laws of 1969, is amended to read as follows:

1. **Air contaminant.** "Air contaminant" includes, but is not limited to, dust, fumes, gas, mist, noise, particulate matter, smoke, vapor or any combination thereof.

Sec. 2. R. S., T. 38, § 582, sub-§ 2, amended. The 2nd sentence of subsection 2 of section 582 of Title 38 of the Revised Statutes, as enacted by section 1 of chapter 474 of the public laws of 1969, is amended to read as follows:

Without limiting the generality of the foregoing, this term includes all types of business, commercial and industrial plants, works, shops and stores; heating and power plants and stations; building and other structures of all types, including single and multiple family residences, apartments, houses, office buildings, hotels, restaurants, schools, hospitals, churches and other institutional buildings; garages and vending and service locations and stations, railroad locomotives, aircraft noise at a level greater than 108 perceived noise, in decibels, ships, boats and other water-borne craft; portable fuel-burning equipment, indoor and outdoor incinerators of all types, refuse dumps and piles; and all machinery, equipment, stack, conduit, flue, duct, vent, chimney or other apparatus leading out of any of the foregoing.

Sec. 3. R. S., T. 38, § 582, amended. Section 582 of Title 38 of the Revised Statutes, as enacted by section 1 of chapter 474 of the public laws of 1969, and as amended, is further amended by adding at the end a new paragraph to read as follows :

Any emission of aircraft noise at a greater level than 108 perceived noise, in decibels shall be constituted prima facie evidence of air contamination and the commission, after investigation may bring on behalf of the State of Maine, in a class action, or in any other action deemed appropriate, a suit to enjoin any aircraft or supersonic transport which creates noise at a level greater than 108 perceived noise, in decibels from landing at Maine airports, or in the alternative to seek damages on behalf of Maine citizens, whose health, property or well-being have been harmed by the operations of the aircraft or supersonic transport in the State of Maine.

STATEMENT OF FACT

This Legislature recognizes the growing problem of noise pollution throughout the State, and that Maine residents, particularly in urban areas, are daily assaulted with increased noise from advancing technology, machines, vehicles, and human clamor, declares that excessive noise must be considered a degradation of our environment and a health hazard to our citizens. This Legislature further is particularly concerned that the proposed supersonic transport which will significantly increase the noise level surrounding our state's airports; that indications of a landing noise rate of 124 perceived noise, in decibels for the supersonic transport are 40 times as loud as the existing noise of 108 PNdB for present subsonic transports, which is the proposed Federal Aviation Administration limit (proposed regulation, Docket 9337, Notice 69-1); that hopefully the Federal Aviation Administration will impose a 108 PNdB limit for all aircraft, which would not allow the supersonic transport to land at urban airports unless design changes are made; and that it is necessary to impose a noise limit for the State of Maine, as a necessary and proper function of a state's police and health powers, in order to protect the welfare of the citizens of Maine.