

MAINE STATE LEGISLATURE

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ONE HUNDRED AND FIFTH LEGISLATURE

Legislative Document

No. 1675

H. P. 1274

House of Representatives, April 15, 1971

Reported by a Minority of the Committee on Natural Resources and printed under Joint Rules No. 18.

BERTHA W. JOHNSON, Clerk

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 from commercial aircraft whose noise certificate application was made to the Federal Aviation Administration on or after December 1, 1969 at a noise level greater than that established in Federal Aviation Administration Regulations, Part 36, measured at distances established by Federal Aviation Administration Regulations, Part 36, 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 that established by the Federal Aviation Administration Regulations, Part 36, measured at distances established in the Federal Aviation Administration Regulations, Part 36, 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 that established by the Federal Aviation Administration Regulations, Part 36, measured at distances established in the Federal Aviation Administration Regulations, Part 36, 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.