

# MAINE STATE LEGISLATURE

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(EMERGENCY)  
FIRST SPECIAL SESSION

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ONE HUNDRED AND SIXTH LEGISLATURE

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**Legislative Document**

**No. 2478**

H. P. 1941

House of Representatives, February 1, 1974

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

E. LOUISE LINCOLN, Clerk

Presented by Mr. Martin of Eagle Lake.

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STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED  
SEVENTY-FOUR

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**AN ACT Simplifying Variance Procedures Due to the Energy Crisis.**

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**Emergency preamble.** Whereas, Acts of the Legislature do not become effective until 90 days after adjournment unless enacted as emergencies; and

Whereas, the Department of Environmental Protection has already received a request for a variance to the low sulfur regulation that requires 36 separate public hearings and must be processed expeditiously; and

Whereas, due to energy shortages, future variances may be requested to a standard or regulation that would be for the same general area but not the same municipality, causing the Board of Environmental Protection much duplication of effort; and

Whereas, in the judgment of the Legislature, these facts create an emergency within the meaning of the Constitution of Maine and require the following legislation as immediately necessary for the preservation of the public peace, health and safety; now, therefore,

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

**R. S., T. 38, § 587, amended.** The first sentence of the 2nd paragraph of section 587 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:

No variance shall be granted except after a public hearing in the municipality where the applicant maintains the building or business in connection with which the variance is sought, **unless there are 5 or more requests for variances**

from the same statute or regulation pending within a single air quality region, in which case the board may hold a single public hearing on all such requests at some convenient place within that region.

**Emergency clause.** In view of the emergency cited in the preamble, this Act shall take effect when approved.

#### STATEMENT OF FACT

The original intent of this provision was to permit public participation in granting variances to air pollution standards and regulations by requiring a public hearing to be held in each municipality so affected. In certain instances, however, such as those involving widespread shortages of fuel with sufficiently low sulfur content to meet statutory standards, it is impractical for the Board of Environmental Protection to hold the numerous hearings required by the provision. This amendment permits the board to lighten its administrative burden in such cases, defined as those where 5 or more requests for a variance from the same statute or regulation is received with a single air quality control region, by holding a single hearing within that region on all such requests.