

MAINE STATE LEGISLATURE

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STATE OF MAINE
SENATE
107TH LEGISLATURE

SENATE AMENDMENT " A" to H.P. 1464, L.D.
1502, Bill, "AN ACT to Extend Date for Closing
of Open Burning Dumps."

Amend said Bill in section 2 by striking out
in the 10th line (8th and 9th lines of L.D.) the
underlined word "determines" and inserting in
place thereof the underlined word 'shows'

Further amend said Bill in section 3 in that part
designated subsection 5 by striking out all of
the last underlined sentence of the first
paragraph and all of paragraphs A and B and
inserting in place thereof the following:

'The board shall grant a variance unless it shows
that:

A. The emissions from the open burning endanger
human health and safety; and

B. The municipality shows that compliance with
the open burning requirements of this section
would produce undue hardship.'

Further amend said Bill in section 3 by
striking out all of the 3rd paragraph from the end
and inserting in place thereof the following:

'No variance shall be granted under this section
unless the municipality causes to be published a
public notice of the intent to grant a variance
in a newspaper circulated in the area at least 10
days prior to the meeting at which the board is
scheduled to act on the variance. The board shall
notify the municipality of its intent to grant a
variance 20 days before the meeting scheduled to
act on the variance.'

Further amend said Bill in section 3 in the
next to the last paragraph in the 5th line (4th
line in L.D.) by inserting after the underlined
word "shall" the underlined words 'at the request
of the municipality'

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Further amend said Bill in section 3 in the next to the last paragraph in the 8th and 9th lines (7th line in L.D.) by striking out the underlined words and punctuation "the conditions stated in this subsection, paragraphs A and B exist" and inserting in place thereof the following: 'the emissions from open burning do not endanger human health or safety and compliance with the open burning requirements of this subsection would produce serious hardship'

Statement of Fact

This amendment will require the Department of Environmental Protection to show that a variance should not be granted. It is also the intent of this amendment to clarify certain language in the bill by providing who shall cause the public notice to be published.

(Trotzky)

NAME:

COUNTY:

Penobscot