

MAINE STATE LEGISLATURE

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STATE OF MAINE
SENATE
107TH LEGISLATURE

SENATE AMENDMENT" ^B "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:

'Whenever a municipality shows that compliance with the open burning requirements of this section would produce undue hardship, the board shall grant a variance, except that no variance shall be granted when the board shows that the emissions from the open burning endanger human health and safety.'

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:

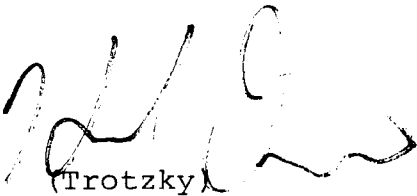
'No variance shall be granted under this section unless the municipality causes to be published a public notice of the intent to grant a variance in a newspaper circulated in the area at least 10 days prior to the meeting at which the board is scheduled to act on the variance. The board shall notify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

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.



NAME:

COUNTY: Penobscot

Reproduced and distributed pursuant to Senate Rule 11-A.
April 22, 1975. (Filing No. S-83).