

MAINE STATE LEGISLATURE

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FIRST REGULAR SESSION

ONE HUNDRED AND NINTH LEGISLATURE

Legislative Document

No. 1085

H. P. 890

House of Representatives, March 8, 1979

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

EDWIN H. PERT, Clerk

Presented by Ms. A. Brown of Bethel.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
SEVENTY-NINE

**AN ACT to Reduce Duplication of Legislative Review of Air Quality and Emission
Standard Regulations.**

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

Sec. 1. 38 MRSA § 584, 4th ¶, as last amended by PL 1971, c. 618, § 12, and beginning with the words "After hearing the board shall by order establish," is repealed.

Sec. 2. 38 MRSA § 584, last ¶, as amended by PL 1971, c. 618, § 12, is repealed and the following enacted in its place:

In establishing the effective date of these standards, the board shall consider the degree of air pollution existing within the region, the length of time necessary to inform persons affected by the establishment of these standards of their existence, the time needed by the board to implement effective controls, and the time needed by persons affected to design and install air pollution control apparatus to comply with the standards.

Sec. 3. 38 MRSA § 595, last ¶, as amended by PL 1971, c. 462, § 2 and beginning with the words "Any emission standard or amendment," is repealed.

Sec. 4. 38 MRSA § 585-A, last ¶, as amended by PL 1971, c. 618, § 12, and beginning with the words "After hearing the board shall by order establish or amend," is repealed.

STATEMENT OF FACT

The specific requirement for legislative review of air quality and standard regulations may be considered no longer necessary in view of Title 5, sections 11101 to 11108. Title 5, sections 11101 to 11108 provides for legislative review of state agency rules which in many ways is a duplication of the legislative review now in the air quality statutes. This bill proposes to resolve the duplication in favor of the general review process. The major difference between the 2 reviews is the potential for a longer period of time to elapse between the time the board adopts a rule and legislative review under the general state agency review statutes.

This bill also removes some duplicative hearing provision language of Title 38, sections 584 and 585-A. The first and 2nd paragraphs of sections 584 and 585-A contain the same hearing provision and criteria as the paragraphs which are repealed.