

MAINE STATE LEGISLATURE

The following document is provided by the
LAW AND LEGISLATIVE DIGITAL LIBRARY
at the Maine State Law and Legislative Reference Library
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied
(searchable text may contain some errors and/or omissions)

FIRST REGULAR SESSION

ONE HUNDRED AND TENTH LEGISLATURE

Legislative Document

No. 1163

H. P. 975

House of Representatives, March 9, 1981

Submitted by the Department of Environmental Protection pursuant to Joint Rule 24.

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

EDWIN H. PERT, Clerk

Presented by Representative Hall of Sangerville.

Cosponsors: Representative Austin of Bingham, Senator O'Leary of Oxford and Senator Redmond of Somerset.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED AND EIGHTY-ONE

AN ACT to Permit Open Burning of Brush and Demolition Debris.

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

Sec. 1. 38 MRSA § 599, sub-§ 1, ¶ B, as repealed and replaced by PL 1975, c. 228, § 2, is amended to read:

B. Except as provided in subsection 2, open burning of waste of any kind, **other than brush and demolition debris**, at sites other than a municipal solid waste disposal site is prohibited after July 1, 1975.

Sec. 2. 38 MRSA § 599, sub-§ 3, first sentence, as enacted by PL 1973, c. 438, § 8, is amended to read:

Open burning permits for burning items as provided in subsection 2 at places other than the municipal solid waste facility may be granted by the forest ranger or town forest fire warden having jurisdiction over the location where the fire is to be set.

Sec. 3. 38 MRSA § 599, sub-§ 3, ¶ A, as enacted by PL 1973, c. 438, § 8, is repealed.

STATEMENT OF FACT

The Air Quality Control Program, of which open burning control is an element, has federal and state components. The federal component allows open burning for public health purposes, for agricultural purposes, for disposal of demolition debris and for training purposes at solid waste sites, as well as the place of the actual activity. State law is similar to the federal component, except that open burning of any type at solid waste sites serving 1,000 or more persons is prohibited. This proposal will make the state law identical to the less restrictive federal component by allowing limited open burning at solid waste facilities.