

MAINE STATE LEGISLATURE

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1 FIRST REGULAR SESSION
2

3 ONE HUNDRED AND TWELFTH LEGISLATURE
4

5 Legislative Document

No. 438

6
7 H.P. 323

House of Representatives, February 5, 1985

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

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

10 EDWIN H. PERT, Clerk

Presented by Representative Mitchell of Freeport.

11 Cosponsored by Representative Hogleund of Portland and Senator Usher
of Cumberland.

12 STATE OF MAINE
13

14 IN THE YEAR OF OUR LORD
15 NINETEEN HUNDRED AND EIGHTY-FIVE
16

17 AN ACT to Prohibit Open Burning at All
18 Municipal Solid Waste Disposal Sites.
19

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

22 38 MRSA §599, sub-§2, ¶C, as repealed and re-
23 placed by PL 1983, c. 504, §7, is repealed and the
24 following enacted in its place:

25 C. All open burning of solid waste materials,
26 other than brush and demolition debris, at any
27 municipal solid waste disposal site serving less
28 than 1,000 persons shall be prohibited after July
29 1, 1986. A municipality may be required to cease
30 open burning or close its disposal site prior to
31 July 1, 1986, based upon its placement on the de-
32 partment's solid waste priority list, noncompli-
33 ance with orders of the board or noncompliance
34 with other state or federal rules.

STATEMENT OF FACT

1

2 Maine law currently allows the open burning of
3 solid waste at any existing municipal disposal site
4 serving less than 1,000 persons unless the Board of
5 Environmental Protection finds that such burning is
6 actually causing violations of ambient air quality
7 standards. This allowance of open burning is in vio-
8 lation of federal regulations promulgated by the
9 United States Environmental Protection Agency under
10 the authority of the Resource Conservation and Recov-
11 ery Act of September 13, 1979, in 40 Code of Federal
12 Regulations, Section 257.3-7.

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