

MAINE STATE LEGISLATURE

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115th MAINE LEGISLATURE

FIRST REGULAR SESSION-1991

Legislative Document

No. 807

H.P. 564

House of Representatives, February 25, 1991

Reference to the Committee on Energy and Natural Resources suggested and ordered printed.

EDWIN H. PERT, Clerk

Presented by Representative LORD of Waterboro.

Cosponsored by Senator LUDWIG of Aroostook, Senator TITCOMB of Cumberland and Representative GOULD of Greenville.

STATE OF MAINE

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

An Act to Amend the Law Relating to Road Dust.



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

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38 MRSA §592-A, sub-§§3 and 4 are enacted to read:

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3. Exception; unpaved roads. This section does not apply to unpaved municipal roads that existed on or before October 1, 1992.

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4. Rules. Any rules adopted by the department to implement this section must place the burden of proof on the complaining party.

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STATEMENT OF FACT

Municipalities are required to maintain over 4,000 miles of dirt roads. During the summer, these roads are the source of a lot of dust. There is no inexpensive way to reduce dust on dirt roads. This bill creates an exemption for unpaved municipal roads from the nuisance provision in the Maine Revised Statutes, Title 38, section 592-A.

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The bill also clarifies the existing law by stating that any rules adopted by the Department of Environmental Protection concerning the nuisance provision must place the burden of proof on the complaining party.