

MAINE STATE LEGISLATURE

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NATURAL RESOURCES

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STATE OF MAINE
HOUSE OF REPRESENTATIVES
118TH LEGISLATURE
SECOND REGULAR SESSION

COMMITTEE AMENDMENT "A" to H.P. 1408, L.D. 1972, Bill, "An Act to Implement the Recommendations of the Interagency Committee on Outdoor Trash Burning"

Amend the bill in section 3 by striking out all of paragraph J and inserting in its place the following:

'J. In issuing a permit under section 9325, subsection 1, paragraph E, the public health risk from toxic chemicals in the smoke plume in accordance with guidelines issued by the Department of Environmental Protection and the practicality of locating the incinerator at least 300 feet from any abutting property boundary and at least 150 feet from any residential dwelling.'

Further amend the bill by striking out all of section 4.

Further amend the bill in section 5 by striking out all of subsection 2-A and inserting in its place the following:

'2-A. Technical and financial assistance program. A program of technical and financial assistance for waste reduction and recycling is established in the office to assist municipalities with managing solid waste. The director shall administer the program in accordance with the waste management hierarchy in section 2101. Preference in allocating resources under this section must be given to municipalities that take advantage of regional economies of scale. Preference may also be given to municipalities that provide a municipal trash collection service as defined in Title 12, section 9324, subsection 7 or that prohibit residential out-of-door burning of highly combustible trash.'

COMMITTEE AMENDMENT

2 Further amend the bill by inserting at the end before the
summary the following:

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FISCAL NOTE

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8 This bill may increase prosecutions for Class E crimes. If
a jail sentence is imposed, the additional costs to the counties
are estimated to be \$86.45 per day per prisoner. These costs are
10 not reimbursed by the State. The number of prosecutions that may
result in a jail sentence and the resulting costs to the county
12 jail system are expected to be insignificant.

14 The additional workload and administrative costs associated
with the minimal number of new cases filed in the court system
16 can be absorbed within the budgeted resources of the Judicial
Department. The collection of additional fines may increase
18 General Fund revenue by minor amounts.'

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SUMMARY

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24 This amendment requires a forest ranger or fire warden, when
issuing a permit for residential out-of-door burning of highly
combustible trash, to consider the public health risk from toxic
26 chemicals in the smoke plume in accordance with guidelines issued
by the Department of Environmental Protection, and the
28 practicality of locating the incinerator at least 300 feet from
any abutting property boundary and at least 150 feet from any
30 residential dwelling.

32 The amendment also deletes from the bill a requirement for
the Department of Conservation to undertake a program of public
34 education on the impacts of out-of-door burning. The Department
of Environmental Protection has already undertaken an educational
36 outreach program on the health and environmental effects of
backyard burning. The amendment also allows the State Planning
38 Office, when providing technical and financial assistance for
waste reduction and recycling, to give preference to
40 municipalities that provide a municipal trash collection service
or that prohibit residential out-of-door trash burning. Finally,
42 the amendment adds a fiscal note to the bill.