

MAINE STATE LEGISLATURE

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SMC
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Date: 5/30/13

Minority

L.D. 1215

(Filing No. H-284)

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HEALTH AND HUMAN SERVICES

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Reproduced and distributed under the direction of the Clerk of the House.

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STATE OF MAINE

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HOUSE OF REPRESENTATIVES

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126TH LEGISLATURE

8

FIRST REGULAR SESSION

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COMMITTEE AMENDMENT "A" to H.P. 860, L.D. 1215, Bill, "An Act To Protect Public Health by Regulating Excessive Wood Smoke as a Nuisance"

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Amend the bill in section 1 in §1562-A in the headnote (page 1, line 3 in L.D.) by striking out the following: "outdoor" and inserting the following: 'a'

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Amend the bill in section 1 in §1562-A in subsection 1 by striking out all of paragraphs A to C (page 1, lines 6 to 13 in L.D.) and inserting the following:

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'A. "Nuisance" means the emission of air contaminants to the outdoor atmosphere of a quantity, characteristic or duration that may be injurious to human, plant or animal life or to property or that unreasonably interferes with the comfortable enjoyment of life or property.'

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B. "Opacity" means the degree to which emissions other than water reduce the transmission of light and obscure the view of an object in the background.'

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C. "Residential area" means an area that has been zoned residential in a municipal ordinance or an area that has been designated in the municipality's comprehensive plan developed pursuant to Title 30-A, chapter 187 as a growth area. "Residential area" does not include any area that is designated as rural in the municipality's comprehensive plan or in zoning by the municipality.'

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Amend the bill in section 1 in §1562-A in subsection 2 in the first line (page 1, line 14 in L.D.) by striking out the following: "densely populated area an outdoor" and inserting the following: 'residential area a'

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Amend the bill in section 1 in §1562-A in subsection 2 in the last line (page 1, line 21 in L.D.) by striking out the following: "not less than \$10 nor more than"

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Amend the bill in section 1 in §1562-A by inserting after subsection 2 the following:

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'3. Application; outdoor wood boilers; tribal ceremonies. Outdoor wood boilers are governed by Title 38, section 610-B and rules developed pursuant to that section. This section does not apply to emissions generated by wood-burning devices during the course of a ceremony of a federally recognized Indian tribe.'

COMMITTEE AMENDMENT

SUMMARY

This amendment, which is the minority report of the committee, amends the bill to apply to all wood-burning devices rather than only outdoor wood-burning devices. The bill does not apply to outdoor wood boilers that are governed by the Department of Environmental Protection. The amendment removes the definition for "densely populated area" and adds a definition for "residential area" that includes residential zoning and areas that are designated growth areas in a municipal comprehensive plan. It removes the range of fines that may be adjudged from between \$10 and \$100 and instead specifies a fine of \$100. Emissions generated by wood-burning devices during the course of a ceremony of a federally recognized Indian tribe are exempt from the emissions regulation.

FISCAL NOTE REQUIRED
(See attached)



126th MAINE LEGISLATURE

LD 1215

LR 1026(02)

An Act To Protect Public Health by Regulating Excessive Wood Smoke as a Nuisance

Fiscal Note for Bill as Amended by Committee Amendment

Committee: Health and Human Services

Fiscal Note Required: Yes

A (H-284)

Fiscal Note

Minor cost increase - General Fund
Minor revenue increase - General Fund
Minor cost increase - Other Special Revenue Funds

Correctional and Judicial Impact Statements

Increases the number of civil violations.

The collection of additional fines may also increase General Fund revenue by minor amounts.

Fiscal Detail and Notes

Additional costs to the Department of Health and Human Services are expected to be minor and can be absorbed within existing budgeted resources.