

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)

LAWS
OF THE
STATE OF MAINE
AS PASSED BY THE
One Hundred and Sixth Legislature
1ST SPECIAL SESSION
JANUARY 2, 1974 TO MARCH 29, 1974
AND BY THE
One Hundred and Seventh Legislature
REGULAR SESSION
JANUARY 1, 1975 TO JULY 2, 1975

PUBLISHED BY THE DIRECTOR OF LEGISLATIVE RESEARCH IN
ACCORDANCE WITH THE REVISED STATUTES OF 1964, TITLE 3,
SECTION 164, SUBSECTION 6.

THE KNOWLTON AND MCLEARY COMPANY
FARMINGTON, MAINE
1975

PUBLIC LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE
One Hundred and Seventh Legislature

1975

CHAPTER 227

AN ACT to Amend the Employment Security Law as to Separation Reports.

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

26 MRSA § 1194, sub-§ 2, as last amended by PL 1973, c. 147, is further amended by adding at the end the following new paragraphs:

If an employer's separation report for an employee is not received by the office specified thereon within 10 days after such report was requested, this will be taken as an admission that no eligibility question exists as to the employee's current claim and benefits will be certified promptly and allowed. If the employer's report is received after said 10-day period has elapsed, it will be effective in reducing benefits only as to benefit checks paid after the date on which the report was received.

If an employer files an amended separation report or otherwise raises a new issue as to an employee's eligibility or changing the wages or weeks used in determining benefits, such amended report or notice of new issue will be effective in reducing benefits only as to benefit checks paid after the date on which the amended report or notice was received.

Effective October 1, 1975

CHAPTER 228

AN ACT to Extend Date for Closing of Open Burning Dumps.

Emergency preamble. Whereas, Acts passed by the Legislature do not become effective until 90 days after adjournment unless enacted as emergencies; and

Whereas, the Legislature has established a deadline for the closing of open burning dumps; and

Whereas, present economic conditions threaten great hardships to those towns which must find other means for disposal; and

Whereas, the following legislation is vitally necessary to extend the prior deadline established by the Legislature, thus avoiding such hardships; and

Whereas, in the judgment of the Legislature, these facts create an emergency within the meaning of the Constitution of Maine and require the following legislation as immediately necessary for the preservation of the public peace, health and safety; now, therefore,

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

Sec. 1. 38 MRSA § 361, 8th ¶, last sentence, as enacted by PL 1973, c. 217, is repealed.

Sec. 2. 38 MRSA § 599, sub-§ 1, ¶ B, as enacted by PL 1973, c. 438, § 8, is repealed and the following enacted in place thereof:

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

C. Open burning of solid waste material at a municipal solid waste disposal site serving less than 1,000 persons shall only be prohibited where the Board of Environmental Protection, after investigation and hearing, shows that the continuance of open burning at a specific municipal site is in violation of air quality standards.

D. Open burning of solid waste materials at a municipal solid waste disposal site serving 1,000 or more persons is prohibited after September 1, 1975, unless the owners and leasee of the municipal solid waste disposal site apply for a variance under this section from the Board of Environmental Protection.

While an application for a variance is being processed by the Department of Environmental Protection, open burning at the municipal site in question may continue until the board makes its final decision on the application.

E. Whenever the Board of Environmental Protection shows that open burning at a municipal solid waste disposal site violates air quality standards or whenever the board denies a variance under this section it shall, after consultation with the violator or applicant for a variance, establish a reasonable compliance schedule aimed at bringing about the cessation of open burning at the municipal waste disposal site under consideration. This compliance schedule shall include, but not be limited to, the following:

- (1) Arrangements for administration and financing;
- (2) Plans and specifications;
- (3) Studies and investigations;
- (4) Site acquisition;
- (5) Purchase of necessary equipment; and
- (6) Operational date of the proposed solid waste disposal site.

A compliance schedule established under this section shall be conditioned upon reasonable terms and conditions aimed at achieving air quality standards and shall be for a time of not less than 2 years.

Sec. 3. 38 MRSA § 599, sub-§ 5 is enacted to read:

5. Variances. Any municipality maintaining or leasing an open-burning solid waste disposal site may apply to the board for a variance to the open-burning requirements of this section. The application shall be accompanied by such information and data as the board may require. The staff of the Department of Environmental Protection shall provide air quality technical assistance to municipal applicants for a variance under this section.

Whenever a municipality shows that compliance with the open burning requirements of this section would produce undue hardship, the board shall grant a variance, except that no variance shall be granted when the board shows that the emissions from the open burning endanger human health and safety.

No variance shall be granted under this section unless the municipality causes to be published a public notice of the intent to grant a variance in a news-

paper circulated in the area at least 10 days prior to the meeting at which the board is scheduled to act on the variance. The board shall notify the municipality of its intent to grant a variance 20 days before the meeting scheduled to act on the variance.

The Board of Environmental Protection may conduct a public hearing on any variance application under this section if it determines that there is substantial objection to the granting of the variance. The Board of Environmental Protection, if it determines that it will deny the variance applied for, shall at the request of the municipality conduct a public hearing for the municipality which made application, before the denial becomes effective, to give the town the opportunity to show that the emissions from open burning do not endanger human health or safety and compliance with the open burning requirements of this subsection would produce serious hardship and that a variance should be granted. Public notice of hearings described in this paragraph shall be published in the state paper and a newspaper circulated in the municipality at least 10 days prior to the date of the public hearing.

The board, after granting a variance to a municipality under this section, if it determines that the municipal solid waste disposal facility does not violate air quality standards, shall take all necessary steps to remove that facility from the United States Environmental Protection Agency approved State of Maine Air Quality Implementation Plan.

Emergency clause. In view of the emergency cited in the preamble, this Act shall take effect when approved.

Effective May 5, 1975

CHAPTER 229

AN ACT to Increase the Bonded Debt Limitation of the Maine State Housing Authority's Mortgage Purchase Programs.

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

30 MRSA § 4762, as last amended by PL 1973, c. 736, is further amended to read:

§ 4762. Limitations

The state authority shall not at any time have, in the aggregate principal amount thereof outstanding, ~~obligations~~ mortgage purchase bonds in excess of ~~\$100,000,000~~ \$150,000,000.

Effective October 1, 1975