



126th MAINE LEGISLATURE

FIRST REGULAR SESSION-2013

Legislative Document

No. 1215

H.P. 860

House of Representatives, March 26, 2013

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

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

Millicent M. MacFarland
MILLICENT M. MacFARLAND
Clerk

Presented by Representative SANBORN of Gorham.
Cosponsored by Senator LACHOWICZ of Kennebec and
Representative: KESCHL of Belgrade.

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

2 **Sec. 1. 22 MRSA §1562-A** is enacted to read:

3 **§1562-A. Emission from outdoor wood-burning device**

4 **1. Definitions.** As used in this section, unless the context otherwise indicates, the
5 following terms have the following meanings.

6 A. "Densely populated area" means an area with a greater than average number of
7 people for that area.

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

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

14 **2. Nuisance; fine.** A person who operates in a densely populated area an outdoor
15 wood-burning device that produces visible emissions, measured as any opacity, totaling
16 12 minutes in any hour that cross onto land or buildings immediately adjacent to a
17 dwelling or commercial building not owned by the owner of the outdoor wood-burning
18 device creates a nuisance. Upon a person's receiving a notice from the local health officer
19 that a complaint has been filed against the person, the person shall correct the nuisance.
20 If the person fails to correct the nuisance within the time prescribed by the local health
21 officer, a fine of not less than \$10 nor more than \$100 may be adjudged.

22 **SUMMARY**

23 This bill makes operating in a densely populated area an outdoor wood-burning
24 device that produces visible emissions totaling 12 minutes in any hour that cross onto any
25 land or buildings immediately adjacent to a dwelling or commercial building not owned
26 by the owner of the outdoor wood-burning device a nuisance. A fine of not less than \$10
27 nor more than \$100 may be adjudged for creating the nuisance.