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

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

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

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

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

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

B. "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.

C. "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.

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

SUMMARY

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