

# 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)



# 116th MAINE LEGISLATURE

FIRST REGULAR SESSION-1993

---

Legislative Document

No. 1294

H.P. 963

House of Representatives, April 19, 1993

**An Act to Ensure Implementation of the Federal Clean Air Act  
Amendments of 1990.**

---

Submitted by the Department of Environmental Protection pursuant to Joint Rule 24.  
Reference to the Committee on Energy and Natural Resources suggested and ordered printed.

  
JOSEPH W. MAYO, Clerk

Presented by Representative MARSH of West Gardiner.  
Cosponsored by Representative: COLES of Harpswell.

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

2  
3       **Sec. 1. 38 MRSA §353-A, sub-§1**, as enacted by PL 1991, c. 384,  
4 §8, and as affected by §16, is amended to read:

6       **1. Fees assessed.** After the effective date of this  
7 section, a licensee must pay an annual fee assessed on the sum of  
8 all licensed allowable air pollutants, except for carbon  
9 monoxide, as follows:

10           Annual licensed emissions	Per ton fee
11                   in tons	
12           1 - 1,000	\$2 \$5
13           1,001 - 4,000	\$4 \$10
14           over 4,001	\$8 \$15

16       **Sec. 2. 38 MRSA §353-A, sub-§1-A** is enacted to read:

18       **1-A. Annual fee surcharge.** After the effective date of  
19 this subsection, a licensee must pay an annual fee surcharge of  
20 \$10 per every 1,000 toxicity units as defined in section 582,  
21 subsection 11-E.

22       **Sec. 3. 38 MRSA §353-A, sub-§§3, 4 and 6**, as enacted by PL 1991,  
23 c. 384, §8, and affected by §16, are amended to read:

24       **3. Schedule.** The fee for existing licenses must be paid on  
25 the anniversary date of the license. This date, once  
26 established, remains the scheduled date for paying the annual  
27 fee, regardless of future changes of the anniversary date. The  
28 annual fee for new applications must be estimated and paid at the  
29 time of filing the application. When the processing of the  
30 application is complete, the final annual fee is determined. Any  
31 additional amount is due prior to the issuance of the license.  
32 Any overpayment must be refunded. If the application is denied,  
33 50% of the initial annual fee must be refunded. The effective  
34 date of the license becomes the anniversary date.

35       **4. Maximum and minimum fees.** The minimum annual fee is  
36 \$100 ~~\$250~~ per year. ~~The maximum annual fee is \$100,000 per~~  
37 ~~year.~~ The maximum annual fee is \$150,000 per year. The minimum  
38 annual fee surcharge is \$100 per year. The maximum annual fee  
39 surcharge is \$50,000 per year.

40       **6. Electrical generating facilities.** The annual fee for an  
41 electrical generating facility owned or operated by a regulated  
42 electric utility that has operated the facility at not more than  
43 20% of its capacity factor over the most recent 4-year period is

2 calculated on the 20% capacity factor. If the facility exceeds  
the 20% capacity factor in any calendar year, the annual fee is  
4 based on actual licensed allowable emissions.

6 **Sec. 4. 8 MRSA §353-A, sub-§9** is enacted to read:

8 9. Funds used solely for air pollution control activities.  
The money collected from the annual air emission fees must be  
used solely for air pollution control activities.

10 **Sec. 5. 38 MRSA §582, sub-§§11-D and 11-E** are enacted to read:

12 11-D. Toxicity score. "Toxicity score" means a score given  
14 to a hazardous air pollutant by the Department of Human Services  
based on the sum of qualitative scores, plus the standard  
16 deviation, in 4 categories; carcinogenicity, mutagenicity,  
reproductive effects and acute effects.

18 11-E. Toxicity units. "Toxicity units" means the result of  
20 the Department of Human Services' toxicity score for a hazardous  
air pollutant multiplied by the estimated emissions of that  
22 hazardous air pollutant.

24 **Sec. 6. Allocation.** The following funds are allocated from the  
Maine Environmental Protection Fund to carry out the purposes of  
26 this Act.

	1993-94	1994-95	
28			
30	<b>ENVIRONMENTAL PROTECTION,</b>		
32	<b>DEPARTMENT OF</b>		
34	<b>Maine Environmental Protection</b>		
	<b>Fund</b>		
36	Positions	(16.0)	(21.0)
	Personal Services	\$1,397,378	\$1,578,526
38	All Other	319,090	340,492
	Capital Expenditures	363,900	291,900
40	Indirect Cost	288,538	322,587
42	Provides funds for 8		
44	Environmental Specialist II		
	positions, 8 Environmental		
46	Specialist III positions, 4		
	Assistant Engineer positions,		
48	one Informational Systems		
	Support Specialist position,		

2 air monitoring equipment,  
office space rental and  
4 computer equipment.

6 DEPARTMENT OF ENVIRONMENTAL  
PROTECTION

8 TOTAL \$2,368,906 \$2,533,504

10 Sec. 7. Effective date. This Act takes effect November 1, 1993.

12

14

STATEMENT OF FACT

16 The federal Clean Air Act amendments of 1990 require each  
18 state to develop laws and regulations to improve air quality over  
the next decade. They also authorize the establishment of an air  
20 emission fee program in each state in order to fund those  
activities necessary to carry out the Clean Air Act mandates.  
22 Maine established an emission fee program in 1991 in order to  
prepare for those activities and to bring the State's air program  
up to a funding level necessary to accomplish existing  
24 activities. This bill amends existing law by increasing the fees  
to support the activities necessary to comply with federal air  
26 laws. Failure to comply with the requirements of the Clean Air  
Act amendments of 1990 will result in federal sanctions, such as  
28 the Environmental Protection Agency's assessment and development  
of its own air emission fee program for Maine or the withholding  
30 of federal transportation funds for Maine projects.