MAINE STATE LEGISLATURE

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of

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| - | DATE: 4/11/94 (Filing No. H- 1097) |
| 4 | 2.120 4/ 11/ 34 (1111ng not in 105/) |
| 6 | Reproduced and distributed under the direction of the Clerk o the House. |
| 8 | |
| | STATE OF MAINE |
| 10 | HOUSE OF REPRESENTATIVES |
| 12 | 116TH LEGISLATURE SECOND REGULAR SESSION |
| 12 | DECOID REGULAR DESIGN |
| 14 | HOUSE AMENDMENT " \mathcal{D} " to COMMITTEE AMENDMENT "A" to H.P |
| 16 | 1385, L.D. 1884, Bill, "An Act to Ensure Proper Funding of the |
| | Department of Environmental Protection" |

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Amend the amendment by striking out everything after the title and before the statement of fact and inserting in its place the following:

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'Amend the bill by striking out everything after the enacting clause and before the statement of fact and inserting in its place the following:

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'Sec. 1. 38 MRSA §352, sub-§5-A, as amended by PL 1993, c. 378, §2, is further amended by amending the first paragraph to read:

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Accounting system. In order to determine the extent to which the functions set out in this section are necessary for the licensing process or are being performed in an efficient and expeditious manner, the commissioner shall require that all employees of the department involved in any aspect of these functions keep accurate and regular daily time records. records must describe the matters worked on, services performed and the amount of time devoted to those matters and services, as well as amounts of money expended in performing those functions. Records must be kept for a sufficient duration of time as determined by the commissioner to establish to the commissioner's satisfaction that the fees are appropriate. This-subsection-is repealed-July-1,-1995.

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2

HOUSE AMENDMENT "D" to COMMITTEE AMENDMENT "A" to H.P. 1385, L.D. 1884

| Sec. 2. 38 MRS. | A §352, sub-§5-A | , that part do | esignated " | 'Table I'' i | in |
|--------------------------|------------------|----------------|-------------|--------------|----|
| that part relating to "? | TITLE 38, SECTI | ON 413," is | amended t | o read: | |

| 4 | | | | |
|-----|------|-----------------------------------|---------------------------------------|---|
| | 413, | Waste discharge licenses licenses | | |
| 6 | · | A. Residential | 225 | 75 |
| | • | (10-year term) | <u>450</u> | <u>150</u> |
| 8 | | B. Commercial | | *************************************** |
| | | (10-year term) | | |
| 10 | | 1. Flow of less than | | |
| | | 2,000 gallons per day | 2,400 | 640 |
| 12 | | a, ooo garromo por aar | 4,800 | 1,280 |
| 14 | | 2. Flow of 2,000 to | 4,000 | 1,200 |
| 14 | | 20,000 gallons per | | |
| 17 | | day inclusive | 3 400 | 2 000 |
| 16 | | day inclusive | 2,400 | 2,000 |
| 16 | | 2 El E | 4,800 | 4,000 |
| 7.0 | | 3. Flow of greater | • | |
| 18 | | than 20,000 gallons | 0.400 | 4 000 |
| | | per day | 2,400 | 4,800 |
| 20 | | | <u>4,800</u> | 9,600 |
| | | C. Industrial minor | • | |
| 22 | | (based upon EPA list | | |
| | | of major and minor | • | _ |
| 24 | | source discharges) | , | |
| | | Discharges of | 1,500 | 480 |
| 26 | | cooling water, | <u>.</u> • | |
| | | sanitary wastewater | - | • |
| 28 | | or treated storm water | · · · · · · · · · · · · · · · · · · · | |
| | | only | | |
| 30 | | 2. All others | 1,500 | 6,000 |
| | | D. Industrial major | | |
| 32 | | (based upon EPA list of | | • |
| | | major source discharges) | | |
| 34 | | 1. Discharge of | 4,800 | 3,000 |
| | | cooling water or | -, | ., |
| 36 | | sanitary wastewater | | |
| | | only | | |
| 38 | | 2. All others | 4,800 | 8,800 |
| 50 | | E. Publicly owned | 4,000 | 0,000 |
| 40 | | treatment works | | |
| 40 | | 1. Flow of less | 100 | 400 |
| 42 | | | 100 | 400 |
| 42 | | than or equal to | | |
| 4.4 | | 50,000 gallons per | | |
| 44 | | day and no significant | • | |
| | | industrial component | | |
| 46 | | 2. Flow of greater | 100 | 1,400 |
| _ | | than 50,000 gallons | | |
| 48 | | per day, but less | | |
| | | than 0.5 million | | |
| | | | | |

R. d. S. HOU

| | | [1] | _ | | AMENDMENT | | | | |
|---------|-----------|-----------|----|-----------|-----------|-----|----|------|-------|
| HOUSE | AMENDMENT | <i>ال</i> | to | COMMITTEE | AMENDMENT | "A" | to | н.Р. | 1385, |
| T. D. 1 | 994 | | | | | | | | |

| | gallons per day and | | |
|----|--|-----|-------|
| 2 | no significant | | |
| | industrial component | | |
| 4 | Flow of at least | 100 | 3,600 |
| | 0.5 million gallons | | |
| 6 | per day, but less | | |
| | than 5 million | | |
| 8 | gallons per day and | • | |
| | no significant | | |
| 10 | industrial component | | |
| | 4 Flow of at least | 300 | 5,400 |
| 12 | 5 million gallons per | ÷ | |
| | day or a significant | | • |
| 14 | industrial component | | |
| | F. Special discharges | | |
| 16 | Aquatic pesticides | 130 | 75 |
| | Dredge spoils | 130 | 75 |
| 18 | | | |

Sec. 3. 38 MRSA §352, sub-§5-B, as amended by PL 1993, c. 356, $\S4$; c. 370, $\S2$; c. 378, $\S3$; and c. 410, Pt. G, $\S1$ and affected by $\S2$; and as amended by c. 632, $\S2$, is repealed.

Sec. 4. Effective date. Section 2 of this Act takes effect retroactively on July 1, 1993.

Sec. 5. Transfer of funds. Notwithstanding the provisions of the Maine Revised Statutes, Title 5, section 1585, the Department of Environmental Protection shall transfer \$184,000 in dedicated funds from the Solid Waste Management program to the Maine Environmental Protection Fund program no later than September 1, 1994.

Sec. 6. Allocation. The following funds are allocated from the Federal Expenditure Fund to carry out the purposes of this Act.

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ENVIRONMENTAL PROTECTION, DEPARTMENT OF

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Water Quality Control

| | Positions | (-5.5) |
|----|-------------------|-------------|
| 44 | Personal Services | (\$187,297) |
| | All Other | (3,839) |
| 46 | • | |
| | TOTAL | (\$191,136) |

Provides for the deallocation of funds for

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HOUSE AMENDMENT

| | L.D. 1884 | to H.P. 1305, |
|------|---|---------------------|
| 2 | the transfer, from the Federal 106 Water | |
| 2 | Quality Control Program, of 3 part-time Conservation Aide positions and one | |
| 4 | Environmental Specialist III position to the Maine Environmental Protection Fund program; | |
| 6 | one Assistant Environmental Engineer position, one Environmental Specialist II | |
| 8 | position, one Environmental Specialist III position and one Environmental Specialist IV | |
| 10 | position to the General Fund as provided in other legislation and the transfer of 2 | |
| 12 | part-time Biologist I positions from the Maine Environmental Protection Fund program | • |
| 14 | to the Federal 106 Water Quality Control Program. | |
| 16 | | |
| 18 | Water Quality Control | |
| | Positions | (-1.5) |
| 20 | Personal Services All Other | (\$29,721) (594) |
| 22 | | |
| 24 | TOTAL | (\$30,315) |
| | Provides for the deallocation of funds for | |
| 26 | the transfer of one Conservation Aide position and one part-time Conservation Aide | |
| 28 | position from the Federal 604(b) Water Quality Program to the Maine Environmental | • |
| 30 | Protection Fund program. | |
| 32 | Oil and Hazardous Materials Control | |
| 34 | Positions | (1.0) |
| 36 | Personal Services All Other | \$31,810 563 |
| 38 | TOTAL | \$32,373 |
| 40 . | Provides for the deallocation of funds for | · . |
| 42 | the transfer of one former Oil and Hazardous Materials Specialist I position, upgraded to | |
| 44 | an Environmental Specialist II position, from the Maine Environmental Protection Fund | |
| 46 | program to the Federal Defense Facilities Clean-up Program. | |
| 48 | DEPARTMENT OF ENVIRONMENTAL | |
| 50 | PROTECTION TOTAL | (\$189,078) |

HOUSE AMENDMENT "D" to COMMITTEE AMENDMENT "A" to H.P. 1385,

| | HOUSE AMENDMENT "J" to COMMITTEE AMENDMENT "A" | to H.P. 1385, |
|------------|--|------------------------|
| 2 | Sec. 7. Allocation. The following funds are Other Special Revenue to carry out the purposes of | |
| 4 | other special kevenue to tarry out the purposes or | |
| 6 | | 1994-95 |
| | ENVIRONMENTAL PROTECTION, | |
| 8 | DEPARTMENT OF | |
| 10 | | - |
| 12 | Air Quality Control | |
| 12 | Positions | (-21.0) |
| 14 | Personal Services | (\$766,480) |
| - - | All Other | (252,972) |
| 16 | Capital Expenditures | (380,511) |
| | | |
| 18 | TOTAL | (\$1,399,963) |
| 20 | Provides for the deallocation of funds for | |
| | the consolidation of this dedicated fund | • |
| 22 | program with the air activity function | • |
| | within the Maine Environmental Protection | - |
| 24 | Fund program. | |
| 26 | Maine Environmental Protection Fund | - |
| 20 | Mante Environmental Fiotection Fund | |
| 28 | Positions | (21.0) |
| | Personal Services | \$766,480 ⁻ |
| 30 | All Other | 252,972 |
| | Capital Expenditures | 380,511 |
| 32 | | |
| 34 | TOTAL | \$1,399,963 |
| 36 | Provides for the allocation of funds for the | • |
| | consolidation of air licensing fees | |
| 38 | expenditure authority. | |
| 40 | Maine Environmental Protection Fund | |
| 42 | Personal Services | (\$60,439) |
| 44 | Provides for the deallocation of funds for | • |
| 16 | the transfer of one Conservation Aide | |
| 46 | position, 4 part-time Conservation Aide | |

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positions and one Environmental Specialist

the transfer of 2 Environmental Specialist

III position to the Maine Environmental Protection Fund program from federal funds;

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HOUSE AMENDMENT

HOUSE AMENDMENT """ to COMMITTEE AMENDMENT "A" to H.P. 1385, L.D. 1884

II positions from the Maine Environmental Protection Fund to the General Fund as provided in other legislation and for the transfer of 2 part-time Biologist I positions and one former Oil and Hazardous Materials Specialist I position, upgraded to an Environmental Specialist II position, from the Maine Environmental Protection Fund program to federal funds.

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DEPARTMENT OF ENVIRONMENTAL PROTECTION

TOTAL

(\$60,439)'

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Further amend the bill by inserting at the end before the statement of fact the following:

FISCAL NOTE

1994-95

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APPROPRIATIONS/ALLOCATIONS

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Other Funds

(\$249,517)

This bill includes various allocations and deallocations
from the Maine Environmental Protection Fund program, the Bureau
of Air Quality Control and the Bureau of Hazardous Materials and
Solid Waste Control for fiscal year 1994-95 to transfer funding
responsibilities and realign program activities. The overall
result is a \$189,078 net deallocation of federal funds and a
\$60,439 net deallocation of dedicated revenue. A total of 6

\$60,439 net deallocation of dedicated revenue. A total of 6 positions that are eliminated in this bill are reestablished as General Fund positions at a total cost of \$300,000 for fiscal year 1994-95 in the committee amendment to the supplemental

budget bill (LD 1761).

This bill transfers \$184,000 in dedicated funds no later than September 1, 1994 from the Solid Waste Management program within the Department of Environmental Protection to the Maine Environmental Protection Fund program within the same department. As reflected in its current amount of unobligated funds and recent expenditure levels, the Solid Waste Management program appears to have adequate financial resources for this funding transfer on a one-time basis.'

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STATEMENT OF FACT

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This amendment replaces the committee amendment.

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HOUSE AMENDMENT " " to COMMITTEE AMENDMENT "A" to H.P. 1385, L.D. 1884

This amendment strikes all fee increases proposed in the bill and the committee amendment. This amendment transfers \$184,000 from the Department of Environmental Protection, Solid Waste Program to the Maine Environmental Protection Fund for the purpose of retaining 3 land licensing positions in the Bureau of Land and Water Quality Control that were proposed in the bill and the committee amendment to be supported by fee increases.

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This amendment retains those provisions of the committee amendment that correct a conflict in the laws pertaining to fees for residential and commercial overboard discharge licenses.

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ONSORED BY: Willis a find (Representative LORD)

TOWN: Waterboro

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