

MAINE STATE LEGISLATURE

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L.D. 1884

DATE: 4/11/94

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STATE OF MAINE
HOUSE OF REPRESENTATIVES
116TH LEGISLATURE
SECOND REGULAR SESSION

HOUSE AMENDMENT "D" to COMMITTEE AMENDMENT "A" to H.P. 1385, L.D. 1884, Bill, "An Act to Ensure Proper Funding of the Department of Environmental Protection"

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

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

'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:

5-A. 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. These 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 ~~This subsection is repealed July 1, 1995.~~

Rds

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Sec. 2. 38 MRSA §352, sub-§5-A, that part designated "Table I" in
that part relating to "TITLE 38, SECTION 413," is amended to read:

413, Waste discharge ~~license~~ licenses

A. Residential	225	75
<u>(10-year term)</u>	<u>450</u>	<u>150</u>
B. Commercial		
<u>(10-year term)</u>		
1. Flow of less than 2,000 gallons per day	2,400	640
	<u>4,800</u>	<u>1,280</u>
2. Flow of 2,000 to 20,000 gallons per day inclusive	2,400	2,000
	<u>4,800</u>	<u>4,000</u>
3. Flow of greater than 20,000 gallons per day	2,400	4,800
	<u>4,800</u>	<u>9,600</u>
C. Industrial minor (based upon EPA list of major and minor source discharges)		
1. Discharges of cooling water, sanitary wastewater or treated storm water only	1,500	480
2. All others	1,500	6,000
D. Industrial major (based upon EPA list of major source discharges)		
1. Discharge of cooling water or sanitary wastewater only	4,800	3,000
2. All others	4,800	8,800
E. Publicly owned treatment works		
1. Flow of less than or equal to 50,000 gallons per day and no significant industrial component	100	400
2. Flow of greater than 50,000 gallons per day, but less than 0.5 million	100	1,400

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the transfer, from the Federal 106 Water
Quality Control Program, of 3 part-time
Conservation Aide positions and one
Environmental Specialist III position to the
Maine Environmental Protection Fund program;
one Assistant Environmental Engineer
position, one Environmental Specialist II
position, one Environmental Specialist III
position and one Environmental Specialist IV
position to the General Fund as provided in
other legislation and the transfer of 2
part-time Biologist I positions from the
Maine Environmental Protection Fund program
to the Federal 106 Water Quality Control
Program.

Water Quality Control

Positions	(-1.5)
Personal Services	(\$29,721)
All Other	(594)
TOTAL	<hr/> (\$30,315)

Provides for the deallocation of funds for
the transfer of one Conservation Aide
position and one part-time Conservation Aide
position from the Federal 604(b) Water
Quality Program to the Maine Environmental
Protection Fund program.

Oil and Hazardous Materials Control

Positions	(1.0)
Personal Services	\$31,810
All Other	563
TOTAL	<hr/> \$32,373

Provides for the deallocation of funds for
the transfer of one former Oil and Hazardous
Materials Specialist I position, upgraded to
an Environmental Specialist II position,
from the Maine Environmental Protection Fund
program to the Federal Defense Facilities
Clean-up Program.

DEPARTMENT OF ENVIRONMENTAL PROTECTION TOTAL

(\$189,078)

Sec. 7. Allocation. The following funds are allocated from
Other Special Revenue to carry out the purposes of this Act.

1994-95

**ENVIRONMENTAL PROTECTION,
DEPARTMENT OF**

Air Quality Control

Positions	(-21.0)
Personal Services	(\$766,480)
All Other	(252,972)
Capital Expenditures	(380,511)
TOTAL	(\$1,399,963)

Provides for the deallocation of funds for
the consolidation of this dedicated fund
program with the air activity function
within the Maine Environmental Protection
Fund program.

Maine Environmental Protection Fund

Positions	(21.0)
Personal Services	\$766,480
All Other	252,972
Capital Expenditures	380,511

TOTAL	\$1,399,963
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Provides for the allocation of funds for the
consolidation of air licensing fees
expenditure authority.

Maine Environmental Protection Fund

Personal Services	(\$60,439)
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Provides for the deallocation of funds for
the transfer of one Conservation Aide
position, 4 part-time Conservation Aide
positions and one Environmental Specialist
III position to the Maine Environmental
Protection Fund program from federal funds;
the transfer of 2 Environmental Specialist

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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.

**DEPARTMENT OF ENVIRONMENTAL
PROTECTION
TOTAL**

(\$60,439)'

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

FISCAL NOTE

1994-95

APPROPRIATIONS/ALLOCATIONS

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 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.'

STATEMENT OF FACT

This amendment replaces the committee amendment.

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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.

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.

SPONSORED BY:

(Representative LORD)

TOWN: Waterboro

HOUSE AMENDMENT