

MAINE STATE LEGISLATURE

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Date: 5/29/15

ENVIRONMENT AND NATURAL RESOURCES

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**STATE OF MAINE
SENATE
127TH LEGISLATURE
FIRST REGULAR SESSION**

COMMITTEE AMENDMENT "A" to S.P. 449, L.D. 1244, Bill, "An Act To Amend Environmental Permitting Standards"

Amend the bill by striking out all of section 1.

Amend the bill in section 3 in subsection 5 in the last line (page 2, line 7 in L.D.) by inserting after the following: "department" the following: 'under section 480-II'

Amend the bill by striking out all of sections 5 to 11 and inserting the following:

'Sec. 5. 38 MRSA §840, sub-§1-A is enacted to read:

1-A. Fees. A petition or request under this section for establishing a water level regime and, if applicable, minimum flow requirements must be accompanied by a processing fee established by the department. If the department holds an adjudicatory hearing as a result of a petition or request, the department may charge petitioners or requestors an appropriate licensing fee, not to exceed \$20,000, sufficient to cover costs incurred in conducting the hearing and reviewing evidence, including the time spent by state employees and necessary consultants and contractors in preparing, presenting and reviewing testimony, and in preparation of a department order establishing a water level regime and, if applicable, minimum flow requirements. All fees must be established in accordance with section 352.'

Amend the bill by relettering or renumbering any nonconsecutive Part letter or section number to read consecutively.

SUMMARY

This amendment retains provisions from the bill that repeal procedures related to the review of an application for a grid-scale wind energy development and provide permitting requirements for small-scale wind energy developments. The amendment also retains the provision from the bill that allows the Department of Environmental Protection to charge parties to a water level dispute an appropriate licensing fee sufficient to cover costs incurred in conducting an adjudicatory hearing, but the amendment sets a maximum fee of \$20,000. The amendment removes provisions from the bill that increase the time in

COMMITTEE AMENDMENT

12/27/18

COMMITTEE AMENDMENT "A" to S.P. 449, L.D. 1244

1 which the Commissioner of Environmental Protection is required to issue a decision on
2 an application for an expedited wind energy development from 185 days to one year, that
3 establish standards and criteria for microhydropower projects and that require parties to a
4 water level dispute to attempt to resolve the matter through mediation prior to an
5 adjudicatory hearing.

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FISCAL NOTE REQUIRED

(See attached)



Approved: 05/20/15 *MAC*

127th MAINE LEGISLATURE

LD 1244

LR 540(02)

An Act To Amend Environmental Permitting Standards

Fiscal Note for Bill as Amended by Committee Amendment 'A'(S-156)

Committee: Environment and Natural Resources

Fiscal Note Required: Yes

Fiscal Note

Current biennium revenue increase - Other Special Revenue Funds

Fiscal Detail and Notes

The bill requires individuals filing a petition or request to establish a water level regime to pay a licensing fee of no more than \$20,000 to the Department of Environmental Protection (DEP) to cover the costs of any adjudicatory hearing. The amount of savings will depend on the number of adjudicatory hearings held and their costs. No estimate is made at this time of the number or cost of future adjudicatory hearings, although DEP anticipates no more than two water level regime adjudications per year.