

# MAINE STATE LEGISLATURE

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FIRST SPECIAL SESSION

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ONE HUNDRED AND SIXTH LEGISLATURE

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**Legislative Document**

**No. 2356**

H. P. 1862

House of Representatives, January 15, 1974

Referred to the Committee on Natural Resources. Sent up for concurrence and ordered printed.

E. LOUISE LINCOLN, Clerk

Presented by Mr. Briggs of Caribou.

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STATE OF MAINE

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IN THE YEAR OF OUR LORD NINETEEN HUNDRED  
SEVENTY-FOUR

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**AN ACT Relating to Fees Administered by the Department of Environmental Protection.**

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

**Sec. 1. R. S., T. 10, § 2205, sub-§ 4, amended.** The first sentence of subsection 4 of section 2205 of Title 10 of the Revised Statutes, as enacted by chapter 472 of the public laws of 1969, is repealed.

**Sec. 2. R. S., T. 12, § 4807-F, repealed.** Section 4807-F of Title 12 of the Revised Statutes, as enacted by section 1 of chapter 411 of the public laws of 1973, is repealed.

**Sec. 3. R. S., T. 30, § 4104, amended.** The next to the last sentence of section 4104 of Title 30 of the Revised Statutes, as enacted by chapter 601 of the public laws of 1973, is amended to read as follows:

The Department of Environmental Protection shall also issue license certificates ~~at a fee of no more than \$50~~ to Maine-based septic tank pumpers and conveyors of said wastes and no septic tank pumper or conveyor of such waste shall operate without said license certificate.

**Sec. 4. R. S., T. 32, § 4180, amended.** Section 4180 of Title 32 of the Revised Statutes, as enacted by chapter 237 of the public laws of 1969, is repealed.

**Sec. 5. R. S., T. 38, § 361, amended.** Section 361 of Title 38 of the Revised Statutes, as amended, is further amended by adding at the end a new paragraph to read as follows:

The board after a public hearing may adopt, amend and repeal such reasonable fees not to exceed \$500 for licenses, permits and approvals that require continuing surveillance.

**Sec. 6. R. S., T. 38, § 413, sub-§ 4, repealed.** Subsection 4 of section 413 of Title 38 of the Revised Statutes, as enacted by section 3 of chapter 461 of the public laws of 1971 and as amended by section 12 of chapter 618 of the public laws of 1971, is repealed.

**Sec. 7. R. S., T. 38, § 418, sub-§ 2, amended.** The 2nd sentence of subsection 2 of section 418 of Title 38 of the Revised Statutes, as enacted by chapter 355 of the public laws of 1971 and as amended by section 12 of chapter 618 of the public laws of 1971, is further amended to read as follows:

Applications for such permits shall be in such form and require such information as the board may determine ~~and shall be accompanied by a processing fee of \$75.~~

**Sec. 8. Repealer.** All fees of the Department of Environmental Protection existing on the effective date of this Act are repealed.

#### STATEMENT OF FACT

This Act implements Management and Cost Survey recommendation number 9 in the Department of Environmental Protection. This Act enables in Section 5 the Board of Environmental Protection to establish reasonable fees, after a public hearing, for licenses, permits and approvals that require considerable surveillance by the department and diligence by the applicant. Projects which are essentially reviewed once and need but minor follow up will not be subject to a fee.

Sections 1, 2, 3, 4, 6 and 7 eliminate the various fee provisions scattered throughout the existing statutes administered by the Department of Environmental Protection.

Section 1 eliminates the filing fee in the Mining and Reclamation Statute. Section 2 removes the regulatory fee power from the Minimum Lot Size Statute. Section 3 eliminates the fee for septic tank and cesspool pumpers. Section 4 deletes the fee schedule from the Waste Water Treatment Plant Certification Statute. Section 6 removes the regulatory fee authority from the Waste Water Discharge Licensing provisions. Section 7 deletes the fee for log storage applications.

The net effect of the Act will be to consolidate all fees into one regulatory authority. Fees will be limited to activities requiring continuing surveillance. Public hearings will be conducted before any fee is adopted. In addition, there will be no fees until the Board of Environmental Protection takes positive action. This Act was supported by the Governor in his Special Message to the 106th Special Session on January 10, 1974.