

MAINE STATE LEGISLATURE

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(New Draft of H.P. 1278, L.D. 1695)

FIRST REGULAR SESSION

ONE HUNDRED AND ELEVENTH LEGISLATURE

Legislative Document

No. 1762

H.P. 1327

House of Representatives, June 14, 1983

Reported by the Majority from the Committee on Energy and Natural Resources and printed under Joint Rule 2.

Original bill presented by Representative Michael of Auburn.
Cosponsored by Senator Kany of Kennebec.

EDWIN H. PERT, Clerk

STATE OF MAINE

IN THE YEAR OF OUR LORD
NINETEEN HUNDRED AND EIGHTY-THREE

AN ACT to Establish the Maine
Environmental Protection Fund.

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

Sec. 1. 38 MRSA c. 2, sub-c. II is enacted to read:

SUBCHAPTER II

MAINE ENVIRONMENTAL PROTECTION FUND

§351. Maine Environmental Protection Fund

The Maine Environmental Protection Fund, referred to in this subchapter as the fund, is established as a nonlapsing fund to supplement licensing programs administered by the Department of Environmental Protection. All fees established under this subchapter

1 shall be credited to the fund, and administrative
2 expenses directly related to licensing programs shall
3 be charged to the fund.

4 Money in the fund not currently needed to meet
5 the obligations of the department in the exercise of
6 its responsibilities under its licensing programs
7 shall be deposited with the Treasurer of State to the
8 credit of the fund and may be invested in as provided
9 by statute. Interest on these investments shall be
10 credited to the fund.

11 Money in the fund may only be expended in accor-
12 dance with allocations approved by the Legislature.
13 This allocation shall be based on estimates of the
14 actual costs necessary for the department to adminis-
15 ter licensing and permitting programs.

16 §352. Fees

17 1. Fees established. The department shall
18 establish procedures to charge applicants for actual
19 direct costs incurred in reviewing license and permit
20 applications. For the purposes of this subchapter,
21 direct costs include personnel costs, travel, sup-
22 plies, legal and computer services and all other
23 costs specifically accountable to a particular li-
24 cence or permit application.

25 2. Fee categories. Fees shall be assessed for
26 the following.

27 A. Filing fees shall be assessed for direct
28 costs incurred in determining the acceptability
29 of an application for processing.

30 B. Processing fees shall be assessed for direct
31 costs incurred in processing an application to
32 determine whether it meets statutory and regula-
33 tory criteria.

34 C. Licensing fees shall be assessed for direct
35 costs incurred in monitoring, inspecting and
36 sampling to assure proper compliance by a licen-
37 see.

38 3. Maximum fee. In no case may fees exceed the
39 maximum established in Table I.

1	<u>418,</u>	<u>Log storage</u>	<u>10.00</u>	<u>45.00</u>	<u>5.00</u>
2	<u>421,</u>	<u>Solid waste dis-</u>	<u>12.00</u>	<u>1,375.00</u>	<u>100.00</u>
3		<u>posal areas</u>			
4	<u>451,</u>	<u>Mixing zones</u>	<u>35.00</u>	<u>1,130.00</u>	<u>2,170.00</u>
5	<u>451-A,</u>	<u>Time schedule</u>	<u>5.00</u>	<u>10.00</u>	<u>5.00</u>
6		<u>variances</u>			
7	<u>451-B,</u>	<u>Industrial vari-</u>	<u>500.00</u>	<u>2,000.00</u>	<u>1,500.00</u>
8		<u>ances</u>			
9	<u>471,</u>	<u>Coastal wetlands</u>	<u>3.50</u>	<u>115.00</u>	<u>100.00</u>
10		<u>and sand dunes</u>			
11	<u>482,</u>	<u>Site location</u>			
12		<u>A. Subdivi-</u>	<u>25.00</u>	<u>25.00/lot</u>	<u>25.00</u>
13		<u>sions</u>			
14		<u>B. Structures</u>	<u>25.00</u>	<u>1,000.00</u>	<u>500.00</u>
15		<u>C. Mining</u>	<u>25.00</u>	<u>750.00</u>	<u>500.00</u>
16		<u>D. Other</u>	<u>25.00</u>	<u>750.00</u>	<u>500.00</u>
17	<u>543,</u>	<u>Oily waste dis-</u>	<u>10.00</u>	<u>30.00</u>	<u>160.00</u>
18		<u>charge</u>			
19	<u>560,</u>	<u>Vessels at</u>	<u>10.00</u>	<u>115.00</u>	<u>100.00</u>
20		<u>anchorage</u>			
21	<u>587,</u>	<u>Ambient air</u>	<u>50.00</u>	<u>5,000.00</u>	<u>50.00</u>
22		<u>quality or emis-</u>			
23		<u>sions standards</u>			
24		<u>variances</u>			
25	<u>590,</u>	<u>Air emissions</u>			
26		<u>licenses</u>			
27		<u>A. greater</u>	<u>50.00</u>	<u>10,000.00</u>	<u>1,200.00</u>
28		<u>than or equal to</u>			
29		<u>1,000 tons/year</u>			
30		<u>of any criteria</u>			
31		<u>air pollutant</u>			
32		<u>B. greater</u>	<u>50.00</u>	<u>5,000.00</u>	<u>400.00</u>
33		<u>than or equal to</u>			
34		<u>100 tons/year</u>			
35		<u>but less than</u>			
36		<u>1,000 tons/year</u>			
37		<u>of any criteria</u>			
38		<u>air pollutant</u>			
39		<u>C. less than</u>	<u>50.00</u>	<u>1,000.00</u>	<u>100.00</u>
40		<u>100 tons/year of</u>			
41		<u>any criteria air</u>			
42		<u>pollutant</u>			
43	<u>603,</u>	<u>Low sulfur fuel</u>	<u>50.00</u>	<u>250.00</u>	<u>250.00</u>
44		<u>exemptions</u>			
45	<u>1101,</u>	<u>Sanitary dis-</u>	<u>50.00</u>	<u>100.00</u>	<u>50.00</u>
46		<u>tricts</u>			
47	<u>1304,</u>	<u>Waste facilities</u>			

1	A. <u>Septage and</u>	<u>12.00</u>	<u>500.00</u>	<u>500.00</u>
2	<u>sludge</u>			
3	B. <u>Transfer</u>	<u>12.00</u>	<u>500.00</u>	<u>500.00</u>
4	<u>stations</u>			
5	C. <u>Landfills</u>	<u>75.00</u>	<u>1,500.00</u>	<u>1,500.00</u>
6	D. <u>Other</u>	<u>75.00</u>	<u>1,500.00</u>	<u>1,500.00</u>

7 §353. Payment of fees

8 1. Filing fee. A filing fee shall be paid at
9 the time of filing the application and is
10 nonrefundable. The department may not process appli-
11 cations not accompanied by a filing fee.

12 2. Processing fee. A processing fee shall be
13 paid within 10 days of the time the applicant is
14 notified that the application has been accepted for
15 processing by the commissioner and is not refundable,
16 even if the applicant withdraws the application once
17 processing has begun. The department shall refund
18 the processing fee if the application is denied by
19 the board.

20 3. License fee. A license fee shall be paid
21 prior to the issuance of any license or permit. If a
22 license fee is paid prior to board action on the
23 application, the department shall refund the license
24 fee if the board denies the application.

25 4. Duplicate fees. The department shall not
26 assess applicants for direct costs associated with
27 filing, processing of licensing if those costs were
28 previously assessed as the result of the filing, pro-
29 cessing or licensing of separate but related applica-
30 tions.

31 5. Renewals or amendments. The filing fee for
32 renewals or amendments shall be the same as the
33 filing fee for an initial application. The process-
34 ing fee for renewals or amendments shall be equal to
35 direct costs up to 1/2 the processing fee for initial
36 applications. The license fee for renewals or amend-
37 ments shall be identical to the initial license fee.

38 6. Application deemed incomplete. An incomplete
39 application which has been returned to the applicant
40 shall be subject to the following conditions.

1 A. If the completed application is resubmitted
2 to the department within 30 days of the date the
3 application was returned to the applicant, no ad-
4 ditional fee is required.

5 B. If the completed application is resubmitted
6 to the department within 60 days of the date the
7 application was returned to the applicant, 1/2
8 the amount of the filing fee is required. If the
9 additional fee does not accompany the resubmitted
10 application, the application shall be deemed
11 incomplete.

12 C. If the completed application is resubmitted
13 to the department after 60 days of the date the
14 application was returned to the applicant, the
15 original filing fee amount shall accompany the
16 application. The resubmitted application shall
17 be considered a new application not a refiled
18 application.

19 7. Time of payment. The applicant may choose to
20 pay the total of the filing, processing and license
21 fees at the time of filing the application.

22 §354. Federal programs

23 If the board is required by federal law to issue
24 any certificate, permit or license, it shall estab-
25 lish a fee schedule identical to that which exists
26 for the state program which is most like the federal
27 program. If there are no similar state programs, the
28 board shall adopt the appropriate fee schedule based
29 upon identified costs including liason costs.

30 Sec. 2. 38 MRSA §361, 9th ¶, as enacted by PL
31 1973, c. 712, §5, is repealed.

32 Sec. 3. 38 MRSA §490, sub-§6, as enacted by PL
33 1979, c. 466, §14, is amended to read:

34 6. Fees. All fees collected by and other funds
35 received by the board pursuant to this ~~chapter~~
36 section shall be placed in a reclamation fund to
37 carry out the purposes of this chapter. This fund
38 shall not lapse.

