

# MAINE STATE LEGISLATURE

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1 SECOND REGULAR SESSION  
2

3 ONE HUNDRED AND TWELFTH LEGISLATURE  
4

5 Legislative Document

No. 1797

6  
7 H.P. 1280

House of Representatives, January 9, 1986

8 Approved for introduction by a majority of the Legislative Council  
pursuant to Joint Rule 26.

9 Reference to the Committee on Energy and Natural Resources suggested  
and ordered printed.

10 EDWIN H. PERT, Clerk

Presented by Representative Bagley of Waldoboro.

Cosponsored by Representative Mayo of Thomaston, Representative  
11 Michaud of Medway and Representative Holloway of Edgecomb.

12 STATE OF MAINE  
13

14 IN THE YEAR OF OUR LORD  
15 NINETEEN HUNDRED AND EIGHTY-SIX  
16

17 AN ACT Concerning State Contributions to  
18 Pollution Abatement.  
19

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

22 38 MRSA §411, first ¶, as repealed and replaced  
23 by PL 1985, c. 479, §3, is amended to read:

24 The department may pay an amount at least 15%,  
25 but not to exceed 45%, of the expense of a municipal  
26 or quasi-municipal pollution abatement construction  
27 program. The department may pay up to 90% of the ex-  
28 pense of a municipal or quasi-municipal pollution  
29 abatement construction program in which the construc-  
30 tion cost of the project does not exceed \$100,000 so  
31 long as total expenditures for the small projects do  
32 not exceed \$1,000,000 in any fiscal year and not more  
33 than one grant is made to any applicant each year. In  
34 determining the State's share of the cost of these  
35 small pollution abatement projects, the department  
36 shall consider the ability of the owner of the prop-

1 erty for which the project is to be constructed to  
2 contribute toward the cost of that construction. The  
3 department shall determine ability to pay in accord-  
4 ance with rules adopted by the department pursuant to  
5 the Maine Administrative Procedure Act, Title 5,  
6 chapter 375. Those rules shall take into account  
7 household income level, personal assets and any other  
8 factors which the department determines relevant.  
9 The ability of the property owner to contribute  
10 toward the cost of construction shall not be a factor  
11 in determining the priority lists required by this  
12 section.

13 STATEMENT OF FACT

14 Currently, the Department of Environmental Protection  
15 may pay up to 90% of small pollution abatement  
16 construction projects with a limit of \$100,000  
17 for each project. Up to \$1,000,000 worth of those  
18 projects are funded from the general bond issue for  
19 construction of sewage treatment facilities each  
20 year. The money may be used for projects benefiting  
21 individual homeowners or businesses. There is pres-  
22 ently no consideration of the ability of the person  
23 benefiting from the project to pay for all or part of  
24 that project.

25 This bill requires the department to consider the  
26 property owner's ability to pay when determining how  
27 much the State will contribute to these small  
28 projects. By taking into account ability to pay, the  
29 limited amount of money set aside for these projects  
30 will be available to help fund additional clean-up  
31 projects.

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