

MAINE STATE LEGISLATURE

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STATE OF MAINE
HOUSE OF REPRESENTATIVES
114TH LEGISLATURE
SECOND REGULAR SESSION

COMMITTEE AMENDMENT "A" to H.P. 1753, L.D. 2416, Bill, "An Act to Establish Fees for Nonferrous Metal Mining"

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 §349-A is enacted to read:

§349-A. Comprehensive mining rules

The board and the Maine Land Use Regulation Commission shall jointly adopt comprehensive rules governing nonferrous metal mining by February 1, 1991. The commissioner and the Maine Land Use Regulation Commission shall convene a joint task force composed of 3 members from each agency to carry out the duties of this section. Any consultants hired must be jointly chosen by both the commissioner and the Maine Land Use Regulation Commission. Any rules adopted pursuant to this section must include reclamation requirements for a nonferrous metal mining site.

Sec. 2. 38 MRSA §352, sub-§4-A is enacted to read:

4-A. Maximum fees for nonferrous metal mining. Notwithstanding the fees for mining established in subsections 4 and 5, the maximum fees for nonferrous metal mining are as follows:

- A. The preapplication fee is \$10,000;
- B. The processing fee is \$30,000; and
- C. The annual license fee is \$10,000.

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Sec. 3. 38 MRSA §353, sub-§1-A is enacted to read:

1-A. Preapplication fee for nonferrous metal mining. The preapplication fee for nonferrous metal mining must be paid upon submission of a base line monitoring plan to the department for review and approval.

For the purposes of this subsection, "base line monitoring plan" means a monitoring plan that defines the existing site conditions for a specific location and must include, but is not limited to, characterizations of the following resources: wildlife, surface and ground water quality and quantity and air quality.

Sec. 4. 38 MRSA §353, sub-§2, as amended by PL 1987, c. 419, §8, is further amended to read:

2. Processing fee. A processing fee shall must be paid at the time of filing the application. Failure to pay the processing fee at the time of filing the application will result results in the application being returned to the applicant. The department shall commissioner may not refund the processing fee if the application is denied by the board or the commissioner. If the application is withdrawn by the applicant within 30 days of the start of processing, the processing fee shall must be refunded, except in the case of nonferrous metal mining applications. If an application for nonferrous metal mining is withdrawn by the applicant within 30 days of the date of filing, 1/2 of the application fee must be refunded.

Sec. 5. 38 MRSA §353, sub-§3, as amended by PL 1987, c. 787, §11, is further amended to read:

3. License fee. A license fee shall must be paid at the time of filing the application. Failure to pay the license fee at the time of filing will result results in the application being returned to the applicant. The department shall refund the license fee if the board or commissioner denies the application or if the application is withdrawn by the applicant. Notwithstanding the provisions of this subsection, the license fee for a subdivision shall must be paid prior to the issuance of the license.

The license fees for nonferrous metal mining must be paid annually on the anniversary date of the license for the life of the project, up to and including the period of closure and reclamation.

Sec. 6. 38 MRSA §361-A, sub-§3-A is enacted to read:

3-A. Nonferrous metal mining. "Nonferrous metal mining" means hard rock mining for base and precious metals including copper, lead, tin, zinc, gold, silver, platinum, paladium and

2 unspecified platinoid metals. "Nonferrous metal mining" does not
3 include thorium or uranium.

4 Sec. 7. 38 MRSA §489-B is enacted to read:

6 §489-B. Uranium and thorium mining

8 Mining for uranium or thorium is prohibited within the State.

10 Sec. 8. 38 MRSA §1319-E, sub-§1, ¶D, as amended by PL 1987, c.
11 517, §26, is further amended to read:

12 D. Amounts necessary to reimburse municipalities as
13 required by section 1319-R, subsection 3; and

14 Sec. 9. 38 MRSA §1319-E, sub-§1, ¶E, as amended by PL 1989, c.
15 546, §15, is further amended to read:

16 E. Costs incurred in the inspection or supervision of
17 hazardous waste activities and hazardous waste handlers, ;
18 and

19 Sec. 10. 38 MRSA §1319-E, sub-§1, ¶F is enacted to read:

20 F. A one-time allocation of \$100,000 to the department to
21 develop comprehensive mining rules pursuant to section 349-A.

22 Sec. 11. Appropriation. The following funds are appropriated
23 from the General Fund to carry out the purposes of this Act.

24 1989-90

25 CONSERVATION, DEPARTMENT OF

26 Land Use Regulation Commission

27 All Other \$100,000

28 Provides funds for the promulgation of
29 rules. These funds may not lapse but must
30 be carried forward until June 30, 1991.

31 Sec. 12. Allocation. The following funds are allocated from
32 the Maine Hazardous Waste Fund to carry out the purposes of this
33 Act.

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1989-90

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**ENVIRONMENTAL PROTECTION,
DEPARTMENT OF**

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Maine Hazardous Waste Fund

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All Other \$100,000

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Provides funds for the promulgation of rules.

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Emergency clause. In view of the emergency cited in the preamble, this Act takes effect when approved.

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FISCAL NOTE

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Enactment of this legislation will result in:

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1. A General Fund appropriation to the Department of Conservation, Maine Land Use Regulation Commission, in the amount of \$100,000 for fiscal year 1989-90. This appropriation would provide funds for the promulgation of rules governing nonferrous metal mining;

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2. An allocation of Other Special Revenue to the Department of Environmental Protection, Maine Hazardous Waste Fund, Acct. #04530.3, in the amount of \$100,000 for fiscal year 1989-90. This allocation would provide funds for the promulgation of rules; and

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3. An increase in dedicated revenue to the Maine Environmental Protection Fund in the amount of \$20,000 for fiscal year 1989-90. This increase in revenue will be derived from the proposed preapplication fee. Some additional revenue could be realized from the proposed processing fee or annual license fee in fiscal year 1990-91. The exact amount can not be determined at this time. No additional allocations are required since the increase in revenue will be used to fund existing staff expenses.'

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STATEMENT OF FACT

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This amendment requires the Department of Environmental Protection and the Maine Land Use Regulation Commission to develop and adopt joint rules for nonferrous metal mining. Funds for developing the rules come from a one-time allocation from the Maine Hazardous Waste Fund to cover the department's portion and a General Fund appropriation to cover the commission's portion.

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COMMITTEE AMENDMENT "A" to H.P. 1753, L.D. 2416

2 Fees for mining applications are increased in recognition of
the complexity of the permitting process and to cover extensive
4 preapplication work by the department.

6 The amendment also defines nonferrous metal mining and
specifically prohibits uranium and thorium mining in this State.

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10 An appropriation section, allocation section and fiscal note
are added to the bill.

Reported by the Committee on Energy and Natural Resources
Reproduced and distributed under the direction of the Clerk of the
House
4/5/90 (Filing No. H-1065)