

# MAINE STATE LEGISLATURE

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# 114th MAINE LEGISLATURE

## SECOND REGULAR SESSION - 1990

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Legislative Document

No. 2432

H.P. 1764

House of Representatives, March 14, 1990

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

*Ed Pert*

EDWIN H. PERT, Clerk

Presented by Representative DEXTER of Kingfield.  
Cosponsored by Senator PERKINS of Hancock.

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STATE OF MAINE

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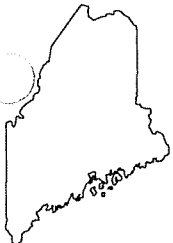
IN THE YEAR OF OUR LORD  
NINETEEN HUNDRED AND NINETY

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**An Act Amending the Laws Governing the Maine Environmental  
Protection Fund.**

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(EMERGENCY)



2           **Emergency preamble.** Whereas, Acts of the Legislature do not  
become effective until 90 days after adjournment unless enacted  
as emergencies; and

4           Whereas, the fees received for licenses issued by the  
6 Department of Environmental Protection do not sufficiently  
support processing and compliance measures; and

8           Whereas, the activities supported by the fees have become  
10 increasingly complex; and

12           Whereas, the lack of funding seriously jeopardizes the  
department's ability to meet its mandates; and

14           Whereas, in the judgment of the Legislature, these facts  
16 create an emergency within the meaning of the Constitution of  
Maine and require the following legislation as immediately  
18 necessary for the preservation of the public peace, health and  
safety; now, therefore,

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

22           **Sec. 1. 38 MRSA §351**, as amended by PL 1987, c. 787, §5, is  
24 further amended to read:

26           **§351. Maine Environmental Protection Fund**

28           The Maine Environmental Protection Fund, referred to in this  
subchapter as the fund, is established as a nonlapsing fund to  
30 supplement licensing, compliance and enforcement programs  
administered by the Department of Environmental Protection. All  
32 fees established under this subchapter shall be credited to  
the fund, and administrative expenses directly related to  
34 licensing these programs shall be charged to the fund, ~~except~~  
~~that in fiscal year 1984, \$41,250 shall be deposited in the~~  
36 ~~General Fund.~~

38           Money in the fund not currently needed to meet the  
obligations of the department in the exercise of its  
40 responsibilities under its licensing programs shall ~~be~~ is  
deposited with the Treasurer of State to the credit of the fund  
42 and may be invested in as provided by statute. Interest on these  
investments shall ~~be~~ is credited to the fund.

44           Money in the fund may only be expended in accordance with  
46 allocations approved by the Legislature. These allocations shall  
must be based on estimates of the actual costs necessary for the  
48 department to administer licensing and permitting, compliance and  
enforcement programs. Allowable expenditures include Personal  
50 Services, All Other and Capital Expenditures associated with  
prelicense or permit activities such as application reviews,  
52 public hearings and appeals, the actual license or permit

2 processing activities and associated post-license or permit  
3 compliance activities required to assure continued licensee or  
4 permittee compliance and enforcement activities as a result of  
license or permit noncompliance.

6 **Sec. 2. 38 MRSA §352, sub-§1**, as amended by PL 1987, c. 787,  
7 §6, is further amended to read:

8  
9 **1. Fees established.** The department shall establish  
10 procedures to charge applicants for costs incurred in reviewing  
11 license and permit applications and compliance and enforcement  
12 activities. For the purposes of this subchapter, costs may  
13 include, but are not be limited to, personnel costs, travel,  
14 supplies, legal and computer services.

16 **Sec. 3. 38 MRSA §352, sub-§1-A** is enacted to read:

18 **1-A. Fees for advisory opinions, rules and other**  
19 **information.** The commissioner may establish fees for the  
20 issuance and delivery of advisory opinions, rules and other  
21 information, reflecting the actual expenses entailed.

22  
23 **Sec. 4. 38 MRSA §352, sub-§3**, as amended by PL 1987, c. 787,  
24 §8, is further amended to read:

26 **3. Special fee.** ~~Except as provided in this subsection, no~~  
27 ~~fee may exceed the maximum established in Table 1.~~ If the  
28 commissioner determines that a particular application, by virtue  
29 of its size, uniqueness, complexity or other relevant factors, is  
30 likely to require significantly more costs than those listed on  
31 Table 1 the fee tables in this section, he the commissioner may  
32 designate that application as subject to special fees. A special  
33 fee shall ~~may~~ not exceed \$40,000 ~~\$50,000~~. Such a designation  
34 must be made at, or prior to, the time the application is  
35 accepted as complete and may not be based solely on the  
36 likelihood of extensive public controversy. All department staff  
37 who have worked on the review of the application ~~will~~ must submit  
38 quarterly reports to the commissioner detailing the time spent on  
39 the application and all expenses attributable to the  
40 application. The processing fee for that application shall be  
41 the actual cost to the department. The applicant shall must be  
42 billed quarterly and all fees ~~must be~~ paid prior to receipt of  
43 the permit.

44  
45 **Sec. 5. 38 MRSA §352, sub-§4**, as amended by PL 1989, c. 405,  
46 §1, is repealed and the following enacted in its place:

48 **4. Accounting system.** In order to determine the extent to  
49 which the functions set out in this section are necessary for the  
50 licensing process or are being performed in an efficient and  
51 expeditious manner, the commissioner shall require that all  
52 employees of the department involved in any aspect of these

2 functions keep accurate and regular daily time records. These  
3 records must describe the matters worked on, the services  
4 performed and the amount of time devoted to those matters and  
5 services, as well as the money expended in performing these  
6 functions. Records must be kept for a period of time sufficient  
7 for the commissioner to determine that the fees are appropriate.

8 Sec. 6. 38 MRSA §352, sub-§4-A is enacted to read:

10 4-A. Fee adjustments. Annually, in July, fees may be  
11 adjusted based on the previous calendar year's Consumer Price  
12 Index. The commissioner shall publish revised fee tables  
13 annually.

14 Sec. 7. 38 MRSA §352, sub-§5, as amended by PL 1989, c. 502,  
15 Pt. A, §167, is repealed.

18 Sec. 8. 38 MRSA §352, sub-§5-A is enacted to read:

20 5-A. Maximum license fees. The maximum fees for licenses  
21 issued by the department under the following sections are:

22 TABLE I

24 MAXIMUM FEES IN DOLLARS

26 TITLE 36	PROCESSING	CERTIFICATION
28 SECTION	FEE	FEE
30 <u>656, sub-§1, ¶E, Pollution control</u>		
31 <u>facilities</u>		
32		
33 <u>A. Water pollution control</u>		
34 <u>facilities with capacities</u>		
35 <u>of at least 4,000 gallons of</u>		
36 <u>wastewater per day and §1760,</u>		
37 <u>sub-§29, water pollution</u>		
38 <u>control facilities</u>	\$250	\$20
39		
40 <u>B. Air pollution</u>		
41 <u>control and §1760,</u>		
42 <u>sub-§30, air pollution</u>		
43 <u>control facilities</u>	250	20
44		
45 <u>656, sub-§1, ¶E, Pollution</u>		
46 <u>control facilities</u>		
47		
48 <u>A. Water pollution</u>		
49 <u>control facilities</u>		
50 <u>with capacities of at</u>		
51 <u>least 4,000 gallons</u>		
52 <u>of waste per day</u>		

2	<u>and §1760, sub-§29,</u>		
	<u>water pollution control</u>		
4	<u>facilities</u>	<u>250</u>	<u>20</u>
6	<u>B. Air pollution</u>		
	<u>control and §1760,</u>		
8	<u>sub-§30, air pollution</u>		
	<u>control facilities</u>	<u>250</u>	<u>20</u>
10	<u>TITLE 38</u>	<u>PROCESSING</u>	<u>LICENSE</u>
	<u>SECTION</u>	<u>FEE</u>	<u>FEE</u>
12	<u>344, sub-§7, Permit by rule</u>	<u>\$100</u>	<u>\$0</u>
14	<u>362-A, Experiments</u>	<u>500</u>	<u>500</u>
16	<u>421, Solid waste 300 feet</u>		
18	<u>variance</u>		
20	<u>A. Solid waste disposal</u>		
	<u>site</u>	<u>1,400</u>	<u>100</u>
22	<u>B. Disposal of soil, rock,</u>		
24	<u>brick, cured concrete,</u>		
26	<u>cured asphalt or dredge</u>		
	<u>spoils containing less</u>		
28	<u>than 15% fines or that</u>		
	<u>have been determined</u>		
30	<u>to be chemically inert</u>	<u>125</u>	<u>25</u>
32	<u>480-E, Natural resources protection</u>		
	<u>permits</u>		
34	<u>A. Alteration of rivers,</u>		
	<u>streams and brooks</u>	<u>200</u>	<u>100</u>
36	<u>B. Great ponds</u>	<u>200</u>	<u>100</u>
38	<u>C. Freshwater wetlands</u>	<u>200</u>	<u>100</u>
40	<u>D. Coastal wetlands and</u>		
42	<u>sand dunes</u>	<u>3,500</u>	<u>1,550</u>
44	<u>485-A, Site location</u>		
46	<u>A. Affordable housing</u>		
	<u>subdivisions</u>	<u>50/lot</u>	<u>50/lot</u>
48	<u>B. Other subdivisions</u>		
50	<u>with public water and</u>		
	<u>sewers</u>	<u>275/lot</u>	<u>75/lot</u>
52			

2	<u>C. Other subdivisions</u>	<u>350/lot</u>	<u>150/lot</u>
4	<u>D. Structures</u>	<u>4,000</u>	<u>2,300</u>
6	<u>E. Mining</u>	<u>50,000</u>	<u>20,000</u>
8	<u>F. Other</u>	<u>1,000</u>	<u>1,300</u>
10	<u>489-A, Projects from registered municipalities</u>	<u>500</u>	
12	<u>543, Oily waste discharge</u>	<u>40</u>	<u>160</u>
14	<u>560, Vessels at anchorage</u>	<u>125</u>	<u>100</u>
16	<u>587, Ambient air quality or emissions standards variances</u>	<u>5,050</u>	<u>50</u>
20	<u>633, Hydropower projects</u>		
22	<u>A. New or expanded generating capacity</u>	<u>450/MW</u>	<u>50/MW</u>
24	<u>B. Maintenance and repair or other structural alterations not involving an increase in generating capacity</u>		
30		<u>150</u>	<u>50</u>
32	<u>1101, Sanitary districts</u>	<u>150</u>	<u>50</u>
34	<u>1278, Notification of asbestos abatement projects involving:</u>		
36	<u>A. More than 100 square feet or 100 linear feet, but less than 1,000 square feet or 5,000 linear feet</u>		<u>200</u>
42	<u>B. More than 1,000 square feet or 5,000 linear feet</u>		<u>400</u>
44	<u>1304, Waste management</u>		
46	<u>A. Septage disposal</u>		
48	<u>1. Site designation</u>	<u>50</u>	<u>50</u>
50	<u>B. Land application of</u>		

2	<u>sludges and residuals --</u>		
	<u>program approval</u>		
4	1. <u>Industrial sludge</u>	<u>1,200</u>	<u>1,200</u>
6	2. <u>Municipal sludge</u>	<u>800</u>	<u>800</u>
8	3. <u>Bio-ash</u>	<u>800</u>	<u>800</u>
10	4. <u>Wood ash</u>	<u>500</u>	<u>500</u>
12	5. <u>Food waste</u>	<u>500</u>	<u>500</u>
14	6. <u>Other residuals</u>	<u>500</u>	<u>500</u>
16	<u>C. Landfill</u>		
18	1. <u>Closing plans for</u>		
20	<u>nonmunicipal landfills</u>	<u>1,500</u>	<u>1,500</u>
22	2. <u>Closing plans for</u>		
	<u>municipal landfills</u>	<u>500</u>	<u>500</u>
24	3. <u>Variance request</u>		
26	<u>for attenuation landfills</u>	<u>500</u>	<u>500</u>
28	4. <u>Preliminary</u>		
	<u>information reports</u>	<u>500</u>	<u>500</u>
30	5. <u>License transfers</u>	<u>500</u>	<u>500</u>
32	6. <u>Special waste</u>		
34	<u>disposal</u>		
36	a. <u>One-time disposal</u>		
	<u>of quantities of</u>		
38	<u>6 cubic yards or less</u>	<u>50</u>	<u>50</u>
40	b. <u>One-time disposal of</u>		
	<u>quantities greater</u>		
42	<u>than 6 cubic yards</u>	<u>100</u>	<u>100</u>
44	c. <u>Program approval for</u>		
	<u>routine disposal</u>		
46	<u>of a special waste</u>	<u>400</u>	<u>200</u>
48	<u>D. Incineration facility</u>		
50	1. <u>Fuel substitution</u>		
	<u>activities</u>	<u>1,500</u>	<u>1,000</u>
52	2. <u>License transfers</u>	<u>500</u>	<u>500</u>



2	<u>E. License transfer other</u>		
	<u>than for landfills and</u>		
4	<u>incinerators</u>	<u>250</u>	<u>250</u>
6	<u>33 United States Code,</u>		
	<u>Chapter 26, Water Quality</u>		
8	<u>Certifications, in conjunction</u>		
	<u>with applications for hydro-</u>		
10	<u>power project licensing or re-</u>		
	<u>licensing</u>		
12			
14	<u>A. Initial consultation</u>	<u>1,000</u>	<u>0</u>
16	<u>B. 2nd consultation</u>	<u>1,000</u>	<u>0</u>
18	<u>C. Application</u>		
20	<u>1. Storage</u>	<u>1,000</u>	<u>0</u>
22	<u>2. Generation</u>	<u>300/MW</u>	<u>50/MW</u>

Sec. 9. 38 MRSA §352, sub-§5-B is enacted to read:

5-B. Maximum license and annual fees. The maximum fees for licenses issued by the department under the following sections are:

TABLE II

MAXIMUM FEES IN DOLLARS

<u>TITLE 38</u>	<u>PROCESSING</u>	<u>ANNUAL</u>
<u>SECTION</u>	<u>FEE</u>	<u>LICENSE</u>
		<u>FEE</u>
<u>413, Waste discharge license</u>		
<u>A. Overboard discharge</u>		
<u>1. Flow of less than</u>		
<u>1,000 gallons per day</u>	<u>400</u>	<u>100</u>
<u>2. Flow of 1,000 to</u>		
<u>20,000 gallons per day</u>		
<u>inclusive</u>	<u>2,400</u>	<u>500</u>
<u>3. Flow of greater</u>		
<u>than 20,000 gallons</u>		
<u>per day</u>	<u>4,000</u>	<u>1,000</u>
<u>B. Industrial minor</u>		

2	<u>(based on EPA list of</u>		
	<u>major and minor source</u>		
4	<u>discharges)</u>		
6	1. <u>Discharges of</u>		
	<u>cooling water,</u>		
8	<u>sanitary wastewater</u>		
	<u>or treated storm water</u>		
10	<u>only</u>	<u>1,500</u>	<u>250</u>
12	2. <u>All others</u>	<u>4,500</u>	<u>1,200</u>
14	<u>C. Industrial major</u>		
	<u>(based on EPA list of</u>		
16	<u>major source discharges)</u>		
18	1. <u>Discharge of</u>		
	<u>cooling water or</u>		
20	<u>sanitary wastewater</u>		
	<u>only</u>	<u>7,000</u>	<u>2,000</u>
22	2. <u>All others</u>	<u>30,000</u>	<u>5,000</u>
24	<u>D. Publicly owned</u>		
26	<u>treatment works</u>		
28	1. <u>Flow of less</u>		
	<u>than or equal to</u>		
30	<u>50,000 gallons</u>		
	<u>per day, and</u>		
32	<u>no significant</u>		
	<u>industrial component</u>	<u>700</u>	<u>400</u>
34	2. <u>Flow of greater</u>		
	<u>than 50,000 gallons</u>		
36	<u>per day, but less</u>		
	<u>than 500,000 gallons</u>		
38	<u>per day and no</u>		
	<u>significant</u>		
40	<u>industrial component</u>	<u>1,000</u>	<u>600</u>
42	3. <u>Flow of at least</u>		
	<u>500,000 gallons</u>		
44	<u>per day, but less</u>		
	<u>than 5,000,000</u>		
46	<u>gallons per day and</u>		
	<u>no significant</u>		
48	<u>industrial component</u>	<u>2,000</u>	<u>900</u>
50	4. <u>Flow of at least</u>		
	<u>5,000,000 gallons per</u>		
52	<u>day and no significant</u>		

2	<u>industrial component</u>	<u>4,000</u>	<u>2,000</u>
4	<u>5. Publicly owned</u>		
6	<u>treatment works with</u>		
	<u>significant industrial</u>		
	<u>component</u>	<u>30,000</u>	<u>5,000</u>
8	<u>E. Special discharges</u>		
10	<u>1. Aquatic pesticides</u>	<u>300</u>	<u>75</u>
12	<u>2. Dredge spoils</u>	<u>300</u>	<u>75</u>
14	<u>418, Log storage</u>	<u>100</u>	<u>50</u>
16	<u>451, Mixing zones</u>	<u>1,200</u>	<u>2,200</u>
18	<u>590, Annual air emission fees</u>	<u>See section 353-A</u>	
20	<u>1278, Certification of asbestos</u>		
	<u>abatement</u>		
22	<u>A. Contractor</u>		<u>500</u>
24	<u>B. Design consultant</u>		<u>250</u>
26	<u>C. Evaluation specialist</u>		<u>150</u>
28	<u>D. Project supervisor</u>		<u>125</u>
30	<u>E. Worker</u>		<u>100</u>
32	<u>1310-N, Waste management</u>		
34	<u>A. Septage disposal</u>		
36	<u>1. Landspreading</u>	<u>400</u>	<u>800</u>
38	<u>2. Storage</u>	<u>100</u>	<u>200</u>
40	<u>B. Sludge compost facility</u>		
42	<u>1. Type I</u>	<u>400</u>	<u>400</u>
44	<u>2. Type IA</u>	<u>400</u>	<u>400</u>
46	<u>3. Type II</u>	<u>500</u>	<u>1,500</u>
48	<u>4. Type III</u>	<u>500</u>	<u>2,000</u>
50	<u>5. Municipal solid</u>		
52	<u>waste</u>	<u>500</u>	<u>2,500</u>

2	<u>C. Land application of</u>		
4	<u>sludges and residuals</u>		
6	<u>1. Sites with program</u>		
	<u>approval</u>		
8	<u>a. Industrial sludge</u>	<u>400</u>	<u>800</u>
10	<u>b. Municipal sludge</u>	<u>200</u>	<u>600</u>
12	<u>c. Bio-ash</u>	<u>200</u>	<u>600</u>
14	<u>d. Wood ash</u>	<u>150</u>	<u>350</u>
16	<u>e. Food waste</u>	<u>150</u>	<u>350</u>
18	<u>f. Other residuals</u>	<u>150</u>	<u>350</u>
20	<u>2. Sites without program</u>		
22	<u>approval</u>		
24	<u>a. Industrial sludge</u>	<u>900</u>	<u>1,600</u>
26	<u>b. Municipal sludge</u>	<u>400</u>	<u>800</u>
28	<u>c. Bio-ash</u>	<u>400</u>	<u>800</u>
30	<u>d. Wood ash</u>	<u>200</u>	<u>600</u>
32	<u>e. Food waste</u>	<u>200</u>	<u>600</u>
34	<u>f. Other</u>	<u>200</u>	<u>600</u>
36	<u>D. Landfill</u>		
38	<u>1. New or expanded for</u>		
40	<u>the acceptance of</u>		
	<u>municipal or special</u>		
	<u>waste, or both</u>	<u>5,000</u>	<u>10,000</u>
42	<u>2. Wood waste or</u>		
44	<u>demolition debris</u>		
	<u>landfills, or both,</u>		
	<u>of greater than 6</u>		
46	<u>acres</u>	<u>3,000</u>	<u>5,000</u>
48	<u>3. Wood waste or</u>		
50	<u>demolition debris</u>		
	<u>landfills, or both,</u>		
	<u>less than or equal</u>		
52	<u>to 6 acres</u>	<u>500</u>	<u>2,000</u>

2	<u>E. Incineration facility --</u>		
4	<u>New or expanded for the</u>		
	<u>acceptance of municipal</u>		
6	<u>or special wastes, or both</u>	<u>5,000</u>	<u>10,000</u>
8	<u>F. Transfer station and</u>		
	<u>storage facility</u>	<u>1,200</u>	<u>1,300</u>
10	<u>G. Tire disposal or</u>		
12	<u>storage facility, or both</u>	<u>1,200</u>	<u>1,300</u>
14	<u>H. Recycling facility</u>	<u>1,000</u>	<u>500</u>
16	<u>I. Processing facility</u>		
	<u>other than municipal</u>		
18	<u>solid waste composting</u>	<u>500</u>	<u>1,000</u>
20	<u>J. Other utilization</u>		
	<u>activities</u>		
22	<u>1. Special waste</u>	<u>500</u>	<u>1,000</u>
24	<u>2. Other</u>	<u>200</u>	<u>800</u>

26       **Sec. 10. 38 MRSA §352, sub-§6**, as enacted by PL 1987, c. 787,  
28       §10, is amended to read:

30       **6. Reporting requirements.** The department commissioner  
32       shall report, before February 1st of each year, to the joint  
34       standing committee of the Legislature having jurisdiction over  
36       natural resources on the effects of the license fee increases on  
38       department efficiency and license and permit processing time.

40       **Sec. 11. 38 MRSA §353, sub-§2**, as amended by PL 1987, c. 419,  
42       §8, is further amended to read:

44       **2. Processing fee.** A Except for annual air emission fees  
46       pursuant to section 590, a processing fee shall must be paid at  
48       the time of filing the application. Failure to pay the  
50       processing fee at the time of filing the application will--result  
52       results in the application being returned to the applicant. The  
54       department--shall commissioner may not refund the processing fee  
56       if the application is denied by the board or the commissioner. If  
58       the application is withdrawn by the applicant within 30 days of  
60       the start of processing, the processing fee shall--be is refunded.

62       **Sec. 12. 38 MRSA §353, sub-§3**, as amended by PL 1987, c. 787,  
64       §11, is further amended to read:

66       **3. License fee.** A The license fee--shall fees found in  
68       section 352, subsection 5-A, must be paid at the time of filing

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

10 The license fees found in section 352, subsection 5-B, must be  
11 assessed on new and existing licenses and paid annually for the  
12 term of the license. Failure to pay the fee voids the license.

14 **Sec. 13. 38 MRSA §353, sub-§5**, as amended by PL 1987, c. 419,  
15 §8, is further amended to read:

16 **5. Renewals or amendments.** The Notwithstanding renewals  
17 or amendments issued under section 590, the processing fee for  
18 renewals or amendments shall-be is equal to direct costs up to  
19 1/2 the processing fee for initial applications. The license fee  
20 for renewals shall-be is identical to the initial license fee.  
21 The license fee for amendments shall may not exceed the initial  
22 license fee.

24 **Sec. 14. 38 MRSA §353, sub-§9** is enacted to read:

26 **9. Processing fee for after-the-fact permits.** For  
27 applications submitted to the department as a result of an  
28 enforcement action or after the regulated activity has occurred  
29 without a permit being issued, an additional processing fee is  
30 due and must be paid at the time of filing the application. The  
31 additional fee is equal to twice the processing fee, or in the  
32 case of licenses issued under section 590, the additional fee is  
33 equal to twice the annual air emission fee.

36 **Sec. 15. 38 MRSA §353-A** is enacted to read:

38 **353-A. Payment of air emissions license fees**

40 **1. Fee.** Beginning July 1, 1990, a fee of \$8 per ton per  
41 year is assessed on the sum of all licensed allowable air  
42 pollutants except for carbon monoxide.

44 **2. Schedule.** The fee for existing licenses is paid on the  
45 anniversary date of the license. The fee for new applications is  
46 estimated and paid at the time of filing the application. When  
47 the processing of the application is complete, the final fee is  
48 determined. Any additional fee is due prior to the issuance of  
49 the license. Any overpayment must be refunded. If the  
50 application is denied, 50% of the initial fee must be refunded.

52 **3. Minimum fee.** The minimum fee is \$100 per year.

2        4. Transition for existing licenses. A holder of a license  
3        may request a minor revision to that license for the purpose of  
4        reducing the sum of the licensed allowable air pollutants.

6        **Sec. 16. 38 MRSA §1278**, as enacted by PL 1987, c. 488, §1-C,  
7        is amended to read:

8        **§1278. Fees**

10        **1. Fees established.** ~~The following fees are~~ Fees must be  
11        established for each license and certification category and are  
12        to be paid annually. The fees shall must be paid upon application to  
13        the commissioner and deposited in the Maine Environmental  
14        Protection Fund.

16        ~~A. The fees are:~~

18            ~~(1) Asbestos abatement contractor, \$250,-~~

20            ~~(2) Asbestos abatement design consultant, \$50,-~~

22            ~~(3) Asbestos evaluation specialist, \$50,-~~

24            ~~(4) Asbestos project supervisor, \$50,- and~~

26            ~~(5) Asbestos abatement worker, \$25,-~~

28        **B.** A business or public entity may pay the certification fee  
29        and receive certificates for one or more positions in each  
30        category on an annual basis. Employees filling the certified  
31        positions at any time during the one-year period shall must  
32        be qualified under terms of this chapter and, ~~if~~ when  
33        qualified, shall are to receive written evidence of  
34        certification. The business or public entity shall notify  
35        the commissioner within 5 working days of any changes of the  
36        persons holding its certified positions and shall provide all  
37        information requested by the commissioner to show that new  
38        employees meet the requirements for certification pursuant to  
39        this chapter.

41        **C.** A person applying for certification under more than one  
42        category shall ~~pay~~ pays only the fee for the highest category.

44        **2. Notification fees.** Notification of a planned asbestos  
45        abatement project pursuant to section 1273, ~~subsections 2 and 3,~~  
46        shall subsection 2, must be accompanied by a notification fee, as  
47        prescribed in section 352, unless such activity occurs in private  
48        residential buildings of 4 dwelling units or less.

50        ~~A. The fees are:~~

2                   ~~(1) Projects involving more than 160 square feet or 260~~  
3                   ~~linear feet, but less than 1,000 square feet or 5,000~~  
4                   ~~linear feet; --\$100; and~~

6                   ~~(2) Projects involving more than 1,000 square feet or~~  
7                   ~~5,000 linear feet; --\$200.~~

8                   Sec. 17. 38 MRSA §1279, sub-§1, as enacted by PL 1987, c. 448,  
9                   §1-C, is amended to read:

10                   1. Fee. The appropriate fee as prescribed in section 1278  
11                   352;

12                   Sec. 18. 38 MRSA §1303-C, sub-§§1-A and 45-A are enacted to  
13                   read:

14                   1-A. Bio-ash. "Bio-ash" means ash remaining after the  
15                   combustion of either paper mill sludge, wood from demolition  
16                   debris, or the combustion of wood with fossil fuels or other  
17                   material, that is suitable for controlled land application and  
18                   results in negative assimilation, attenuation of the components in  
19                   the material or improved soil conditions.

20                   45-A. Wood ash. "Wood ash" means ash remaining after the  
21                   combustion of wood or peat that is suitable for controlled land  
22                   application and results in negative assimilation, attenuation of  
23                   the components in the material or improved soil conditions.

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

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34                   **STATEMENT OF FACT**

35                   This bill makes the following changes to the laws governing  
36                   the Maine Environmental Protection Fund.

37                   1. The bill makes the Maine Revised Statutes, Title 38,  
38                   sections 351 and 352 consistent with changes made in Public Law  
39                   1987, chapter 787.

40                   2. The bill gives the Commissioner of Environmental  
41                   Protection the authority to charge fees for the issuance of  
42                   advisory opinions, rules and other materials. Given the  
43                   increasing complexity of environmental statutes and regulations,  
44                   more and more potential applicants are requesting advisory  
45                   opinions from the Department of Environmental Protection to  
46                   determine whether a license or permit is needed. The authority to  
47                   charge fees will help to defray the costs associated with issuing  
48                   these advisory.  
49  
50



2 3. The bill raises the special fee maximum from \$40,000 to  
4 \$50,000 in order to cover increasing costs.

6 4. The bill repeals the existing fee schedule in Title 38,  
8 section 352 and its sunset provision in order to enact 2 separate  
10 tables. The first table sets maximum fees for those one-time  
12 permits that do not need annual compliance inspections and adds  
14 certain new categories for the solid waste program and the natural  
16 resource protection laws. The second table is for those renewable  
licenses which need annual and other compliance checks. The  
license fees contained in this table will be paid annually for the  
term of the license. Existing licensed sources in addition to new  
sources will begin payment in 1990. The department will still be  
required to justify the fee increases adopted during the 113th  
Legislature.

18 5. The bill places an automatic adjustment into the fee  
20 tables to keep them current with inflation and deflation.

22 6. The bill excludes fees for air emission license renewals  
24 or amendments from the limitation of 1/2 of the initial fee. This  
change is necessary because of the change to a dollar amount per  
ton fee system paid each year for the term of the license.

26 7. The bill adds an additional fee for "after-the-fact  
28 permits," which are permits received as a result of an enforcement  
action or after the regulated activity has taken place.

30 8. The bill removes the fees for asbestos abatement  
32 certifications and notifications from Title 38, section 1278 in  
34 order to place them in Title 38, section 352 along with the other  
fees charged by the department.