

# MAINE STATE LEGISLATURE

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# 114th MAINE LEGISLATURE

## SECOND REGULAR SESSION - 1990

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Legislative Document

No. 2493

H.P. 1820

House of Representatives, April 6, 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 Representative LORD of Waterboro.

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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 to Amend the Maine Environmental Protection Fund Air  
Emission Fee Schedule.

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(EMERGENCY)



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

4  
Whereas, the fees received for licenses issued under the  
6 Maine Revised Statutes, Title 38, section 590, have not been  
revised since 1983 and the term of licenses issued has been  
8 changed from 2 to 5 years; and

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

12  
Whereas, the fees are no longer sufficient to support the  
14 legislative mandates of the Maine Revised Statutes, Title 38,  
section 590; and

16  
Whereas, the lack of funding seriously jeopardizes the  
18 State's ability to conduct the mandates of the Bureau of Air  
Quality Control; and

20  
Whereas, in the judgment of the Legislature, these facts  
22 create an emergency within the meaning of the Constitution of  
Maine and require the following legislation as immediately  
24 necessary for the preservation of the public peace, health and  
safety; now, therefore,

26  
**Be it enacted by the People of the State of Maine as follows:**

28  
**Sec. 1. 38 MRSA §352, sub-§2, ¶A,** as amended by PL 1987, c.  
30 787, §7, is further amended to read:

32  
A. Processing Except for those fees assessed under section  
34 353-A, processing fees shall must be assessed for costs  
incurrd in determining the acceptability of an application  
36 for processing and in processing an application to determine  
whether it meets statutory and regulatory criteria.

38  
**Sec. 2. 38 MRSA §352, sub-§2, ¶C,** as enacted by PL 1983, c.  
40 574, §1, is amended to read:

42  
C. Licensing Except for those fees assessed under section  
44 353-A, licensing fees shall must be assessed for direct  
costs incurred in monitoring, inspecting and sampling to  
44 assure ensure proper compliance by a licensee.

46  
**Sec. 3. 38 MRSA §352, sub-§2, ¶E** is enacted to read:

48  
E. The air emission license fees assessed under section  
50 353-A for those facilities licensed under section 590 must  
be assessed to support activities for the Bureau of Air  
Quality Control including licensing, compliance,  
52 enforcement, monitoring, data acquisition and administration.



2                   Sec. 9. 38 MRSA §353-A is enacted to read:

4                   §353-A. Annual air emissions license fees

6                   1. Fees assessed. After the effective date of this  
8                   section, a licensee must pay an annual fee assessed on the sum of  
all licensed allowable air pollutants, except for carbon  
monoxide, as follows:

10                                   Annual licensed emissions                                   Per ton fee  
12   in tons

14                                   1 - 1,000	\$2
1,001 - 4,000	\$4
16                                   over 4,001	\$8

18                   2. Schedule. The fee for existing licenses is paid on the  
20                   anniversary date of the license. The annual fee for new  
22                   applications is estimated and paid at the time of filing the  
24                   application. When the processing of the application is complete,  
the final annual fee is determined. Any additional amount is due  
prior to the issuance of the license. Any overpayment must be  
26                   refunded. If the application is denied, 50% of the initial  
annual fee must be refunded. The effective date of the license  
becomes the anniversary date.

28                   3. Maximum and minimum fee. The minimum annual fee is \$100  
per year and the maximum annual fee is \$60,000 per year.

30                   4. Transition for existing licenses. A licensee of a  
32                   source in existence on the effective date of this section may  
34                   request a revision to that license to reduce the sum of the  
licensed allowable air pollutants.

36                   5. Electrical generating facilities. Any electrical  
38                   generating facility owned or operated by a regulated electric  
utility that has operated at not more than 20% of its capacity  
40                   factor over the most recent 4-year period has its annual fee  
calculated on the 20% capacity factor. If the facility exceeds  
42                   the 20% capacity factor in any calendar year, the annual fee is  
based on actual emissions.

44                   6. Renewals and amendments. There are no additional fees  
46                   assessed for license renewals or amendments.

48                   7. Nonpayment of fee. Failure to pay the annual fee within  
30 days of the anniversary date of a license is sufficient  
50                   grounds for revocation of the license under section 347-B.

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

2

## STATEMENT OF FACT

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6       This bill establishes an annual air emission license fee  
based on the amount of pollutant a licensee emits. The maximum  
annual license fee is capped at \$60,000. The fees generated by  
8 this increase will be used to staff and operate the Department of  
Environmental Protection, Bureau of Air Quality Control.