

MAINE STATE LEGISLATURE

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114th MAINE LEGISLATURE

SECOND REGULAR SESSION - 1990

Legislative Document

No. 2511

H.P. 1840

House of Representatives, April 13, 1990

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

A handwritten signature in cursive script that reads "Ed Pert".

EDWIN H. PERT, Clerk

Presented by Representative DEXTER of Kingfield.

STATE OF MAINE

IN THE YEAR OF OUR LORD
NINETEEN HUNDRED AND NINETY

An Act Regarding the Maine Environmental Protection Fund Air
Emission Fee Schedule.



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

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

6 A. ~~Processing~~ Except for those fees assessed under section 353-A, processing fees shall must be assessed for costs
8 incurred in determining the acceptability of an application for processing and in processing an application to determine
10 whether it meets statutory and regulatory criteria.

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

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

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

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

28 Sec. 4. 38 MRSA §352, sub-§4, in that part designated "TABLE I" in that part relating to "TITLE 38" SECTION 590 is repealed
30 and the following enacted in its place:

32 590. Annual air emission fees See section 353-A

34 Sec. 5. 38 MRSA §352, sub-§6, as enacted by PL 1987, c.787, §10, is amended to read:

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

42 Sec. 6. 38 MRSA §353, sub-§2, as amended by PL 1987, c. 419, §8, is further amended to read:

44 2. Processing fee. A- Except for annual air emission fees pursuant to section 353-A, a processing fee shall must be paid at
46 the time of filing the application. Failure to pay the processing fee at the time of filing the application ~~will result~~
48 results in the application being returned to the applicant. The department ~~shall~~ commissioner may not refund the processing fee
50 if the application is denied by the board or the commissioner. If
52

2 the application is withdrawn by the applicant within 30 days of
the start of processing, the processing fee shall-be is refunded.

4 Sec. 7. 38 MRSA §353, sub-§3, as amended by PL 1987, c.787,
§11, is further amended to read:

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

16
18 Sec. 8. 38 MRSA §353, sub-§5, as amended by PL 1987, c. 419,
§8, is further amended to read:

20 5. Renewals or amendments. The As set forth in section
22 353-A, except for renewals or amendments issued under section
equal to direct costs up to 1/2 the processing fee for initial
24 applications. The license fee for renewals shall-be is identical
to the initial license fee. The license fee for amendments shall
26 may not exceed the initial license fee.

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

30 §353-A. Annual air emissions license fees

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

<u>Annual licensed emissions</u>	<u>Per ton fee</u>
<u>in tons</u>	
<u>1 - 1,000</u>	<u>\$2</u>
<u>1,001 - 4,000</u>	<u>\$4</u>
<u>over 4,001</u>	<u>\$8</u>

44 2. Schedule. The fee for existing licenses is paid on the
46 anniversary date of the license. The annual fee for new
application. When the processing of the application is complete,
48 the final annual fee is determined. Any additional amount is due
prior to the issuance of the license. Any overpayment must be
50 refunded. If the application is denied, 50% of the initial
annual fee must be refunded. The effective date of the license
52 becomes the anniversary date.

2 3. Maximum and minimum fee. The minimum annual fee is \$100
3 per year. Effective July 1, 1990, the maximum annual fee is
4 \$60,000 per year. Effective July 1, 1991, the maximum annual fee
5 is \$100,000 per year.

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

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

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19 6. Renewals and amendments. There are no additional fees
20 assessed for license renewals or amendments.

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22 7. Nonpayment of fee. Failure to pay the annual fee within
23 30 days of the anniversary date of a license is sufficient
24 grounds for revocation of the license under section 347-B.

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FISCAL NOTE

Enactment of this bill will:

1. Result in an increase in dedicated revenue to the Maine
Environmental Protection Fund in the amount of \$761,693 for
fiscal year 1990-91. This increase in revenue would be derived
from the proposed annual air emission license fee assessed on the
amount of pollutants a licensee emits. This legislation also
increases maximum annual fees to \$100,000 beginning July 1, 1991,
that will result in an annual increase in dedicated revenue of
\$1,150,000 during the next biennium; and

2. Require no additional allocations to the Maine
Environmental Protection Fund. The additional revenue derived
from the proposed license fee will be used to fund existing
vacant positions, replace and provide for new monitoring
equipment and general operational expenses budgeted but not
funded due to a shortfall in current revenue.

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STATEMENT OF FACT

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This bill establishes an annual air emission license fee based on the amount of pollutant a licensee emits. Effective July 1, 1990, the maximum annual fee is \$60,000 per year. Effective July 1, 1991, the maximum annual fee is \$100,000 a year. The fees generated by this increase will be used to staff and operate the Department of Environmental Protection, Bureau of Air Quality Control.

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