

# MAINE STATE LEGISLATURE

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# 115th MAINE LEGISLATURE

## FIRST REGULAR SESSION-1991

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Legislative Document

No. 112

H.P. 84

House of Representatives, January 8, 1991

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 MICHAUD of East Millinocket.  
Cosponsored by Representative JACQUES of Waterville.

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STATE OF MAINE

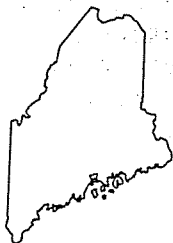
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IN THE YEAR OF OUR LORD  
NINETEEN HUNDRED AND NINETY-ONE

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**An Act to Ensure Adequate Enforcement of Air Quality Law.**

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2           **Sec. 6. 38 MRSA §353, sub-§3**, as amended by PL 1989, c. 874,  
§5 and c. 890, Pt. B, §13 and affected by c. 890, Pt. A, §40, is  
4 repealed and the following enacted in its place:

6           3. License fee. The license fees assessed in section  
8 352, subsection 4 must be paid at the time of filing the  
10 application. Failure to pay the license fee at the time of  
12 filing results in the application being returned to the  
14 applicant. The commissioner shall refund the license fee if the  
board or commissioner denies the application or if the  
16 application is withdrawn by the applicant. Notwithstanding the  
18 provisions of this subsection, the license fee for a subdivision  
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.

20           **Sec. 7. 38 MRSA §353, sub-§5**, as affected by PL 1989, c. 890,  
Pt. A, §40 and amended by Pt. B, §13, is further amended to read:

22           5. Renewals or amendments. The As set forth in section  
24 353-A, except for renewals or amendments issued under section  
26 590, the processing fee for renewals or amendments is equal to  
direct costs up to 1/2 the processing fee for initial  
28 applications. The license fee for renewals is identical to the  
initial license fee. The license fee for amendments may not  
30 exceed the initial license fee.

32           **Sec. 8. 38 MRSA §353-A** is enacted to read:

34           §353-A. Annual air emissions license fees

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

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

46           2. Schedule. The fee for existing licenses must be paid on  
48 the anniversary date of the license. The annual fee for new  
applications must be estimated and paid at the time of filing the  
50 application. When the processing of the application is complete,  
the final annual fee is determined. Any additional amount is due

2 prior to the issuance of the license. Any overpayment must be  
3 refunded. If the application is denied, 50% of the initial  
4 annual fee must be refunded. The effective date of the license  
5 becomes the anniversary date.

6 3. Maximum and minimum fee. The minimum annual fee is \$100  
7 per year. Effective July 1, 1992, the maximum annual fee is  
8 \$60,000 per year. Effective July 1, 1993, the maximum annual fee  
9 is \$100,000 per year.

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

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

21 6. Renewals and amendments. There are no additional fees  
22 assessed for license renewals or amendments.

23 7. Nonpayment of fee. Failure to pay the annual fee within  
24 30 days of the anniversary date of a license is sufficient  
25 grounds for revocation of the license under section 341-D,  
26 subsection 3.

## 32 STATEMENT OF FACT

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34  
35 This bill establishes an annual air emission license fee  
36 based on the amount of pollutant a licensee emits. Effective  
37 July 1, 1992, the maximum annual fee is \$60,000 per year.  
38 Effective July 1, 1993, the maximum annual fee is \$100,000 a  
39 year. The fees generated by this increase will be used to staff  
40 and operate the Department of Environmental Protection, Bureau of  
Air Quality Control.