

MAINE STATE LEGISLATURE

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L.D. 1577

(Filing No. H-630)

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STATE OF MAINE
HOUSE OF REPRESENTATIVES
115TH LEGISLATURE
FIRST REGULAR SESSION

COMMITTEE AMENDMENT "A" to H.P. 1083, L.D. 1577, Bill, "An Act to Amend Certain Laws Affecting the Department of Environmental Protection"

Amend the bill by inserting after the title and before the enacting clause the following:

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

Whereas, the Department of Environmental Protection fee schedule is repealed and lower fees for most permitting and licensing activities are in effect; and

Whereas, the higher fee schedule is necessary; and

Whereas, a proposed merger between the laboratories of the Department of Human Services and the Department of Environmental Protection is scheduled to take place on July 1, 1991 consistent with the fiscal year; and

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

Further amend the bill by inserting after the enacting clause the following:

'Sec. 1. 22 MRSA c. 157, as amended, is repealed.

Sec. 2. 22 MRSA c. 157-A is enacted to read:

CHAPTER 157-A

HEALTH AND ENVIRONMENTAL TESTING LABORATORY

§565. Health and Environmental Testing Laboratory

The Health and Environmental Testing Laboratory is established within the department for the chemical and microbiological testing and examination of water supplies, food products, drinking water, environmental and forensic samples and the testing and examination of cases and suspected cases of infectious and communicable diseases.

1. Coordination with the Department of Environmental Protection. In coordination with the Department of Environmental Protection, the department shall also provide laboratory services for environmental testing and analysis as necessary to implement the programs and duties of the Department of Environmental Protection, pursuant to Title 38, section 342, subsection 4. The commissioner and the Commissioner of Environmental Protection shall enter into joint agreements and establish joint policies as necessary to ensure the provision of appropriate laboratory services.

2. Director; duties. The Director of the Bureau of Health shall appoint a Director of the Health and Environmental Testing Laboratory, subject to the Civil Service Law and in this chapter known as the "laboratory director." The laboratory director shall administer the laboratory to safeguard the public health and environment.

3. Fees for services. The department shall establish by rule a schedule of charges for services rendered by the Health and Environmental Testing Laboratory based on the average costs for those services. The department shall establish services essential to the public health. These services must be provided free to residents of the State.

§566. Record of tests for water samples

A person requesting a water sample test must indicate the source of the water sample. A state agency that tests any water supply shall forward a copy of the test results to the department.

§567. Certification program

The laboratory director shall establish a laboratory certification program to ensure that all generated data is of known and appropriate quality of precision and accuracy when

utilized for departmental programs and programs administered by the Department of Environmental Protection.

1. Acceptable data. Six months after the adoption of rules specified in subsection 2, certification is required of any commercial, industrial, municipal, state or federal laboratory that analyzes water, soil, air, solid or hazardous waste, or radiological samples for the use of programs of the department or the Department of Environmental Protection, except as provided under chapter 411, the Maine Medical Laboratory Act; Title 26, chapter 7, subchapter III-A, Substance Abuse Testing; and Title 29, section 1312, subsection 6, administration of tests to determine blood-alcohol level or drug concentration.

2. Certification program requirements. The department and the Department of Environmental Protection shall establish by rule program requirements, standards and criteria for the evaluation and certification of laboratories.

3. Certificate issued. A laboratory must be issued a certificate when the laboratory director determines that the laboratory has the capability to analyze samples with known and appropriate quality of precision and accuracy and is in compliance with other certification requirements. Certificates are effective for one year from date of issuance.

4. Certification fees. A certification fee schedule based on the cost of certifying laboratories must be established by rule. Certification fees are payable upon application for certification and must be deposited in the Health and Environmental Testing Laboratory Special Revenue Account.

§568. Health and Environmental Testing Laboratory Special Revenue Account

The Health and Environmental Testing Laboratory Special Revenue Account is established as a dedicated account for the operation of the laboratory's analytical and certification programs and may be known in this chapter as the "account." Funds deposited to the account include, but are not limited to, appropriations made to the account, funds transferred to the account from within the department and revenues received from analytical services and the certification of laboratories.

Sec. 3. 22 MRSA §2602-A, sub-§2, as enacted by PL 1983, c. 837, §1, is amended to read:

2. Fees. The department shall charge the average cost of the analysis for an examination, testing or analysis of private residential water supplies requested under this chapter. These fees shall must be recalculated and deposited according to section 562 565, subsection 3 and section 568, provided that the

2 fee charged for testing a private residential water supply shall
3 may not exceed \$150 when:

4 A. In the opinion of the department, initial testing or
5 screening performed at the expense of the owner indicates
6 the need for additional testing at a cost in excess of \$150
7 to determine whether that water supply contains contaminants
8 potentially hazardous to human health and that additional
9 testing is essential to the maintenance of public health; or

10 B. In the opinion of the department, there is reason to
11 suspect that a private residential water supply may be
12 affected by contamination potentially hazardous to human
13 health and that additional testing is essential to the
14 maintenance of public health. In making such a
15 determination, the department shall consider the following:

16 (1) The proximity of the private residential water
17 supply to a known or suspected source of contamination;

18 (2) The proximity of the private residential water
19 supply to another private well or water supply which is
20 known to be contaminated;

21 (3) Information provided in writing to the department
22 by a physician who has seen or treated a person and who
23 has identified contaminated drinking water as a
24 possible cause of the person's condition or symptoms;
25 or

26 (4) Information provided by the owner or a user of the
27 private residential water supply voluntarily or in
28 response to questions asked by personnel of the
29 department.

30 The department may waive all fees incurred in connection with the
31 testing of a private residential water supply upon a showing of
32 indigency.'

33 Further amend the bill by inserting after section 1 the
34 following:

35 'Sec. 2. 29 MRSA §246-D, sub-§6, as enacted by PL 1989, c.
36 845, §3 and affected by §15, is amended to read:

37 6. Apportionment of fees. Fees collected by the Secretary
38 of State under this section, except for fees from motor vehicles
39 transporting liquefied petroleum gas or liquefied natural gas,
40 must be apportioned in the following manner:

41 A. Sixty-five percent to the Maine Hazardous Waste Fund
42 administered by the Department of Environmental Protection;

2 B. Fifteen percent to the Secretary of State for the costs
4 of administering this section;

6 C. Ten percent to the Department of Public Safety for the
8 costs related to motor vehicle inspection and enforcement of
10 this section; and

12 D. Ten percent to the State Emergency Response Commission
14 for hazardous materials training of local and state
16 officials.

18 **Sec. 3. 29 MRSA §246-D, sub-§6-A is enacted to read:**

20 6-A. Liquefied petroleum gas or liquefied natural gas
22 fees. Fees collected by the Secretary of State under this
24 section from motor vehicles transporting liquefied petroleum gas
26 or liquefied natural gas must be apportioned in the following
28 manner:

30 A. Fifteen percent to the Secretary of State for the costs
32 of administering this section;

34 B. Seventy percent to the Department of Public Safety for
36 the costs related to motor vehicle inspection and
38 enforcement of this section; and

40 C. Fifteen percent to the State Emergency Response
42 Commission for hazardous materials training of local and
44 state officials.'

46 Further amend the bill by striking out all of section 3.

48 Further amend the bill in section 4 in subsection 2 in the
50 2nd line (page 1, line 47 in L.D.) by inserting after the
52 following: "penalties" the following: 'as authorized by section
10015' and in the 7th line (page 1, line 52 in L.D.) by inserting
after the following: "penalties" the following: 'as authorized
by section 10015' and in the 4th line from the end (page 2, line
5 in L.D.) by inserting after the following: "penalties" the
following: 'as authorized by section 10015'

Further amend the bill by inserting after section 4 the
following:

'Sec. 5. 38 MRSA §342, sub-§4, ¶A, as affected by PL 1989, c.
890, Pt. A, §40 and amended by Pt. B, §1, is repealed and the
following enacted in its place:

A. In coordination with the Health and Environmental
Testing Laboratory in the Department of Human Services, the
commissioner shall ensure that sampling, data handling and

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2 analytical procedures are carried out in accordance with the
3 highest professional standards so that data generated for
4 departmental programs are of known and predictable precision
5 and accuracy.

6 Sec. 6. 38 MRSA §342-A, as amended by PL 1989, c. 546, §4, is
7 repealed.

8 Sec. 7. 38 MRSA §352, sub-§4, as amended by PL 1989, c. 405,
9 §1, is repealed.

10 Sec. 8. 38 MRSA §352, sub-§5, as amended by PL 1989, c. 502,
11 Pt. A, §167, is repealed.

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

13 5-A. Accounting system. In order to determine the extent
14 to which the functions set out in this section are necessary for
15 the licensing process or are being performed in an efficient and
16 expeditious manner, the commissioner shall require that all
17 employees of the department involved in any aspect of these
18 functions shall keep accurate and regular daily time records.
19 These records must describe the matters worked on, services
20 performed and the amount of time devoted to those matters and
21 services, as well as amounts of money expended in performing
22 those functions. Records must be kept for a sufficient duration
23 of time as determined by the commissioner to establish to the
24 commissioner's satisfaction that the fees are appropriate.

25 TABLE I

26 MAXIMUM FEES IN DOLLARS

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

COMMITTEE AMENDMENT "A" to H.P. 1083, L.D. 1577

2	<u>TITLE 38</u>	<u>PROCESSING</u>	<u>LICENSE</u>
4	<u>SECTION</u>	<u>FEE</u>	<u>FEE</u>
6	<u>362-A, Experiments</u>	<u>\$40</u>	<u>\$160</u>
6	<u>413, Waste discharge license</u>		
8	<u>A. Residential</u>	<u>225</u>	<u>75</u>
8	<u>B. Commercial</u>		
10	<u>1. Flow of less than</u>		
10	<u>2,000 gallons per day</u>	<u>2,400</u>	<u>640</u>
12	<u>2. Flow of 2,000 to</u>		
12	<u>20,000 gallons per</u>		
12	<u>day inclusive</u>	<u>2,400</u>	<u>2,000</u>
14	<u>3. Flow of greater</u>		
14	<u>than 20,000 gallons</u>		
16	<u>per day</u>	<u>2,400</u>	<u>4,800</u>
18	<u>C. Industrial minor</u>		
18	<u>(based upon EPA list</u>		
18	<u>of major and minor</u>		
20	<u>source discharges)</u>		
22	<u>1. Discharges of</u>	<u>1,500</u>	<u>480</u>
22	<u>cooling water,</u>		
24	<u>sanitary wastewater</u>		
24	<u>or treated storm water</u>		
24	<u>only</u>		
26	<u>2. All others</u>	<u>1,500</u>	<u>6,000</u>
28	<u>D. Industrial major</u>		
28	<u>(based upon EPA list of</u>		
28	<u>major source discharges)</u>		
30	<u>1. Discharge of</u>	<u>4,800</u>	<u>3,000</u>
32	<u>cooling water or</u>		
32	<u>sanitary wastewater</u>		
32	<u>only</u>		
34	<u>2. All others</u>	<u>4,800</u>	<u>8,800</u>
36	<u>E. Publicly owned</u>		
36	<u>treatment works</u>		
38	<u>1. Flow of less</u>	<u>100</u>	<u>400</u>
38	<u>than or equal to</u>		
40	<u>50,000 gallons per</u>		
40	<u>day and no significant</u>		
42	<u>industrial component</u>		
42	<u>2. Flow of greater</u>	<u>100</u>	<u>1,400</u>
44	<u>than 50,000 gallons</u>		
44	<u>per day, but less</u>		
46	<u>than 0.5 million</u>		
46	<u>gallons per day and</u>		
48	<u>no significant</u>		
48	<u>industrial component</u>		
50	<u>3. Flow of at least</u>	<u>100</u>	<u>3,600</u>
50	<u>0.5 million gallons</u>		
52	<u>per day, but less</u>		
52	<u>than 5 million</u>		

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2	<u>gallons per day and</u>		
	<u>no significant</u>		
	<u>industrial component</u>		
4	<u>4. Flow of at least</u>	<u>300</u>	<u>5,400</u>
	<u>5 million gallons per</u>		
6	<u>day or a significant</u>		
	<u>industrial component</u>		
8	<u>F. Special discharges</u>		
	<u>1. Aquatic pesticides</u>	<u>130</u>	<u>75</u>
10	<u>2. Dredge spoils</u>	<u>130</u>	<u>75</u>
	<u>418, Log storage</u>	<u>55</u>	<u>25</u>
12	<u>421, Solid waste, 300-foot</u>	<u>1,400</u>	<u>100</u>
	<u>variance</u>		
14	<u>451, Mixing zones</u>	<u>1,200</u>	<u>2,200</u>
	<u>451-A, Time schedule</u>	<u>25</u>	<u>25</u>
16	<u>variances</u>		
	<u>480-E, Natural resources</u>		
18	<u>protection</u>		
	<u>A. Great ponds</u>	<u>75</u>	<u>50</u>
20	<u>B. Alteration of rivers</u>	<u>150</u>	<u>50</u>
	<u>streams or brooks</u>		
22	<u>C. Freshwater wetlands</u>	<u>100</u>	<u>50</u>
	<u>D. Coastal wetlands</u>	<u>3,500</u>	<u>1,5000</u>
24	<u>and sand dunes</u>		
	<u>485-A, Site location</u>		
26	<u>A. Affordable housing</u>	<u>50/lot</u>	<u>50/lot</u>
	<u>subdivisions</u>		
28	<u>A-1. Other subdivisions</u>	<u>175/lot</u>	<u>175/lot</u>
	<u>with public water and</u>		
30	<u>sewers</u>		
	<u>A-2. Other subdivisions</u>	<u>250/lot</u>	<u>250/lot</u>
32	<u>B. Structures</u>	<u>4,000</u>	<u>2,000</u>
	<u>C. Mining</u>	<u>1,500</u>	<u>1,000</u>
34	<u>D. Other</u>	<u>1,000</u>	<u>1,000</u>
	<u>543, Oily waste discharge</u>	<u>40</u>	<u>160</u>
36	<u>560, Vessels at anchorage</u>	<u>125</u>	<u>100</u>
	<u>587, Ambient air quality</u>	<u>5,050</u>	<u>50</u>
38	<u>or emissions standards</u>		
	<u>variances</u>		
40	<u>590, Air emissions licenses</u>		
	<u>A. Greater than or</u>	<u>10,050</u>	<u>1,200</u>
42	<u>equal to 1,000 tons</u>		
	<u>per year of any</u>		
44	<u>criteria air</u>		
	<u>pollutant</u>		
46	<u>B. Greater than or</u>	<u>5,050</u>	<u>400</u>
	<u>equal to 100 tons</u>		
48	<u>per year, but less</u>		
	<u>than 1,000 tons per</u>		
50	<u>year of any criteria</u>		
	<u>air pollutant</u>		
52	<u>C. Greater than or</u>	<u>1,050</u>	<u>100</u>

2	<u>equal to 50 tons per</u>		
	<u>year, but less than</u>		
4	<u>100 tons per year of</u>		
	<u>any criteria air</u>		
	<u>pollutant</u>		
6	<u>D. Less than 50</u>	<u>525</u>	<u>50</u>
	<u>tons per year of</u>		
8	<u>any criteria air</u>		
	<u>pollutant</u>		
10	<u>633. Hydropower projects</u>		
	<u>A. New or expanded</u>	<u>450/MW</u>	<u>50/MW</u>
12	<u>generating capacity</u>		
	<u>B. Maintenance and</u>	<u>150</u>	<u>50</u>
14	<u>repair or other</u>		
	<u>structural alterations</u>		
16	<u>not involving an</u>		
	<u>increase in generating</u>		
18	<u>capacity</u>		
	<u>1101. Sanitary districts</u>	<u>150</u>	<u>50</u>
20			
	<u>United States Code, Title 33,</u>		
22	<u>Chapter 26, Water Quality</u>		
	<u>Certifications, in conjunction</u>		
24	<u>with applications for</u>		
	<u>hydropower project licensing</u>		
26	<u>or relicensing</u>		
	<u>A. Initial consultation</u>	<u>1,000</u>	<u>0</u>
28	<u>B. Second consultation</u>	<u>1,000</u>	<u>0</u>
	<u>C. Application</u>		
30	<u>1. Storage</u>	<u>1,000</u>	<u>0</u>
	<u>2. Generating</u>	<u>300/MW</u>	<u>50/MW'</u>

TABLE II

WASTE MANAGEMENT FEES
MAXIMUM FEES IN DOLLARS

38	<u>TITLE 36</u>	<u>PROCESSING</u>	<u>CERTIFICATION</u>
40	<u>SECTION</u>	<u>FEE</u>	<u>FEE</u>
	<u>1304. Waste management</u>		
42	<u>A. Septage facilities,</u>	<u>\$300</u>	<u>\$250</u>
	<u>other than landfill or</u>		
44	<u>landspreading sites</u>		
	<u>B. Sludge facilities,</u>	<u>550</u>	<u>500</u>
46	<u>other than landfill or</u>		
	<u>landspreading sites</u>		
48	<u>C. Landspreading sites</u>	<u>300</u>	<u>100</u>
	<u>D. Transfer stations</u>	<u>550</u>	<u>500</u>
50	<u>E. Landfills</u>	<u>4,725</u>	<u>4,500</u>
	<u>F. Resource recovery and</u>	<u>1,575</u>	<u>1,500</u>
52	<u>volume reduction facilities</u>		

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2	<u>G. Other, including</u>	<u>550</u>	<u>250</u>
	<u>land-applied utiliza-</u>		
	<u>tion programs</u>		
4	<u>H. Septage disposal site</u>	<u>50</u>	<u>25</u>
	<u>designation</u>		

6
8 Further amend the bill in section 5 in subsection 4 in
paragraph A in subparagraph (2) in the last line by inserting
after the following: "construction" the following: 'but prior
10 to the offering of a grant under this section'

12 Further amend the bill in section 10 in that part designated
14 "§483 A." in the first line (page 4, line 20 in L.D.) by striking
out the following: "§483 A." and inserting in its place the
16 following: '§483-A.'

18 Further amend the bill in section 11 in that part designated
"§608-A." in the first paragraph in the first line (page 4, line
38 in L.D.) by inserting after the following: "plant" the
20 following: 'not located within an area classified by the board
as nonattainment for ozone' and in the 3rd line (page 4, line 40
22 in L.D.) by inserting after the following: "year" the
24 following: 'without an air emissions permit pursuant to section
590'

26 Further amend the bill by striking out all of section 12.

28 Further amend the bill by striking out all of section 14 and
inserting in its place the following:

30 'Sec. 14. 38 MRSA §1317-A, as enacted by PL 1979, c. 730, §2,
32 is amended to read:

34 §1317-A. Discharge prohibited

36 The discharge of hazardous matter into or upon any waters of
38 the State, or into or upon any land within the state's State's
territorial boundaries or into the ambient air is prohibited
40 unless licensed or authorized under state or federal law. For
purposes of this section, the discharge of gaseous hazardous
42 matter into the ambient air includes discharges within buildings
or structures from sources that are not encapsulated within
44 secondary containment. The discharge must be reported and
removed as provided under section 1318, subsection 2.'

46 Further amend the bill by inserting after section 15 the
following:

48 'Sec. 16. Transition.

50
52 1. The Health and Environmental Testing Laboratory in the
Bureau of Health, Department of Human Services is the successor

COMMITTEE AMENDMENT "A" to H.P. 1083, L.D. 1577

2 to the Division of Laboratory Services in the Department of
Environmental Protection.

4 2. All existing rules and procedures in effect as
6 established by the Division of Laboratory Services on the
effective date of this Act remain in effect until rescinded,
revised or amended by proper authority.

8
10 3. All contracts, agreements and compacts of the Division
of Laboratory Services existing on the effective date of this Act
12 continue in effect until rescinded, revised or amended by proper
authority.

14 4. Notwithstanding the provisions of the Maine Revised
16 Statutes, Title 5, section 1585, all accrued expenditures,
assets, liabilities, balances or appropriations, allocations,
18 transfers, revenues or other available funds from an account of
the former Division of Laboratory Services must be transferred to
20 the proper accounts by the State Controller upon the request of
the State Budget Officer and with the approval of the Governor.

22 5. Authorized positions and incumbent personnel in the
24 Division of Laboratory Services are transferred to the Health and
Environmental Testing Laboratory. The following provisions apply
26 to any state personnel transferred to the Health and
Environmental Testing Laboratory.

28 A. The employees retain their accrued fringe benefits,
30 including vacation and sick leave, health and life insurance
and retirement benefits.

32 B. Employees who are members of collective bargaining units
34 on the effective date of this Act remain members in their
respective bargaining units and retain all rights and
36 benefits provided by their collective bargaining agreements
with respect to state service.

38 C. Employees who are members of the Maine State Retirement
40 System remain members of the Maine State Retirement System.

42 D. Employees transferred from the Department of
44 Environmental Protection retain all seniority rights and
privileges and any attendant rights and privileges, as
46 provided in applicable collective bargaining agreements with
regard to their employment in the Department of
48 Environmental Protection for a period of 2 years from the
effective date of this Act.

50 The Department of Administration, Bureau of Human Resources,
shall assist with the orderly implementation of these provisions.

6. All records, property and equipment previously belonging to or allocated for the use of the former Division of Laboratory Services must be reviewed by the designee of the Commissioner of Environmental Protection and the Director of the Health and Environmental Testing Laboratory; the Commissioner of Environmental Protection and the Commissioner of Human Services shall review their recommendations and authorize the appropriate transfers to the Health and Environmental Testing Laboratory.

7. The certification program and fee schedule rules provided in Title 22, section 567 must be adopted no later than January 1, 1993.

Sec. 17. Retroactivity. Those sections of this Act that affect the Maine Revised Statutes, Title 38, section 352 apply retroactively to May 1, 1991.

Sec. 18. Allocation. The following funds are allocated from Other Special Revenue to carry out the purposes of this Act.

	1991-92	1992-93
ENVIRONMENTAL PROTECTION, DEPARTMENT OF		
Laboratory Special Revenue Account		
Positions	(-18.5)	(-18.5)
Personal Services	(\$743,407)	(\$804,874)
All Other	(273,466)	(312,958)
Capital Expenditures	(334,000)	(259,000)
Provides for the deallocation of funds to transfer the Department of Environmental Protection laboratory staff and general operating expenses to the Department of Human Services, Bureau of Health.		
DEPARTMENT OF ENVIRONMENTAL PROTECTION		
TOTAL	<u>(\$1,350,873)</u>	<u>(\$1,376,832)</u>
HUMAN SERVICES, DEPARTMENT OF		
Bureau of Health		
Positions	(18.5)	(18.5)
Personal Services	\$743,407	\$804,874

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2	All Other	273,466	312,958
	Capital Expenditures	334,000	259,000
4	Provides for the allocation		
6	of funds for positions and		
8	general operating funds		
10	transferred from the		
12	Department of Environmental		
14	Protection to staff and		
	operate the Health and		
	Environmental Testing		
	Laboratory within the Bureau		
	of Health.		
16	DEPARTMENT OF HUMAN SERVICES		
	TOTAL	<u>\$1,350,873</u>	<u>\$1,376,832</u>
18	TOTAL ALLOCATIONS	<u>\$-0-</u>	<u>\$-0-</u>

22 **Sec. 19. Effective date.** Those sections of this Act that enact
 24 the Maine Revised Statutes, Title 22, chapter 157-A, amend Title
 26 22, section 2602-A, subsection 2, repeal and replace Title 38,
 section 342, subsection 4, paragraph A and repealed Title 38,
 section 342-A take effect July 1, 1991.

28 **Emergency clause.** In view of the emergency cited in the
 preamble, this Act takes effect when approved, unless otherwise
 30 indicated.'

32 Further amend the bill by renumbering the sections to read
 consecutively.

34 Further amend the bill by inserting before the statement of
 fact the following:

38 **FISCAL NOTE**

40		1991-92	1992-93
42	REVENUES		
44	Other Funds	(\$10,376)	(\$10,376)

46 Reinstating the fee schedule for the Maine Environmental
 48 Protection Fund in effect prior to May 1, 1991 will avoid a
 reduction of dedicated revenue of approximately \$700,000 annually
 to the Department of Environmental Protection.

52 The bill transfers the Department of Environmental
 Protection's laboratory staff and special operating funds to the

COMMITTEE AMENDMENT

2 Department of Human Services in order to operate the Health and
Environmental Testing Laboratory within the Bureau of Health.
4 The total amount of allocations transferred are \$1,350,873 in
fiscal year 1991-92 and \$1,376,832 in fiscal year 1992-93
6 including 18.5 positions.

8 The bill amends the apportionment of fees collected from
liquefied petroleum gas or liquefied natural gas. This change
will reduce dedicated revenue to the Maine Hazardous Waste Fund
10 by \$10,376 annually beginning in fiscal year 1991-92. Additional
increases in dedicated revenue to the Department of Public Safety
12 and the State Emergency Response Commission can not be determined
at this time. The exception from obtaining an air emissions
14 license for certain asphalt plants will reduce dedicated revenue
to the Maine Environmental Protection Fund by a negligible amount.
16

18 Deleting the provision requiring federal funds to be used to
repay a one-time loan from the Maine Hazardous Waste Fund to
develop mining rules may lengthen the repayment of the loan.
20

22 STATEMENT OF FACT

24 This amendment alters the original bill in several important
ways.
26

28 1. The laboratories of the Department of Environmental
Protection and the Department of Human Services are combined into
one Health and Environmental Testing Laboratory. Transition
30 language is included to clarify the allocation of current
liabilities, assets, employees and equipment. These changes are
32 scheduled to take effect on July 1, 1991.

34 2. A certification requirement for all laboratories
analyzing samples for use in any state program is instituted.
36 The Department of Human Services will develop criteria for
certification.
38

40 3. Fees collected from liquefied petroleum gas or liquefied
natural gas are apportioned in a different manner than other fees
42 collected for hazardous materials transport licenses.

44 4. A fee schedule adopted by the Legislature in 1988 is
reenacted after it lapsed due to a sunset provision.

46 5. The general prohibition on the discharge of hazardous
matter is amended to clarify that gaseous emissions into
48 buildings or structures not designed for secondary containment
are included in the prohibition.
50

52 6. Language is added to several sections of the bill to
clarify its intent.

COMMITTEE AMENDMENT "A" to H.P. 1083, L.D. 1577

- 2 7. An emergency preamble and clause, an allocation and a fiscal note are added to the bill.

Reported by the Committee on Energy and Natural Resources
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