

MAINE STATE LEGISLATURE

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R. of S.

L.D. 1439

(Filing No. H-536)

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STATE OF MAINE
HOUSE OF REPRESENTATIVES
116TH LEGISLATURE
FIRST REGULAR SESSION

COMMITTEE AMENDMENT "A" to H.P. 1073, L.D. 1439, Bill, "An Act to Amend Certain Laws Administered by the Department of Environmental Protection Governing Fees, Reconsiderations and Outside Permit Reviews"

Amend the bill by striking out all of section 1 and inserting in its place the following:

'Sec. 1. 38 MRSA §341-D, sub-§5, as enacted by PL 1989, c. 890, Pt. A, §13 and affected by §40, is amended by amending the first paragraph to read:

5. ~~Requests for reconsideration. Within 30 days of a decision by the board, any person aggrieved by the decision may petition the board in writing for~~ A person aggrieved by a decision of the board on a permit or license application may petition the board once to reconsider that decision, except that a person may not petition the board to reconsider a decision that is an appeal or review of a final license or permit decision made by the commissioner under subsection 4, paragraph A. A petition for reconsideration must be made in writing within 30 days after the board's decision and may be made for:

Further amend the bill by striking out all of section 3 and inserting in its place the following:

'Sec. 3. 38 MRSA §352, sub-§5-A, as amended by PL 1991, c. 824, Pt. C, §4, is further amended by amending the first paragraph to read:

5-A. **Accounting system.** In order to determine the extent to which the functions set out in this section are necessary for the licensing process or are being performed in an efficient and

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2 expeditious manner, the commissioner shall require that all
employees of the department involved in any aspect of these
4 functions keep accurate and regular daily time records. These
records must describe the matters worked on, services performed
6 and the amount of time devoted to those matters and services, as
well as amounts of money expended in performing those functions.
8 Records must be kept for a sufficient duration of time as
determined by the commissioner to establish to the commissioner's
10 satisfaction that the fees are appropriate. This subsection is
repealed July 1, 1993 1995.'

12 Further amend the bill by striking out all of section 4 and
inserting in its place the following:

14 'Sec. 4. 38 MRSA §352, sub-§5-B, as enacted by PL 1991, c.
16 591, Pt. U, §2, is amended by amending the first paragraph to
read:

18 5-B. Accounting system. This subsection takes effect July
20 1, 1993 1995. In order to determine the extent to which the
functions set out in this section are necessary for the licensing
22 process or are being performed in an efficient and expeditious
manner, the commissioner shall require that all employees of the
24 department involved in any aspect of these functions keep
accurate and regular daily time records. These records must
26 describe the matters worked on, services performed and the amount
of time devoted to those matters and services, as well as amounts
28 of money expended in performing those functions. Records must be
kept for a sufficient duration of time as determined by the
30 commissioner to establish to the commissioner's satisfaction that
the fees are appropriate.

FISCAL NOTE

34 Limiting the filing of requests for the reconsideration of
36 Board of Environmental Protection decisions may result in minor
cost savings to the board.

38 Delaying the repeal of a provision of current law which
40 established lower licensing and permitting fees for the Maine
Environmental Protection Fund until July 1, 1995, will maintain
42 fees at their current levels and will increase nonbudgeted
revenues. The amounts can not be determined at this time.'

STATEMENT OF FACT

46 This amendment prohibits a person from requesting that the
48 Board of Environmental Protection reconsider a decision if that

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2 decision is an appeal or reconsideration of a decision made by
the Commissioner of Environmental Protection. The amendment
4 further limits a person to one request for reconsideration.

6 The amendment also extends for 2 years the existing permit
and licensing fee structure authorized under the Maine
Environmental Protection Fund.

Reported by the Committee on Energy and Natural Resources
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House
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COMMITTEE AMENDMENT