MAINE STATE LEGISLATURE

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116th MAINE LEGISLATURE

FIRST REGULAR SESSION-1993

Legislative Document

No. 1439

H.P. 1073

House of Representatives, May 5, 1993

An Act to Amend Certain Laws Administered by the Department of Environmental Protection Governing Fees, Reconsiderations and Outside Permit Reviews.

(EMERGENCY)

Submitted by the Department of Environmental Protection pursuant to Joint Rule 24. Reference to the Committee on Energy and Natural Resources suggested and ordered printed.

JOSEPH W. MAYO, Clerk

Presented by Representative DEXTER of Kingfield.

| | | 그는 사람들은 사람들이 되었다. 그는 사람들은 사람들은 사람들은 사람들은 사람들은 사람들은 사람들은 사람들은 |
|------------|---|--|
| 2 | | Emergency preamble. Whereas, Acts of the Legislature do not become effective until 90 days after adjournment unless enacted |
| 4 | | as emergencies; and |
| | | Whereas, the Department of Environmental Protection fee |
| 6 | | schedule will be repealed on July 1, 1993, resulting in lower fees for most permitting and licensing activities; and |
| 8 | $d = \begin{cases} -1 & \text{i.i.} \\ d_{2} & \text{i.i.} \end{cases}$ | Whereas, the higher fee schedule is necessary to maintain |
| LO | , | compliance with the permit processing timetables authorized by Public Law 1991, chapter 804; and |
| | | rubile Law 1991, Chapter 804; and |
| L2 | | Whereas, the statute allowing for outside review of |
| L 4 | | Department of Environmental Protection permit applications is repealed on July 1, 1993; and |
| L6 | | · · · · · |
| L8 | · · · · · · | Whereas, the department has found the provision for outside review of applications to be an important and useful aid; and |
| . * | | |
| 20 | | Whereas, in the judgment of the Legislature, these facts create an emergency within the meaning of the Constitution of |
| 22 | | Maine and require the following legislation as immediately |
| | | necessary for the preservation of the public peace, health and |
| 24 | | safety; now, therefore, |
| 26 | | Be it enacted by the People of the State of Maine as follows: |
| 28 | | Sec. 1. 38 MRSA §341-D, sub-§5, as enacted by PL 1989, c. 890, |
| | | Pt. A, §13 and affected by §40, is repealed. |
| 30 | | |
| 3 2 | | Sec. 2. 38 MRSA §344-A, sub-§5, as enacted by PL 1991, c. 471, is repealed. |
| | | |
| 34 | | 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 |
| 36 | | read: |
| 1 | | |
| 3.8 | | 5-A. Accounting system. In order to determine the extent |
| | | to which the functions set out in this section are necessary for |
| | | |
| 40 | | the licensing process or are being performed in an efficient and |
| 40 42 | | expeditious manner, the commissioner shall require that all employees of the department involved in any aspect of these |
| | | expeditious manner, the commissioner shall require that all employees of the department involved in any aspect of these functions keep accurate and regular daily time records. These records must describe the matters worked on, services performed |
| 42 | • | expeditious manner, the commissioner shall require that all employees of the department involved in any aspect of these functions keep accurate and regular daily time records. These |

determined by the commissioner to establish to the commissioner's $% \left(\frac{1}{2}\right) =\left(\frac{1}{2}\right) \left(\frac{1}{2}\right)$

satisfaction that the fees are appropriate. This-subsection-is

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repealed-July-1,-1993.

| - | Emergency clause. In view of the emergency cited in the |
|----|---|
| 6 | preamble, this Act takes effect when approved. |
| 8 | |
| | STATEMENT OF FACT |
| 10 | |
| | This bill repeals the provision that allows for a person to |
| 12 | file a request for the Board of Environmental Protection to reconsider a decision. This will eliminate the opportunity for |
| 14 | multiple reviews of Board of Environmental Protection decisions. |
| 16 | The bill also repeals the provision that repeals the statute that authorizes the Department of Environmental Protection to |
| 18 | enter into agreements with outside review agencies to review applications or portions of applications submitted to the |
| 20 | department. Current law repeals this authorization on July 1, 1993. |
| 22 | |
| | Finally, the bill repeals the provision that repeals the |
| 24 | statute that establishes the existing schedule for licensing and permitting fees authorized under the Maine Environmental |
| 26 | Protection Fund. Current law repeals the existing fee schedule and replaces it with a schedule of lower fees thereby reducing |
| 28 | revenues to the fund. The reduced revenues will not be sufficient to allow the department to comply with its licensing |
| 30 | and permitting mandates and processing timelines promulgated as a result of Public Law 1991, chapter 804. |

Sec. 4. 38 MRSA §352, sub-§5-B, as enacted by PL 1991, c. 591,

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Pt. U, §2, is repealed.