

MAINE STATE LEGISLATURE

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120th MAINE LEGISLATURE

SECOND REGULAR SESSION-2002

Legislative Document

No. 2014

H.P. 1511

House of Representatives, December 26, 2001

**An Act to Stabilize Funding for the Air Quality Program within the
Department of Environmental Protection.**

Submitted by the Department of Environmental Protection pursuant to Joint Rule 204.
Received by the Clerk of the House on . Referred to the Committee on Natural Resources
pursuant to Joint Rule 308.2 and ordered printed pursuant to Joint Rule 401.

Millicent M. MacFarland

MILLICENT M. MacFARLAND, Clerk

Presented by Representative COWGER of Hallowell.
Cosponsored by Senator MARTIN of Aroostook.

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

2
4 **Sec. 1. 38 MRSA §353-A**, as amended by PL 1999, c. 657, §22,
is further amended to read:

6 **§353-A. Annual air emissions license and volatile organic
8 compound emission fees**

10 **1. License fees.** ~~After the effective date of this section,~~
a A licensee ~~must~~ shall pay an annual fee assessed on the sum of
12 all licensed allowable air pollutants, except for carbon
monoxide, as follows:

14 Annual licensed emissions in tons	Per ton fee
16 1 - 1,000	\$5 <u>\$6.63</u>
18 1,001 - 4,000	\$10 <u>\$13.29</u>
20 over 4,001	\$15 <u>\$19.91</u>

22 **1-A. Annual license fee surcharge.** ~~Beginning November 1,~~
1994, a A licensee shall pay an annual license fee surcharge of
24 \$10 \$12.21 per every 1,000 air quality units as defined in
section 582, subsection 11-E.

26 **1-B. Volatile organic compound emission fees.** All retail
gasoline dispensing facilities that operate within the State
28 shall pay an annual volatile organic compound emission fee
assessed on the basis of the annual throughput of gasoline at
30 that facility during the preceding calendar year as follows:

32 <u>Annual throughput</u> <u>in gallons</u>	<u>Volatile organic</u> <u>compound</u> 34 <u>emission fee</u>
36 <u>120,000 - 1,000,000</u>	<u>\$300</u>
<u>greater than 1,000,000</u>	<u>\$500</u>

40 Volatile organic compound emission fees must be paid on or before
January 31st of each calendar year.

42 **2. Fee adjustment.** The commissioner may adjust the per ton
44 license fees under subsection 1, the per ton volatile organic
compound emission fees under subsection 1-B, the annual license
46 fee surcharge set forth in subsection 1-A and the maximum and
minimum fees set forth in subsection 4 on an annual basis
48 according to the United States Consumer Price Index established
by the federal Department of Labor, Bureau of Labor Statistics.

2 **3. Schedule.** The license fee for existing licenses must be
paid on the anniversary date of the license. This date, once
4 established, remains the scheduled date for paying the annual
license fee, regardless of future changes of the anniversary
6 date. The annual license fee for new applications must be
estimated and paid at the time of filing the application. When
8 the processing of the application is complete, the final annual
license fee is determined. Any additional amount is due prior to
10 the issuance of the license. Any overpayment must be refunded.
If the application is denied, 50% of the initial annual license
12 fee must be refunded. The effective date of the license becomes
the anniversary date.

14 **4. Maximum and minimum fees.** The minimum annual license
fee is ~~\$250~~ \$305 per year. The maximum annual license fee is
16 ~~\$150,000~~ \$183,365 per year. ~~Beginning November 1, 1994, the~~ The
minimum annual license fee surcharge is ~~\$100~~ \$122 per year and
18 the maximum annual license fee surcharge is ~~\$50,000~~ \$61,141 per
20 year. The commissioner may reduce any fee required under the
federal Clean Air Act Amendments of 1990 to take into account the
22 financial resources of a small business stationary source as
defined in section 343-D, subsection 1.

24 **5. Transition for existing licenses.** A licensee of a
source in existence on the effective date of this section may
26 request a revision to that license to reduce the sum of the
licensed allowable air pollutants.

28 **7. Renewals and amendments.** There are no additional fees
30 assessed for license renewals or amendments.

32 **8. Nonpayment of fee.** Failure to pay the annual license
fee within 30 days of the anniversary date of a license is
34 sufficient grounds for revocation of the license under section
341-D, subsection 3.

36 **9. Funds used solely for air pollution control activities.**
38 The money collected from the annual air emission license and
volatile organic compound emission fees must be used solely for
40 air pollution control activities.

42 **Sec. 2. Appropriations and allocations.** The following
44 appropriations and allocations are made.

46 **ENVIRONMENTAL PROTECTION, DEPARTMENT OF**

48 **Maine Environmental Protection Fund**

2 New Initiative: Provides funds for the maintenance of existing
3 levels of operation within the air quality program including
4 ongoing maintenance of the ambient air quality monitoring
5 network. It also provides funds for an Environmental Specialist
6 III limited-period position for the development of a greenhouse
7 gas registry.

8	Other Special Revenue	2002-03
	Positions - Legislative Count	(1,000)
10	Personal Services	\$59,822
	All Other	25,000
12	Capital Expenditures	150,000
14	DEPARTMENT OF ENVIRONMENTAL PROTECTION	
	TOTAL	<hr/> \$234,822

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SUMMARY

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21 The bill seeks to increase revenue to the air quality
22 program within the Department of Environmental Protection to
23 compensate for lost fees associated with emission reductions and
24 facility closures and to offset increases in the costs incurred
25 to administer the air quality program. Funds will be used to
26 maintain existing levels of operation and service within the air
27 quality program including ongoing maintenance of the ambient air
28 quality monitoring network.

28

29 It also provides funds for an Environmental Specialist III
30 limited-period position for the development of a greenhouse gas
registry.