

MAINE STATE LEGISLATURE

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Date: 3-24-08

(Filing No. S- 482)

NATURAL RESOURCES

Reproduced and distributed under the direction of the Secretary of the Senate.

STATE OF MAINE

SENATE

123RD LEGISLATURE

SECOND REGULAR SESSION

COMMITTEE AMENDMENT "A" to S.P. 809, L.D. 2119, Bill, "An Act To Amend Certain Laws Related to Environmental Protection"

Amend the bill by striking out all of sections 1 to 3 and inserting the following:

Sec. 1. 38 MRSA §352, sub-§3, as amended by PL 2001, c. 212, §2, is further amended to read:

3. Special fee. The commissioner shall set the actual fees and shall publish a schedule of all fees by November 1st of each year. If the commissioner determines that a particular application, by virtue of its size, uniqueness, complexity or other relevant factors, is likely to require significantly more costs than those listed on Table I, the commissioner may designate that application as subject to special fees. A Through August 31, 2009, a special fee may not exceed \$250,000. Beginning September 1, 2009, a special fee may not exceed \$75,000. Such a designation must be made at, or prior to, the time the application is accepted as complete and may not be based solely on the likelihood of extensive public controversy. All department staff who have worked on the review of the application shall submit quarterly reports to the commissioner detailing the time spent on the application and all expenses attributable to the application, including the cost of any appeals filed by the applicant and, after taking into consideration the interest of fairness and equity, any other appeals if the commissioner finds it in the public interest to do so. The processing fee for that application must be the actual cost to the department. The applicant must be billed quarterly and all fees paid prior to receipt of the permit. Nothing in this section limits the commissioner's authority to enter into an agreement with an applicant for payment of costs in excess of the maximum special fee established in this subsection.

Sec. 2. 38 MRSA §353, sub-§9, as enacted by PL 2007, c. 187, §1, is amended to read:

9. Finance charges. In addition to other remedies specifically authorized in this Title, the department shall charge interest at a rate of 15% per annum, unless the commissioner finds the amount too small or the likelihood of recovery too uncertain, and

COMMITTEE AMENDMENT

R.O.S.

COMMITTEE AMENDMENT "A" to S.P. 809, L.D. 2119

1 may pursue enforcement, including, but not limited to, penalties pursuant to section 349
2 and suspension or revocation pursuant to section 341-D, subsection 3 for the failure of a
3 licensee to pay any portion of licensing fees owed by the date due.'

4 Amend the bill in section 7 in subsection 1-A by striking out all of paragraphs D, E
5 and F and inserting the following:

6 'D. The facility has conforming suction or double-walled pressurized piping; and

7 E. The return of the facility to service does not pose an unacceptable risk to
8 groundwater resources. In determining if the facility poses an unacceptable risk to
9 groundwater resources, the commissioner may consider the age and maintenance
10 history of the storage tanks and piping, the number and consequences of past oil
11 discharges from the tanks and piping, the proximity of the facility to drinking water
12 supplies and the proximity of the facility to sensitive geologic areas.'

13 Amend the bill by inserting after section 11 the following:

14 **'Sec. 12. 38 MRSA §1310-AA, sub-§3, ¶D,** as enacted by PL 2007, c. 338, §3
15 and affected by §5, is amended to read:

16 D. For a determination of public benefit under subsection 1-A only, facilitates the
17 operation of a solid waste disposal facility ~~that provides a substantial public benefit~~
18 and the operation of that solid waste disposal facility would be precluded or
19 significantly impaired if the waste is not accepted.'

20 Amend the bill by inserting after section 18 the following:

21 **'Sec. 19. 38 MRSA §1609, sub-§13, ¶A,** as enacted by PL 2007, c. 296, §1, is
22 amended to read:

23 A. A mattress, a mattress pad or upholstered furniture intended for indoor use in a
24 home or other residential occupancy that ~~has plastic fibers containing~~ contains that
25 flame retardant; or'

26 Amend the bill by inserting after section 19 the following:

27 **'Sec. 20. Report on special fees.** By February 1, 2009, the Department of
28 Environmental Protection shall submit to the joint standing committee of the Legislature
29 having jurisdiction over natural resources matters a report on special fees assessed
30 pursuant to the Maine Revised Statutes, Title 38, section 352, subsection 3. The joint
31 standing committee of the Legislature having jurisdiction over natural resources matters
32 has authority to submit legislation relating to the report.'

33 Amend the bill by relettering or renumbering any nonconsecutive Part letter or
34 section number to read consecutively.

35 **SUMMARY**

36 This amendment makes the following changes to the bill.

PLS

COMMITTEE AMENDMENT "A" to S.P. 809, L.D. 2119

- 1 1. It removes from the bill proposed increases in the per diem for members of the
- 2 Board of Environmental Protection and the Maine Land Use Regulation Commission.
- 3 2. It amends the special fee provisions and requires the Department of
- 4 Environmental Protection to submit a report to the joint standing committee of the
- 5 Legislature having jurisdiction over natural resources matters.
- 6 3. It modifies the requirements for bringing abandoned underground oil storage tanks
- 7 into service.
- 8 4. It allows the Commissioner of Environmental Protection discretion to not collect
- 9 finance charges if the amounts are small or unlikely to be collected.
- 10 5. It removes the requirement that a determination that a solid waste disposal facility
- 11 provides a substantial public benefit must be made before the commissioner may find that
- 12 acceptance of out-of-state waste at the facility provides a substantial public benefit.
- 13 6. It changes language regarding rule-making authority of the Department of
- 14 Environmental Protection relating to flame retardants to be consistent with other changes
- 15 in the bill.

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FISCAL NOTE REQUIRED
(See attached)

COMMITTEE AMENDMENT



123rd MAINE LEGISLATURE

LD 2119

LR 3340(02)

An Act To Amend Certain Laws Related to Environmental Protection

Fiscal Note for Bill as Amended by Committee Amendment "A"

Committee: Natural Resources

Fiscal Note Required: Yes

Fiscal Note

	2007-08	2008-09	Projections 2009-10	Projections 2010-11
Revenue				
Other Special Revenue Funds	\$0	\$162,500	(\$87,500)	(\$87,500)

Fiscal Detail and Notes

This legislation changes the annual \$35 oil tank registration fee to a \$100 triennial fee. Revenue is currently budgeted at \$87,500 each year. Assuming 2500 registered tanks, this change will increase dedicated revenues to the Ground Water Oil Clean Up Fund by \$162,500 in fiscal year 2008-09, and reduce revenues by \$87,500 in fiscal year 2009-10 and fiscal year 2010-11.

Additional costs associated with the report requirement can be absorbed by the Department of Environmental Protection utilizing existing budgeted resources.