

MAINE STATE LEGISLATURE

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123rd MAINE LEGISLATURE

SECOND REGULAR SESSION-2008

Legislative Document

No. 2216

H.P. 1582

House of Representatives, February 14, 2008

An Act To Streamline and Ensure Adequate Funding for the Bureau of Air Quality

Submitted by the Department of Environmental Protection pursuant to Joint Rule 204.
Reference to the Committee on Natural Resources suggested and ordered printed.

Millicent M. MacFarland

MILLICENT M. MacFARLAND

Clerk

Presented by Representative KOFFMAN of Bar Harbor.
Cosponsored by Senator MARTIN of Aroostook and
Representatives: CAIN of Orono, HINCK of Portland, PINGREE of North Haven, RECTOR
of Thomaston, SIMPSON of Auburn, Senators: McCORMICK of Kennebec, MILLS of
Somerset.

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

2 **Sec. 1. 38 MRSA §353-A, sub-§1-A**, as enacted by PL 1993, c. 412, §2, is
3 amended to read:

4 **1-A. Annual fee surcharge.** Beginning November 1, ~~1994~~ 2008, a licensee shall
5 pay an annual fee surcharge ~~of \$10~~ not to exceed \$4 per every 1,000 air quality units as
6 defined in section 582, subsection 11-E.

7 **Sec. 2. 38 MRSA §353-A, sub-§3**, as amended by PL 1993, c. 412, §3, is further
8 amended to read:

9 **3. Schedule.** ~~The fee for existing licenses must be paid on the anniversary date of~~
10 ~~the license. This date, once established, remains the scheduled date for paying the annual~~
11 ~~fee, regardless of future changes of the anniversary date. The effective date of a license is~~
12 ~~deemed to be the anniversary date. The license fee for a license with an anniversary date~~
13 ~~in January, February or March must be paid by the end of February. The license fee for a~~
14 ~~license with an anniversary date in April, May or June must be paid by the end of May.~~
15 ~~The license fee for a license with an anniversary date in July, August or September must~~
16 ~~be paid by the end of August. The license fee for a license with an anniversary date in~~
17 ~~October, November or December must be paid by the end of November. The annual fee~~
18 ~~for new applications must be estimated and paid at the time of filing the application.~~
19 ~~When the processing of the application is complete, the final annual fee is determined.~~
20 ~~Any additional amount is due prior to the issuance of the license. Any overpayment must~~
21 ~~be refunded. If the application is denied, 50% of the initial annual fee must be refunded.~~
22 ~~The effective date of the license becomes the anniversary date.~~

23 **Sec. 3. 38 MRSA §353-A, sub-§8**, as enacted by PL 1991, c. 384, §8 and
24 affected by §16, is amended to read:

25 **8. Nonpayment of fee.** Failure to pay the annual fee within ~~30~~ 60 days of the
26 anniversary date of a license is sufficient grounds for revocation of the license under
27 section 341-D, subsection 3.

28 **Sec. 4. 38 MRSA §582, sub-§11-D**, as enacted by PL 1993, c. 412, §7 and
29 amended by PL 2003, c. 689, Pt. B, §6, is further amended to read:

30 **11-D. Toxicity score.** ~~"Air quality Toxicity score" means a score given to a~~
31 ~~hazardous air pollutant by the Department of Health and Human Services based on the~~
32 ~~sum of qualitative scores, plus the standard deviation, in 4 categories; carcinogenicity;~~
33 ~~mutagenicity, reproductive effects and acute effects, Maine Center for Disease Control~~
34 ~~and Prevention.~~

35 **Sec. 5. 38 MRSA §582, sub-§11-E**, as enacted by PL 1993, c. 412, §7 and
36 amended by PL 2003, c. 689, Pt. B, §6, is further amended to read:

37 **11-E. Air quality units.** ~~"Air quality units" means the result of the Department of~~
38 ~~Health and Human Services' toxicity score for a hazardous air pollutant multiplied by the~~
39 ~~estimated emissions of that hazardous air pollutant.~~

1 **Sec. 6. Effective date.** This Act takes effect November 1, 2008.

2 SUMMARY

3 This bill adjusts the annual fee surcharge to licensed air emission sources. The
4 additional revenue raised when applying this new surcharge to the most current toxicity
5 information available, as determined by the Department of Health and Human Services,
6 Maine Center for Disease Control and Prevention, and the most current emissions
7 inventory, as determined by the Department of Environmental Protection, will be used to
8 sustain funding for the core program of the Department of Environmental Protection,
9 Bureau of Air Quality.

10 The bill also reduces the administrative procedures for billing of annual license fees.
11 Instead of sending out bills for licenses that expire each month, the bureau will send out
12 bills only once each quarter for the licenses that expire during that quarter. The
13 nonpayment period for each license is extended from 30 to 60 days to accommodate this
14 change in billing procedures.

15 Finally, the bill changes the definition of "air quality score" to "toxicity score."