

# MAINE STATE LEGISLATURE

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STATE OF MAINE  
HOUSE OF REPRESENTATIVES  
124TH LEGISLATURE  
SECOND REGULAR SESSION

HOUSE AMENDMENT "A" to COMMITTEE AMENDMENT "A" to S.P. 582, L.D. 1504, Bill, "An Act To Require That Expedited Wind Energy Development Projects Provide a Tangible Benefit to Maine Ratepayers in the Form of Discounts to Future Electric Rates"

Amend the amendment in Part A by inserting before section 1 the following:

'Sec. A-1. 12 MRSA §685-F, sub-§3, as enacted by PL 2005, c. 107, §2 and affected by §4, is amended to read:

3. Accounting system. The director shall require that all staff involved in any aspect of an application review for a project designated as an extraordinary project keep accurate and regular daily time records. These records must describe the matters worked on, services performed and amount of time devoted to those matters and services as well as amounts of money expended in performing those functions. The director shall keep records of all expenses incurred in reviewing a project, including staff time records and billing statements for contracted services and billing statements from other state agencies for the actual cost of review.

Amend the amendment in Part A by inserting after section 6 the following:

'Sec. A-7. 38 MRSA §352, sub-§3, as amended by PL 2009, c. 160, §1, is further amended to read:

3. Maximum 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. 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. The maximum fee for processing an application may not exceed \$250,000. All department staff of the department, the Department of Inland Fisheries and Wildlife, the Department of Conservation, the Department of Agriculture, Food and Rural Resources and the Department of Marine Resources who have worked on the review of the application, including, but not limited to, preapplication consultations, shall submit quarterly reports to the commissioner detailing the time spent on the application and all expenses

1 attributable to the application, including the costs of any appeals filed by the applicant  
2 and, after taking into consideration the interest of fairness and equity, any other appeals if  
3 the commissioner finds it in the public interest to do so. Any appeal filed by the applicant  
4 of an application fee must be to the agency of jurisdiction of the application. The costs  
5 associated with assistance to the board on an appeal before the board may be separately  
6 charged. The processing fee for that application must be the actual cost to the  
7 department, the Department of Inland Fisheries and Wildlife, the Department of  
8 Conservation, the Department of Agriculture, Food and Rural Resources and the  
9 Department of Marine Resources. The processing fee must be distributed to each  
10 department that incurs a cost to be deposited in the account in which the expenses were  
11 incurred in that department to reimburse the actual cost to that department. The applicant  
12 must be billed quarterly and all fees paid prior to receipt of the permit. Nothing in this  
13 section limits the commissioner's authority to enter into an agreement with an applicant  
14 for payment of costs in excess of the maximum fee established in this subsection.'

15 Amend the amendment by relettering or renumbering any nonconsecutive Part letter  
16 or section number to read consecutively.

17 **SUMMARY**

18 This amendment provides that the director of the Maine Land Use Regulation  
19 Commission shall keep billing statements from other state agencies for the actual cost of  
20 review of an application.

21 The amendment requires that staff of the Department of Environmental Protection,  
22 the Department of Inland Fisheries and Wildlife, the Department of Conservation, the  
23 Department of Agriculture, Food and Rural Resources and the Department of Marine  
24 Resources submit quarterly reports to the Commissioner of Environmental Protection  
25 detailing the time spent on an application that is subject to special fees. The amendment  
26 also requires that the processing fee for an application be equal to the actual cost to the  
27 Department of Environmental Protection, the Department of Inland Fisheries and  
28 Wildlife, the Department of Conservation, the Department of Agriculture, Food and Rural  
29 Resources and the Department of Marine Resources and requires the processing fee to be  
30 distributed to each department that incurs a cost to be deposited in the account in which  
31 the expenses were incurred in that department to reimburse the actual cost to that  
32 department. The amendment requires that any appeal of application costs must be to the  
33 agency of jurisdiction of the application.

34 **SPONSORED BY:** 

35 (Representative FITTS)

36 **TOWN: Pittsfield**

**FISCAL NOTE REQUIRED**  
(See attached)



# 124th MAINE LEGISLATURE

LD 1504

LR 2474(08)

## **An Act To Require That Expedited Wind Energy Development Projects Provide a Tangible Benefit to Maine Ratepayers in the Form of Discounts to Future Electric Rates**

**Fiscal Note for House Amendment "A" to Committee Amendment "A"**

**Sponsor: Rep. Fitts of Pittsfield**

**Fiscal Note Required: Yes**

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### **Fiscal Note**

#### **Fiscal Detail and Notes**

Allowing the Department of Conservation under the Land Use Regulation Commission and the Department of Environmental Protection to bill costs related to other state agencies' review of applications will increase Other Special Revenue Funds revenue. The amount received related to other state agencies' review of applications billed by the Department of Environmental Protection would be deposited into Other Special Revenue Funds accounts within the department that incurred the cost. Any appeals filed may reduce the amount of revenue collected by these agencies. With no history of costs associated with the review work of contributing agencies, no estimate is made of this revenue.

Additional costs to state agencies associated with tracking and submitting detailed time and cost information related to numerous activities can be absorbed within existing budgeted resources.