

MAINE STATE LEGISLATURE

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BMS
R. G. S.

Date: 4-1-10

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STATE OF MAINE
SENATE
124TH LEGISLATURE
SECOND REGULAR SESSION

SENATE 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

SENATE AMENDMENT

R. of S.

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. The costs associated with
4 assistance to the board on an appeal before the board may be separately charged. The
5 processing fee for that application must be the actual cost to the department, the
6 Department of Inland Fisheries and Wildlife, the Department of Conservation, the
7 Department of Agriculture, Food and Rural Resources and the Department of Marine
8 Resources. The applicant must be billed quarterly and all fees paid prior to receipt of the
9 permit. Nothing in this section limits the commissioner's authority to enter into an
10 agreement with an applicant for payment of costs in excess of the maximum fee
11 established in this subsection.'

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

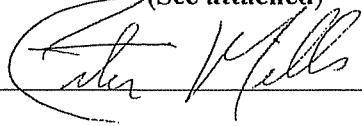
14 **SUMMARY**

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

18 The amendment requires that staff of the Department of Environmental Protection,
19 the Department of Inland Fisheries and Wildlife, the Department of Conservation, the
20 Department of Agriculture, Food and Rural Resources and the Department of Marine
21 Resources submit quarterly reports to the Commissioner of Environmental Protection
22 detailing the time spent on an application that is subject to special fees. The amendment
23 also requires that the processing fee for an application be equal to the actual cost to the
24 Department of Environmental Protection, the Department of Inland Fisheries and
25 Wildlife, the Department of Conservation, the Department of Agriculture, Food and Rural
26 Resources and the Department of Marine Resources.

27 **FISCAL NOTE REQUIRED**

28 (See attached)

29 SPONSORED BY: 
30 (Senator MILLS, P.)

31 COUNTY: Somerset



124th MAINE LEGISLATURE

LD 1504

LR 2474(03)

**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 Senate Amendment "A" to Committee Amendment "A"

Sponsor: Sen. Mills of Somerset

Fiscal Note Required: Yes

Fiscal Note

Potential current biennium revenue increase - Other Special Revenue Funds

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. 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.