

MAINE STATE LEGISLATURE

The following document is provided by the
LAW AND LEGISLATIVE DIGITAL LIBRARY
at the Maine State Law and Legislative Reference Library
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied
(searchable text may contain some errors and/or omissions)

5Mx
R03

Date: 4-5-10

(Filing No. S-516)

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

STATE OF MAINE
SENATE
124TH LEGISLATURE
SECOND REGULAR SESSION

SENATE AMENDMENT "C" 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

2013

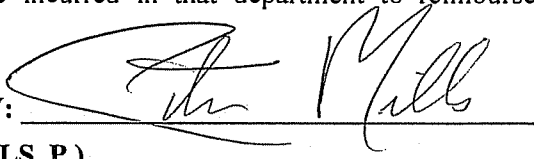
1 attributable to the application, including the costs of any appeals filed by the applicant
2 and, after taking into consideration the interest of fairness and equity, any other appeals if
3 the commissioner finds it in the public interest to do so. The costs associated with
4 assistance to the board 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 processing fee must be distributed to each department that incurs a cost
9 to be deposited in the account in which the expenses were incurred in that department to
10 reimburse the actual cost to that department. The applicant must be billed quarterly and
11 all fees paid prior to receipt of the permit. Nothing in this section limits the
12 commissioner's authority to enter into an agreement with an applicant for payment of
13 costs in excess of the maximum fee established in this subsection.'

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

16 **SUMMARY**

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

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

32 **SPONSORED BY:** 
33 (Senator MILLS, P.)

34 **COUNTY: Somerset**