

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE
ONE HUNDRED AND ELEVENTH LEGISLATURE

FIRST REGULAR SESSION
December 1, 1982 to June 24, 1983
Chapters 453-End

AND AT THE

FIRST SPECIAL SESSION
September 6, 1983 to September 7, 1983
Chapters 583-588

PUBLISHED BY THE DIRECTOR OF LEGISLATIVE RESEARCH
IN ACCORDANCE WITH MAINE REVISED STATUTES
ANNOTATED, TITLE 3, SECTION 164, SUBSECTION 6.

J.S. McCarthy Co., Inc.
Augusta, Maine
1983

PUBLIC LAWS
OF THE
STATE OF MAINE

AS PASSED AT THE
FIRST REGULAR SESSION

CONTINUED

and

FIRST SPECIAL SESSION

of the

ONE HUNDRED AND ELEVENTH LEGISLATURE

1983

Members of the council shall be allowed actual traveling and other necessary expenses incurred in the performance of their duties and each member shall receive a per diem compensation for the time actually spent in the performance of his duties, that compensation to be determined by the Governor. The cost of administration of the council, including expenses and compensation of members, shall not exceed the moneys collected under this chapter. The council shall be furnished a suitable office in the State Capitol together with all necessary equipment and supplies therefor.

Sec. 14. 36 MRSA §4524 and 4525, as enacted by PL 1975, c. 444, §6, are repealed.

Sec. 15. 36 MRSA §4526, as amended by PL 1977, c. 694, §715, is repealed.

Sec. 16. 36 MRSA §4528, as amended by PL 1981, c. 364, §54, is repealed.

Sec. 17. 36 MRSA §4529, as repealed and replaced by PL 1981, c. 364, §55, is repealed.

Sec. 18. 36 MRSA §4530, as amended by PL 1979, c. 541, Pt. A §226, is repealed.

Sec. 19. 36 MRSA §4531, as repealed and replaced by PL 1981, c. 364, §56, is repealed.

Sec. 20. Transition clause. For a period of one year beginning June 1, 1984, and ending May 31, 1985, payments made into the Maine Milk Pool as provided for in this Act, shall be calculated as follows:

1. The actual amounts paid to the Maine Milk Pool shall be 1/2 the amount provided for in Title 7, section 3153, and initial payments to Maine market producers provided for in that section shall be increased by the amount paid to the Maine Milk Pool under these transition provisions; and

Sec. 21. Effective date. Sections 7 to 12 and sections 14 to 19 shall become effective June 1, 1984.

Effective September 23, 1983, unless otherwise indicated.

CHAPTER 574

H.P. 1327 - L.D. 1762

AN ACT to Establish the Maine
Environmental Protection Fund.

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

Sec. 1. 38 MRSA c. 2, sub-c. II is enacted to read:

SUBCHAPTER II

MAINE ENVIRONMENTAL PROTECTION FUND

§351. Maine Environmental Protection Fund

The Maine Environmental Protection Fund, referred to in this subchapter as the fund, is established as a nonlapsing fund to supplement licensing programs administered by the Department of Environmental Protection. All fees established under this subchapter shall be credited to the fund, and administrative expenses directly related to licensing programs shall be charged to the fund, except that in fiscal year 1984, \$41,250 shall be deposited in the General Fund.

Money in the fund not currently needed to meet the obligations of the department in the exercise of its responsibilities under its licensing programs shall be deposited with the Treasurer of State to the credit of the fund and may be invested in as provided by statute. Interest on these investments shall be credited to the fund.

Money in the fund may only be expended in accordance with allocations approved by the Legislature. This allocation shall be based on estimates of the actual costs necessary for the department to administer licensing and permitting programs.

§352. Fees

1. Fees established. The department shall establish procedures to charge applicants for actual direct costs incurred in reviewing license and permit applications. For the purposes of this subchapter, direct costs include personnel costs, travel, supplies, legal and computer services and all other costs specifically accountable to a particular license or permit application.

2. Fee categories. Fees shall be assessed for the following.

A. Filing fees shall be assessed for direct costs incurred in determining the acceptability of an application for processing.

B. Processing fees shall be assessed for direct costs incurred in processing an application to

determine whether it meets statutory and regulatory criteria.

C. Licensing fees shall be assessed for direct costs incurred in monitoring, inspecting and sampling to assure proper compliance by a licensee.

3. Maximum fee. In no case may fees exceed the maximum established in Table I.

4. Accounting system. In order to determine the extent to which the aforementioned functions are necessary for the licensing process, or are being performed in an efficient and expeditious manner, the board shall require that all employees of the department involved in any aspect of these functions shall keep accurate and regular daily time records describing the matters worked on, services performed and amount of time devoted thereto, as well as amounts of money expended in performing these functions.

TABLE I

MAXIMUM FEES IN DOLLARS

<u>Title 12</u> <u>SECTION</u>	<u>FILING</u> <u>FEE</u>	<u>PROCESSING</u> <u>FEE</u>	<u>LICENSE</u> <u>FEE</u>
<u>4807-C, Minimum lot size</u>	<u>\$ 3.00</u>	<u>\$ 25.00</u>	<u>\$ 25.00</u>
<u>Title 38</u> <u>SECTION</u>	<u>FILING</u> <u>FEE</u>	<u>PROCESSING</u> <u>FEE</u>	<u>LICENSE</u> <u>FEE</u>
<u>362-A, Experiments</u>	<u>\$ 10.00</u>	<u>\$ 30.00</u>	<u>\$ 160.00</u>
<u>393, Great ponds</u>	<u>2.50</u>	<u>65.00</u>	<u>50.00</u>
<u>413, Waste discharge</u> <u>license</u>			
<u>A. Residential</u>	<u>5.00</u>	<u>15.00</u>	<u>10.00</u>
<u>B. Commercial</u>	<u>10.00</u>	<u>30.00</u>	<u>160.00</u>
<u>C. Industrial,</u> <u>minor</u> <u>(based upon</u> <u>EPA list of</u> <u>major and minor</u> <u>source</u> <u>dischargers)</u>	<u>25.00</u>	<u>450.00</u>	<u>1,985.00</u>
<u>D. Industrial,</u> <u>major</u> <u>(based upon</u> <u>EPA list of</u> <u>major and minor</u> <u>source</u> <u>dischargers)</u>	<u>35.00</u>	<u>1,130.00</u>	<u>2,170.00</u>

<u>Title 12</u> <u>SECTION</u>	<u>FILING</u> <u>FEE</u>	<u>PROCESSING</u> <u>FEE</u>	<u>LICENSE</u> <u>FEE</u>
E. Publicly owned treatment works	<u>17.00</u>	<u>80.00</u>	<u>1,785.00</u>
418, Log storage	<u>10.00</u>	<u>45.00</u>	<u>5.00</u>
421, Solid waste dis- posal areas	<u>12.00</u>	<u>1,375.00</u>	<u>100.00</u>
451, Mixing zones	<u>35.00</u>	<u>1,130.00</u>	<u>2,170.00</u>
451-A, Time schedule variances	<u>5.00</u>	<u>10.00</u>	<u>5.00</u>
451-B, Industrial vari- ances	<u>500.00</u>	<u>2,000.00</u>	<u>1,500.00</u>
471, Coastal wetlands and sand dunes	<u>3.50</u>	<u>115.00</u>	<u>100.00</u>
482, Site location			
A. Subdivi- sions	<u>25.00</u>	<u>25.00/lot</u>	<u>25.00</u>
B. Structures	<u>25.00</u>	<u>1,000.00</u>	<u>500.00</u>
C. Mining	<u>25.00</u>	<u>750.00</u>	<u>500.00</u>
D. Other	<u>25.00</u>	<u>750.00</u>	<u>500.00</u>
543, Oily waste dis- charge	<u>10.00</u>	<u>30.00</u>	<u>160.00</u>
560, Vessels at anchorage	<u>10.00</u>	<u>115.00</u>	<u>100.00</u>
587, Ambient air quality or emis- sions standards variances	<u>50.00</u>	<u>5,000.00</u>	<u>50.00</u>
590, Air emissions licenses			
A. greater than or equal to 1,000 tons/year of any criteria air pollutant	<u>50.00</u>	<u>10,000.00</u>	<u>1,200.00</u>
B. greater than or equal to 100 tons/year but less than 1,000 tons/year of any criteria air pollutant	<u>50.00</u>	<u>5,000.00</u>	<u>400.00</u>
C. less than 100 tons/year of any criteria air pollutant	<u>50.00</u>	<u>1,000.00</u>	<u>100.00</u>
603, Low sulfur fuel exemptions	<u>50.00</u>	<u>250.00</u>	<u>250.00</u>
1101, Sanitary dis- tricts	<u>50.00</u>	<u>100.00</u>	<u>50.00</u>
1304, Waste facilities			
A. Septage and sludge	<u>12.00</u>	<u>500.00</u>	<u>500.00</u>

<u>Title 12</u> <u>SECTION</u>	<u>FILING</u> <u>FEE</u>	<u>PROCESSING</u> <u>FEE</u>	<u>LICENSE</u> <u>FEE</u>
B. <u>Transfer</u> <u>stations</u>	<u>12.00</u>	<u>500.00</u>	<u>500.00</u>
C. <u>Landfills</u>	<u>75.00</u>	<u>1,500.00</u>	<u>1,500.00</u>
D. <u>Other</u>	<u>75.00</u>	<u>1,500.00</u>	<u>1,500.00</u>

§353. Payment of fees

1. Filing fee. A filing fee shall be paid at the time of filing the application and is nonrefundable. The department may not process applications not accompanied by a filing fee.

2. Processing fee. A processing fee shall be paid within 10 days of the time the applicant is notified that the application has been accepted for processing by the commissioner and is not refundable, even if the applicant withdraws the application once processing has begun. The department shall refund the processing fee if the application is denied by the board.

3. License fee. A license fee shall be paid prior to the issuance of any license or permit. If a license fee is paid prior to board action on the application, the department shall refund the license fee if the board denies the application.

4. Duplicate fees. The department shall not assess applicants for direct costs associated with filing, processing of licensing if those costs were previously assessed as the result of the filing, processing or licensing of separate but related applications.

5. Renewals or amendments. The filing fee for renewals or amendments shall be the same as the filing fee for an initial application. The processing fee for renewals or amendments shall be equal to direct costs up to 1/2 the processing fee for initial applications. The license fee for renewals or amendments shall be identical to the initial license fee.

6. Application deemed incomplete. An incomplete application which has been returned to the applicant shall be subject to the following conditions.

A. If the completed application is resubmitted to the department within 30 days of the date the application was returned to the applicant, no additional fee is required.

B. If the completed application is resubmitted to the department within 60 days of the date the

application was returned to the applicant, 1/2 the amount of the filing fee is required. If the additional fee does not accompany the resubmitted application, the application shall be deemed incomplete.

C. If the completed application is resubmitted to the department after 60 days of the date the application was returned to the applicant, the original filing fee amount shall accompany the application. The resubmitted application shall be considered a new application not a refiled application.

7. Time of payment. The applicant may choose to pay the total of the filing, processing and license fees at the time of filing the application.

§354. Federal programs

If the board is required by federal law to issue any certificate, permit or license, it shall establish a fee schedule identical to that which exists for the state program which is most like the federal program. If there are no similar state programs, the board shall adopt the appropriate fee schedule based upon identified costs including liason costs.

Sec. 2. 38 MRSA §361, 9th ¶, as enacted by PL 1973, c. 712, §5, is repealed.

Sec. 3. 38 MRSA §490, sub-§6, as enacted by PL 1979, c. 466, §14, is amended to read:

6. Fees. All fees collected by and other funds received by the board pursuant to this ~~chapter~~ section shall be placed in a reclamation fund to carry out the purposes of this chapter. This fund shall not lapse.

Sec. 4. Evaluation of fees. The Department of Environmental Protection shall report to the Legislature, by February 1, 1984, on methods established by the department to account for resources expended in license and permit review and costs incurred to date in that review. Based on an analysis of this information, the Legislature shall enact any necessary changes to this Act.

Effective September 23, 1983.
