

# MAINE STATE LEGISLATURE

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**LAWS**  
OF THE  
**STATE OF MAINE**

AS PASSED BY THE  
ONE HUNDRED AND FOURTEENTH LEGISLATURE  
**FIRST REGULAR SESSION**

December 7, 1988 to July 1, 1989

Chapters 1 - 502

THE GENERAL EFFECTIVE DATE FOR  
NON-EMERGENCY LAWS IS  
SEPTEMBER 30, 1989

PUBLISHED BY THE REVISOR OF STATUTES  
IN ACCORDANCE WITH MAINE REVISED STATUTES ANNOTATED,  
TITLE 3, SECTION 163-A, SUBSECTION 4.

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J.S. McCarthy Company  
Augusta, Maine  
1989

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**PUBLIC LAWS**  
**OF THE**  
**STATE OF MAINE**

**AS PASSED AT THE**  
**FIRST REGULAR SESSION**

**of the**  
**ONE HUNDRED AND FOURTEENTH LEGISLATURE**

**1989**

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14. Freshwater wetlands. All potential freshwater wetlands within the proposed subdivision have been identified on any maps submitted as part of the application, regardless of the size of these wetlands. Any mapping of freshwater wetlands may be done with the help of the local soil and water conservation district.

See title page for effective date.

**CHAPTER 405**

**H.P. 748 - L.D. 1052**

**An Act to Amend the Budget to Fund a Position in the Department of Environmental Protection to Review Hydropower Applications**

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

**Sec. 1. 38 MRSA §352, sub-§4, as repealed and replaced by PL 1987, c. 787, §9, is amended to read:**

**4. Accounting system.** In order to determine the extent to which the functions set out in this section are necessary for the licensing process or are being performed in an efficient and expeditious manner, the commissioner shall require that all employees of the department involved in any aspect of these functions shall keep accurate and regular daily time records. These records shall 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 these functions. Records shall be kept for a sufficient duration as determined by the commissioner to establish to his satisfaction that the fees are appropriate. The following table is repealed on May 1, 1991.

TABLE I

MAXIMUM FEES IN DOLLARS

TITLE 36 SECTION	PROCESSING FEE	CERTIFICATION FEE
656, sub-§1, ¶E, Pollution Control Facilities		
A. Water pollution control facilities with capacities at least 4,000 gallons of waste per day and §1760, sub-§29, water pollution control facilities	\$250	\$20
B. Air pollution control and §1760, sub-§30, air pollution control facilities	250	20

TITLE 38 SECTION	PROCESSING FEE	LICENSE FEE
362-A, Experiments	\$40	\$160
393, Great Ponds	75	50
410-E, Freshwater wetlands	100	50
413, Waste discharge license		
A. Residential	225	75
B. Commercial		
1. Flow of less than 2,000 gallons per day	2,400	640
2. Flow of 2,000 to 20,000 gallons per day inclusive	2,400	2,000
3. Flow of greater than 20,000 gallons per day	2,400	4,800
C. Industrial minor (based upon EPA list of major and minor source discharges)		
1. Discharges of cooling water, sanitary waste water or treated storm water only	1,500	480
2. All others	1,500	6,000
D. Industrial major (based upon EPA list of major source discharges)		
1. Discharge of cooling water or sanitary waste water only	4,800	3,000
2. All others	4,800	8,800
E. Publicly owned treatment works		
1. Flow of less than or equal to 50,000 gallons per day and no significant industrial component	100	400
2. Flow of greater than 50,000 gallons per day, but less than 0.5 million gallons per day and no significant industrial component	100	1,400
3. Flow of at least 0.5 million gallons per day, but less than 5 million gallons per day and no significant industrial component	100	3,600
4. Flow of at least 5 million gallons per day or a significant industrial component	300	5,400
F. Special discharges		
1. Aquatic pesticides	130	75
2. Dredge spoils	130	75

418, Log storage	55	25
421, Solid waste disposal areas	1,400	100
427, Alteration of rivers, streams and brooks	150	50
451, Mixing zones	1,200	2,200
451-A, Time schedule variances	25	25
471, Coastal wetlands and sand dunes	3,500	1,500
483, Site location		
A. Affordable housing subdivisions	50/lot	50/lot
A-1. Other subdivisions with public water and sewers	175/lot	175/lot
A-2. Other subdivisions	250/lot	250/lot
B. Structures	4,000	2,000
C. Mining	1,500	1,000
D. Other	1,000	1,000
543, Oily waste discharge	40	160
560, Vessels at anchorage	125	100
587, Ambient air quality or emissions standards variances	5,050	50
590, Air emissions licenses		
A. Greater than or equal to 1,000 tons per year of any criteria air pollutant	10,050	1,200
B. Greater than or equal to 100 tons per year, but less than 1,000 tons per year of any criteria air pollutant	5,050	400
C. Greater than or equal to 50 tons per year, but less than 100 tons per year of any criteria air pollutant	1,050	100
D. Less than 50 tons per year of any criteria air pollutant	525	50
633, Hydropower projects		
A. New or expanded generating capacity	450/MW	50/MW
B. Maintenance and repair or other structural alterations not involving an increase in generating capacity	<del>50</del> 150	<del>25</del> 50
1101, Sanitary districts	150	50
1304, Nonhazardous waste facilities		
A. Septage facilities, other than landfill or landspreading sites	300	250

B. Sludge facilities, other than landfill or landspreading sites	550	500
C. Landspreading sites	300	100
D. Transfer stations	550	500
E. Landfills	4,725	4,500
F. Resource recovery and volume reduction facilities	1,575	1,500
G. Other, including land-applied utilization programs	550	250
H. Septage disposal site designation	50	25

United States Code, Title 33, Chapter 26, Water Quality Certifications, in conjunction with applications for hydro-power project <u>licensing or relicensing</u>	450/MW	50/MW
A. <u>Initial consultation</u>	1,000	0
B. <u>Second consultation</u>	1,000	0
C. <u>Application</u>		
1. <u>Storage</u>	1,000	0
2. <u>Generating</u>	300/MW	50/MW

**Sec. 2. Allocation.** The following funds are allocated from the Maine Environmental Protection Fund to carry out the purposes of this Act.

1990-91

**ENVIRONMENTAL PROTECTION, DEPARTMENT OF**

**Bureau of Land Quality Control**

**Division of Natural Resources**

**Hydropower Unit**

Positions	(1)
Personal Services	\$28,300
All Other	7,075
Capital Expenditures	2,000

Provides funds for use solely in the hydropower review unit to assist in the review of hydropower licenses and relicenses, including assistance in the consultation process pursuant to relicensing under the Federal Power Act.

**DEPARTMENT OF ENVIRONMENTAL PROTECTION**

**TOTAL** \$37,375

See title page for effective date.