

# MAINE STATE LEGISLATURE

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

**AS PASSED BY THE**  
**ONE HUNDRED AND TWENTIETH LEGISLATURE**  
**FIRST REGULAR SESSION**  
**December 6, 2000 to June 22, 2001**

**THE GENERAL EFFECTIVE DATE FOR**  
**FIRST REGULAR SESSION**  
**NON-EMERGENCY LAWS IS**  
**SEPTEMBER 21, 2001**

**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**  
**2001**

necessary to determine the soundness and viability of the uninsured bank.

**Sec. 27. Application.** Any limited member of a credit union on the effective date of this Act remains a credit union member after the effective date of this Act.

See title page for effective date.

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## CHAPTER 212

### H.P. 406 - L.D. 527

#### An Act to Amend Certain Laws Administered by the Department of Environmental Protection

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

**Sec. 1. 38 MRSA §344-B, sub-§1,** as enacted by PL 1991, c. 804, Pt. B, §4 and affected by §7, is amended to read:

**1. Publication of timetables.** No later than ~~August~~ November 1st of each year, the commissioner shall publish processing timetables for each permit and license issued by the department. Permit and license processing timetables must be published simultaneously in all newspapers designated by the Secretary of State as papers of record under Title 5, section 8053, subsection 5. The commissioner shall enter the published processing timetables into the record of the board at the first meeting of the board following publication.

Except as provided in this section, the deadline governing the processing of an application is determined by the timetable in effect on the date the application is determined to be complete.

**Sec. 2. 38 MRSA §352, sub-§3,** as amended by PL 1999, c. 243, §2, is further amended to read:

**3. Maximum fee.** The commissioner shall set the actual fees and shall publish a schedule of all fees by ~~August~~ 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. A special fee may not exceed \$75,000. 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. All department staff who have worked on the review of the application shall submit quarterly reports to the commissioner detailing the time spent on

the application and all expenses attributable to the application. The processing fee for that application must be the actual cost to the department. The applicant must be billed quarterly and all fees paid prior to receipt of the permit.

**Sec. 3. 38 MRSA §569-A, sub-§5-A,** as enacted by PL 1999, c. 334, §3, is amended to read:

**5-A. Penalty for late payment of fees.** Fees assessed under subsection 5, paragraph A are due to the department on or before the last day of the month immediately following the month in which the oil was transferred or first transported in Maine. Licensees or registrants who fail to pay the fee by that date shall pay an additional amount equal to 10% of the amount assessed under subsection 5. The department may waive the penalty for good cause shown by the licensee or registrant. Good cause may include, without limitation, events that may not be reasonably anticipated or events that were not under the control of the licensee or registrant.

**Sec. 4. 38 MRSA §1310-D, first ¶,** as amended by PL 1991, c. 759, §1, is further amended to read:

The provisions of this ~~article~~ section govern open-municipal solid waste landfills.

**Sec. 5. 38 MRSA §1310-N, sub-§6-D,** as amended by PL 1995, c. 642, §9, is further amended to read:

**6-D. Solid waste facilities licensed under rules valid on or after May 24, 1989.** A solid waste facility license issued under applicable solid waste management rules valid on or after May 24, 1989 remains in effect unless modified, revoked or suspended under section 341-D, subsection 3. These licensees must:

- A. Comply with applicable operating rules adopted by the board;
- B. Comply with annual facility reporting rules adopted by the board; and
- C. Beginning 5 years after the date of issuance of the license, pay an annual facility reporting fee established by the commissioner. The annual fee established in this paragraph must be an amount equal to 20% of the relicensing fee that would have applied to that facility.

Notwithstanding the terms of this subsection, ~~stake~~ or residual utilization licenses a license issued to a solid waste facility that is not a solid waste landfill may be voluntarily surrendered by the license holder upon department approval.

**Sec. 6. 38 MRSA §1319-D, first ¶**, as amended by PL 1987, c. 750, §4, is further amended to read:

The Maine Hazardous Waste Fund is established to be used by the department as a nonlapsing, revolving fund for carrying out the department's responsibilities under this subchapter and subchapter III. All fees, penalties, interest and other charges under this subchapter ~~shall~~ must be credited to this fund. This fund ~~shall~~ must be charged with the expenses of the department related to this subchapter and subchapter III, including costs of removal or abatement of discharges and costs of the inspection or supervision of hazardous waste activities and hazardous waste handlers.

**Sec. 7. 38 MRSA §2304-A, sub-§1, ¶C**, as enacted by PL 1999, c. 348, §7, is amended to read:

C. Facilities that ~~generate 100 kilograms, or 220 pounds, or more of hazardous waste in a calendar month for more than 3 months of the~~ ship more than 2,640 pounds of hazardous waste in a calendar year.

**Sec. 8. 38 MRSA §2311-A, sub-§§1, 2 and 3**, as enacted by PL 1999, c. 348, §16, are amended to read:

**1. Toxics users.** Toxics users shall submit \$100 for each extremely hazardous substance reported by the facility under this chapter to the department annually by ~~April 15th~~ October 1st.

**2. Toxics releasers.** Toxics releasers shall submit \$100 for each toxic substance reported by the facility under this chapter to the department annually by ~~July 1st~~ October 1st.

**3. Hazardous waste generators.** Generators that ship 300 kilograms, or 661 pounds, or more of hazardous waste in a calendar year shall pay the following fees to the department annually by ~~April 15th~~ October 1st: for generators that ship 2,268.0 kilograms, or 5,000 pounds, or more of hazardous waste in a calendar year, the fee is \$1,000; for generators that ship between 1,197.5 kilograms and 2,267.5 kilograms, or 2,640 pounds and 4,999 pounds, per calendar year, the fee is \$500; and for generators that ship between 300 kilograms and 1,197.0 kilograms, or 661 pounds and 2,639 pounds, per calendar year, the fee is \$100. Generators that ship less than 300 kilograms, or 661 pounds, of hazardous waste in a calendar year are not required to pay fees under this section.

See title page for effective date.

## CHAPTER 213

### H.P. 919 - L.D. 1233

#### An Act to Make Improvements in the Budget Process

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

**Sec. 1. 5 MRSA §1667, first ¶**, as amended by PL 1981, c. 316, Pt. I and amended by PL 1995, c. 560, Pt. K, §82 and affected by §83, is further amended to read:

Not later than June 1st of each year, the Governor shall require the head of each department and agency of the State Government to submit to the Bureau of the Budget a work program for the ensuing fiscal year. Such work program shall include all appropriations, revenues, transfers and other funds, made available to said department or agency for its operation and maintenance and for the acquisition of property, and it shall show the requested allotments of said sums by quarters for the entire fiscal year, classified to show allotments requested for specific amounts for personal services, capital expenditures and amounts for all other departmental expenses. The Department of Mental Health, Mental Retardation and Substance Abuse Services shall further break down its budget to include institutional food expenditures. Funds not expended for this budget item ~~shall~~ may not be transferred between line categories. The Governor, with the assistance of the State Budget Officer, shall review the requested allotments with respect to the work program of each department or agency and shall, if ~~he deems~~ the Governor determines it necessary, revise, alter or change such allotments before approving the same. The Governor may authorize the State Budget Officer to approve quarterly allotments not to exceed ~~\$500~~ \$45,000 in any account. The aggregate of such allotments ~~shall~~ may not exceed the total sums made available to said department or agency for the fiscal year in question. The State Budget Officer shall transmit a copy of the allotments as approved by the Governor to the head of the department or agency concerned and also a copy to the State Controller. The State Controller shall thereupon authorize all expenditures to be made from the sums available on the basis of such allotments and not otherwise.

**Sec. 2. 5 MRSA §1669**, as amended by PL 1989, c. 7, Pt. O, §2, is further amended to read:

#### §1669. Federal funds

~~No~~ A state department or agency may not make expenditures of any federal funds or expenditures in anticipation of receipt of federal funds for any new or expanded programs in the Federal Expenditures Fund