

# MAINE STATE LEGISLATURE

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

**AS PASSED BY THE**

**ONE HUNDRED AND TWENTY-FOURTH LEGISLATURE**

**FIRST REGULAR SESSION**  
**December 3, 2008 to June 13, 2009**

**THE GENERAL EFFECTIVE DATE FOR**  
**FIRST REGULAR SESSION**  
**NON-EMERGENCY LAWS IS**  
**SEPTEMBER 12, 2009**

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

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**Augusta, Maine**  
**2009**

28-A, section 2, subsection 6 shall implement the provisions of this Act within budgeted resources.

See title page for effective date.

**CHAPTER 374  
S.P. 518 - L.D. 1434**

**An Act Regarding Asbestos  
Abatement Work**

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

**Sec. 1. 38 MRSA §352, sub-§5-A**, as amended by PL 2007, c. 558, §1, is further amended to read:

**5-A. 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 keep accurate and regular daily time records. These records must describe the matters worked on, services performed and the amount of time devoted to those matters and services, as well as amounts of money expended in performing those functions. Records must be kept for a sufficient duration of time as determined by the commissioner to establish to the commissioner's satisfaction that the fees are appropriate.

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

344, sub-§7, Permit by rule	\$50	\$0
413, Waste discharge licenses	See section 353-B	
420-D, Storm water management		
A. If structural means of storm water control are used	\$400 for the first acre of disturbed area, plus \$200 for each additional whole acre of disturbed area	\$100 for the first acre of disturbed area, plus \$50 for each additional whole acre of disturbed area
B. If solely vegetative means of storm water control are used	\$200 for the first acre of disturbed area, plus \$100 for each additional whole acre of disturbed area	\$50 for the first acre of disturbed area, plus \$25 for each additional whole acre of disturbed area
C. When a permit by rule is required	\$55	none
If a project described in paragraph A or B is reviewed and approved by a professional engineer at a soil and water conservation district office that has a memorandum of understanding with the department concerning review of projects pursuant to this section, the total applicable fee is reduced to a processing fee of \$100 for the first acre of disturbed area, plus a license fee of \$50 for each additional whole acre of disturbed area.		
480-E, Natural resources protection		
A. Any alteration of a protected natural resource, except coastal wetlands and coastal sand dunes, causing less than 20,000 square feet of alteration of the resource	140	50
B. Any alteration of a coastal wetland causing less than 20,000 square feet of alteration of the resource	240	60
C. Any alteration of a protected natural resource, except coastal sand dunes, causing 20,000 square feet or more of alteration of the resource	.015/sq. ft. alteration	.005/sq. ft. alteration
C-1. Significant ground-water well	4,577	1,961

C-2. Activity within a community public water supply primary protection area	183	64	1. Industrial sludge	400	400
D. Any alteration of a coastal sand dune	3,500	1,500	2. Municipal sludge	300	275
E. Condition compliance	84	0	3. Bioash	300	275
F. Minor modification	184	0	4. Wood ash	300	75
			5. Food waste	300	75
			6. Other residuals	300	175
485-A, Site location of development			C. Landfill		
A. Residential subdivisions			1. Closing plans for secure landfills	1,500	1,500
1. Affordable housing	50/lot	50/lot	2. Closing plans for attenuation landfills	500	500
2. On public water and sewers	175/lot	175/lot	3. Post-closure report	175	175
3. All Other	250/lot	250/lot	4. Preliminary information reports	175	175
B. Industrial parks	460/lot	460/lot	5. License transfers	500	175
C. Mining	1,500	1,000	6. Special waste disposal		
D. Structures	4,000	2,000	a. One-time disposal of quantities of 6 cubic yards or less	50	50
E. Other	1,000	1,000	b. One-time disposal of quantities greater than 6 cubic yards	100	100
543, Oily waste discharge	40	160	c. Program approval for routine disposal of a special waste	300	300
560, Vessels at anchorage	125	100			
587, Ambient air quality or emissions standards variances	5,050	50	7. Minor revision for secure landfills	600	100
590, Air emissions licenses	See section 353-A		8. Minor revision for attenuation landfills	100	100
633, Hydropower projects			9. Public benefit determination	175	175
A. New or expanded generating capacity	450/MW	50/MW	D. Incineration facility		
B. Maintenance and repair or other structural alterations not involving an increase in generating capacity	150	150	2. License transfer	175	175
33 United States Code, Chapter 26, Water Quality Certifications, in conjunction with applications for hydropower project licensing or relicensing			E. License transfer other than for landfills and incinerators	100	100
A. Initial consultation	1,000	0	F. Minor revision for septage facilities and solid waste facilities other than landfills	100	100
B. Second consultation	1,000	0	G. Permit by rule for one-time activities	100	100
C. Application					
1. Storage	1,000	0			
2. Generating	300/MW	50/MW			
1304, Waste management					
A. Septage disposal					
1. Site designation	50	25			
B. Land application of sludges and residuals program approval					

TABLE II

WASTE MANAGEMENT FEES - ANNUAL LICENSE

MAXIMUM FEES IN DOLLARS

TITLE 38 SECTION	PROCESSING FEE	ANNUAL LICENSE FEE			
			e. Food waste	50	125
			f. Other residuals	50	125
<u>1278. Asbestos abatement</u>			2. Sites without program approval		
<u>A. Asbestos abatement contractor</u>	<u>\$0</u>	<u>\$650</u>	a. Industrial sludge	300	550
<u>B. Asbestos abatement worker</u>	<u>0</u>	<u>50</u>	b. Municipal sludge	150	250
<u>C. Asbestos consultant</u>	<u>0</u>	<u>650</u>	c. Bioash	150	250
<u>D. Asbestos analytical laboratory</u>	<u>0</u>	<u>400</u>	d. Wood ash	75	200
<u>E. Training provider</u>	<u>0</u>	<u>500</u>	e. Food waste	75	200
<u>F. Other categories of asbestos professionals except asbestos abatement workers</u>	<u>0</u>	<u>100</u>	f. Other	75	200
<u>G. Notification</u>			1310-N, Solid waste facility siting		
<u>1. Project size greater than 100 square feet or 100 linear feet and less than 500 square feet or 2,500 linear feet</u>	<u>100</u>	<u>0</u>	A. Landfill		
<u>2. Project size 500 square feet or 2,500 linear feet, or greater, and less than 1,000 square feet or 5,000 linear feet</u>	<u>150</u>	<u>0</u>	1. Existing, nonsecure municipal solid waste landfills accepting waste from fewer than 15,000 people	3,500	1,000
<u>3. Project size 1,000 square feet or 5,000 linear feet, or greater</u>	<u>300</u>	<u>0</u>	2. Existing, nonsecure municipal solid waste landfills accepting waste from more than 15,000 people	3,500	3,500
			3. New or expanded for secure landfill	5,000	8,500
			5. Nonsecure wood waste or demolition debris landfills, or both, if less than or equal to 6 acres	700	750
1304, Waste management			B. Incineration facilities		
A. Septage disposal			1. New or expanded for the acceptance of municipal or special wastes, or both	3,500	5,000
1. Landspreading	\$550	\$250	2. Municipally owned and operated solid waste incinerators with licensed capacity of 10 tons per day or less	3,500	1,000
2. Storage	50	75	C. Transfer station and storage facility	750	175
B. Residuals compost facility			D. Tire storage facility	400	450
1. Type I	150	150	F. Processing facility other than municipal solid waste composting	700	700
3. Type II and Type III less than 3,500 cubic yards	700	500	G. Beneficial use activities other than agronomic utilization		
5. Type II and Type III 3,500 cubic yards or greater	1,400	850	3. Fuel substitution	700	500
C. Land application of sludges and residuals			4. Beneficial use without risk assessment	700	200
1. Sites with program approval					
a. Industrial sludge	150	250			
b. Municipal sludge	75	200			
c. Bioash	75	200			
d. Wood ash	50	125			

5. Beneficial use with risk assessment	1,400	500
H. Permit by rule for ongoing activities	100	100

**Sec. 2. 38 MRSA §353, sub-§3-B** is enacted to read:

**3-B. Certification fee for asbestos professionals.** A person applying for certification as an asbestos professional under more than one category under section 352, subsection 5-A shall pay the highest fee among the categories for which certification is sought and \$50 for each additional category.

**Sec. 3. 38 MRSA §1272, sub-§2**, as amended by PL 1993, c. 355, §26, is further amended to read:

**2. Asbestos abatement activity.** "Asbestos abatement activity" means activity involving the removal, demolition, enclosure, repair, encapsulation, handling, transportation or disposal of friable asbestos-containing materials in an amount greater than 3 square feet or 3 linear feet. "Asbestos abatement activity" includes associated activities such as design, monitoring, analysis and inspection of any friable asbestos-containing material in an amount greater than 3 square feet or 3 linear feet, and conducting training for persons seeking a state certificate or license.

**Sec. 4. 38 MRSA §1273, sub-§2**, as amended by PL 2001, c. 626, §17, is further amended to read:

**2. Notification required.** A person, owner or operator may not engage in any asbestos abatement activity over 3 linear feet or 3 square feet of friable asbestos-containing material unless that person, owner or operator notifies the commissioner in writing. This notification must be postmarked at least 10 calendar days before or delivered to the department at least 5 working days prior to beginning any on-site work, including on-site preparation work. The department may approve a reduction in the number of days required for notification on a case-by-case basis when unforeseeable circumstances or compliance with standard notification procedures may cause a threat to the environment or human health.

**Sec. 5. 38 MRSA §1278, sub-§1**, as amended by PL 1993, c. 355, §43, is repealed.

**Sec. 6. 38 MRSA §1278, sub-§1-A** is enacted to read:

**1-A. License and certification fees.** Fees for each license and certification category are established under section 352. The fees must be paid upon application and annually thereafter.

**Sec. 7. 38 MRSA §1278, sub-§2**, as amended by PL 1993, c. 355, §44, is further amended to read:

**2. Notification fees.** Notification of asbestos abatement activities pursuant to section 1273, subsec-

tion 2, must be accompanied by a the notification fee established under section 352 unless the activity occurs in single-unit residential buildings. Notification fees are based on the total linear or square feet of asbestos-containing material involved in the activity.

~~A. The fees are:~~

- ~~(1) Projects involving more than 100 square feet or 100 linear feet, but less than 1,000 square feet or 5,000 linear feet: \$100; and~~
- ~~(2) Projects involving more than 1,000 square feet or 5,000 linear feet: \$200.~~

**Sec. 8. Appropriations and allocations.** The following appropriations and allocations are made.

**ENVIRONMENTAL PROTECTION,  
DEPARTMENT OF**

**Maine Environmental Protection Fund 0421**

Initiative: Provides funding for increased processing and certification fees and allows asbestos abatement expenditures.

OTHER SPECIAL REVENUE FUNDS	2009-10	2010-11
All Other	\$75,000	\$100,000
OTHER SPECIAL REVENUE FUNDS TOTAL	\$75,000	\$100,000

See title page for effective date.

**CHAPTER 375**

**H.P. 722 - L.D. 1047**

**An Act To Amend the Review and Approval Process of the Comprehensive Land Use Plan**

**Emergency preamble.** Whereas, acts and resolves of the Legislature do not become effective until 90 days after adjournment unless enacted as emergencies; and

**Whereas**, comprehensive land use plans are presented to the Maine Land Use Regulation Commission on a regular basis; and

**Whereas**, it is important to change the procedure in which the plans are approved as soon as possible; and

**Whereas**, in the judgment of the Legislature, these facts create an emergency within the meaning of the Constitution of Maine and require the following legislation as immediately necessary for the preserva-