

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE

ONE HUNDRED AND TWENTY-EIGHTH LEGISLATURE

SECOND SPECIAL SESSION
June 19, 2018 to September 13, 2018

THE GENERAL EFFECTIVE DATE FOR
SECOND SPECIAL SESSION
NON-EMERGENCY LAWS IS
DECEMBER 13, 2018

ONE HUNDRED AND TWENTY-NINTH LEGISLATURE

FIRST REGULAR SESSION
December 5, 2018 to June 20, 2019

THE GENERAL EFFECTIVE DATE FOR
FIRST REGULAR SESSION
NON-EMERGENCY LAWS IS
SEPTEMBER 19, 2019

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

Augusta, Maine
2019

4. Exemption. A career and technical education center pursuant to Title 20-A, chapter 313 that does not assess or collect tuition for a course of study offered is exempt from the surety bond or financial audit filing requirement under this section.

Sec. 45. 32 MRSA §14248, as amended by PL 2009, c. 369, Pt. B, §40, is further amended to read:

§14248. On-site evaluations

The director ~~shall~~ may conduct biennial on-site evaluations of schools to ensure compliance with this subchapter and applicable rules. The expense of the on-site evaluation must be borne by the school examined.

Sec. 46. 32 MRSA §14250, as amended by PL 2009, c. 369, Pt. B, §42, is repealed.

Sec. 47. Transition provision. Notwithstanding any provision to the contrary in the Maine Revised Statutes, Title 32, chapter 126:

1. Barber licensees. The Department of Professional and Financial Regulation shall provide each person holding an active barber license on the effective date of this Act the option of being issued a barber hair stylist license to perform haircutting services that do not involve chemical services or, if the licensee intends to perform chemical services, excluding skin care or nail technology services, a hair designer license, or, if the licensee intends to perform hair and chemical services, skin care and nail technology services, a cosmetologist license;

2. Limited barber licensees. The Department of Professional and Financial Regulation shall issue each person holding an active limited barber license on the effective date of this Act a barber hair stylist license;

3. Instructor license to teach barbering. The Department of Professional and Financial Regulation shall issue each person holding an active instructor license to teach barbering on the effective date of this Act an instructor license to teach barber hair styling;

4. Booth licensees. The Department of Professional and Financial Regulation shall issue each person holding an active booth license on the effective date of this Act a level 2 establishment license upon affirmation, by the licensee and the level 1 establishment owner, that the level 2 establishment owner is a lessee of the level 1 establishment owner and is not an employee; and

5. Demonstrator licensees. The Department of Professional and Financial Regulation shall notify each person holding an active demonstrator license on the effective date of this Act that, upon the expiration of the demonstrator license, the license will not be renewed.

See title page for effective date.

**CHAPTER 374
H.P. 1269 - L.D. 1784**

An Act To Increase Land Permit by Rule Application Fees

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 2009, c. 374, §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 \$250	\$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	D. Any alteration of a coastal sand dune	3,500	1,500
			E. Condition compliance	84	0
			F. Minor modification	184	0
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	485-A, Site location of development		
			A. Residential subdivisions		
			1. Affordable housing	50/lot	50/lot
			2. On public water and sewers	175/lot	175/lot
			3. All Other	250/lot	250/lot
			B. Industrial parks	460/lot	460/lot
			C. Mining	1,500	1,000
C. When a permit by rule is required	\$55	none	D. Structures	4,000	2,000
			E. Other	1,000	1,000
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.			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	See section 353-A	
480-E, Natural resources protection			633, Hydropower projects		
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	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	150	150
B. Any alteration of a coastal wetland causing less than 20,000 square feet of alteration of the resource	240	60	33 United States Code, Chapter 26, Water Quality Certifications, in conjunction with applications for hydropower project licensing or relicensing		
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	A. Initial consultation	1,000	0
			B. Second consultation	1,000	0
			C. Application		
			1. Storage	1,000	0
			2. Generating	300/MW	50/MW
C-1. Significant groundwater well	4,577	1,961	1304, Waste management		
			A. Septage disposal		
			1. Site designation	50	25
C-2. Activity within a community public water supply primary protection area	183	64	B. Land application of sludges and residuals program approval		
			1. Industrial sludge	400	400

			MAXIMUM FEES IN DOLLARS		
			TITLE 38 SECTION	PROCESSING FEE	ANNUAL LICENSE FEE
2. Municipal sludge	300	275			
3. Bioash	300	275			
4. Wood ash	300	75			
5. Food waste	300	75			
6. Other residuals	300	175			
C. Landfill			1278, Asbestos abatement		
1. Closing plans for secure landfills	1,500	1,500	A. Asbestos abatement contractor	\$0	\$650
2. Closing plans for attenuation landfills	500	500	B. Asbestos abatement worker	0	50
3. Post-closure report	175	175	C. Asbestos consultant	0	650
4. Preliminary information reports	175	175	D. Asbestos analytical laboratory	0	400
5. License transfers	500	175	E. Training provider	0	500
6. Special waste disposal			F. Other categories of asbestos professionals except asbestos abatement workers	0	100
a. One-time disposal of quantities of 6 cubic yards or less	50	50	G. Notification		
b. One-time disposal of quantities greater than 6 cubic yards	100	100	1. Project size greater than 100 square feet or 100 linear feet and less than 500 square feet or 2,500 linear feet	100	0
c. Program approval for routine disposal of a special waste	300	300	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	150	0
7. Minor revision for secure landfills	600	100	3. Project size 1,000 square feet or 5,000 linear feet, or greater	300	0
8. Minor revision for attenuation landfills	100	100	1304, Waste management		
9. Public benefit determination	175	175	A. Septage disposal		
D. Incineration facility			1. Landspreading	\$550	\$250
2. License transfer	175	175	2. Storage	50	75
E. License transfer other than for landfills and incinerators	100	100	B. Residuals compost facility		
F. Minor revision for septage facilities and solid waste facilities other than landfills	100	100	1. Type I	150	150
G. Permit by rule for one-time activities	100	100	3. Type II and Type III less than 3,500 cubic yards	700	500
			5. Type II and Type III 3,500 cubic yards or greater	1,400	850
			C. Land application of sludges and residuals		
			1. Sites with program approval		
			a. Industrial sludge	150	250
			b. Municipal sludge	75	200

TABLE II

WASTE MANAGEMENT FEES - ANNUAL LICENSE

c. Bioash	75	200
d. Wood ash	50	125
e. Food waste	50	125
f. Other residuals	50	125
2. Sites without program approval		
a. Industrial sludge	300	550
b. Municipal sludge	150	250
c. Bioash	150	250
d. Wood ash	75	200
e. Food waste	75	200
f. Other	75	200
1310-N, Solid waste facility siting		
A. Landfill		
1. Existing, nonsecure municipal solid waste landfills accepting waste from fewer than 15,000 people	3,500	1,000
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
B. Incineration facilities		
1. New or expanded for the acceptance of municipal or special wastes, or both	3,500	5,000
2. Municipally owned and operated solid waste incinerators with licensed capacity of 10 tons per day or less	3,500	1,000
C. Transfer station and storage facility	750	175
D. Tire storage facility	400	450
F. Processing facility other than municipal solid waste composting	700	700
G. Beneficial use activities other than agronomic utilization		
3. Fuel substitution	700	500

4. Beneficial use without risk assessment	700	200
5. Beneficial use with risk assessment	1,400	500
H. Permit by rule for ongoing activities	100	100

Sec. 2. Appropriations and allocations.
The following appropriations and allocations are made.

**ENVIRONMENTAL PROTECTION,
DEPARTMENT OF
Maine Environmental Protection Fund 0421**

Initiative: Provides allocation to administer licensing and permitting programs.

OTHER SPECIAL REVENUE FUNDS	2019-20	2020-21
All Other	\$222,615	\$296,820
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OTHER SPECIAL REVENUE FUNDS TOTAL	\$222,615	\$296,820

See title page for effective date.

**CHAPTER 375
H.P. 1273 - L.D. 1791**

**An Act To Amend Licensure
for Professional Engineers**

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

Sec. 1. 32 MRSA §1251, sub-§1-C is enacted to read:

1-C. Engineering technology accreditation commission. "Engineering technology accreditation commission" means the engineering technology accreditation commission of the accreditation board.

Sec. 2. 32 MRSA §1251, sub-§5, as enacted by PL 2013, c. 296, §1, is repealed.

Sec. 3. 32 MRSA §1254, sub-§2, as amended by PL 2005, c. 315, §4, is further amended to read:

2. Exception. A Any department of this State or any of its political subdivisions or any county, city, town, township or plantation may require the services of a licensed professional engineer for any public works project if the services of the professional engineer are required to comply with any provision of law or rule.

Sec. 4. 32 MRSA §1255, sub-§1, as amended by PL 2005, c. 315, §5, is repealed.