



128th MAINE LEGISLATURE

FIRST REGULAR SESSION-2017

Legislative Document

No. 1258

S.P. 421

In Senate, March 30, 2017

**An Act To Modernize the Voluntary Response Action Program
Funding Process**

Submitted by the Department of Environmental Protection pursuant to Joint Rule 204.
Reference to the Committee on Environment and Natural Resources suggested and ordered
printed.

A handwritten signature in cursive script that reads "Heather J.R. Priest".

HEATHER J.R. PRIEST
Secretary of the Senate

Presented by Senator HAMPER of Oxford.

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

2 **Sec. 1. 38 MRSA §342, sub-§15**, as enacted by PL 1993, c. 355, §3, is amended
3 to read:

4 **15. Technical services.** The commissioner shall establish a technical services unit
5 within the department to assist any person involved in a real estate transaction in
6 determining whether real property that is the subject of the transaction has been the site of
7 a discharge, release or threatened release of a hazardous substance, hazardous waste,
8 hazardous matter, special waste, pollutant or contaminant, including petroleum products
9 or by-products.

10 The commissioner may also assist in or supervise the development and implementation of
11 reasonable and necessary response actions. Assistance may include review of agency
12 records and files, review and approval of a requester's investigation plans, site
13 assessments and reports, voluntary response action plans and implementation of those
14 plans.

15 The fee for department assistance in submitting a voluntary response action plan under
16 section 343-E is equal to 2% of the assessed value of the property at the time the request
17 is submitted.

18 ~~The person requesting~~ For all other requests for assistance under this subsection, a person
19 shall pay the department an initial nonrefundable fee of up to \$500 to be determined by
20 the ~~Commissioner~~ commissioner. The person shall also pay the department for its actual
21 direct and indirect costs of providing assistance, which must be determined by the
22 commissioner but which must not on an hourly basis exceed \$50 per hour per person.
23 Money received by the department for assistance under this subsection must be deposited
24 in the Uncontrolled Sites Fund established in section 1364, subsection 6.

25 **SUMMARY**

26 This bill simplifies the fee charged for assistance from the Department of
27 Environmental Protection in submitting a voluntary response action plan by basing the
28 fee on 2% of the assessed value of the property.