

MAINE DEPARTMENT OF AGRICULTURE, CONSERVATION AND FORESTRY  
MAINE LAND USE PLANNING COMMISSION

CHAPTER 1, ~~GENERAL PROVISIONS~~ FEE SCHEDULE

**Proposed repeal and replacement of Chapter 1**

*Date: November 9, 2020 – Provisionally Adopted*

[NOTE: This redline document is for background purposes; the agency intends to propose all changes in a repeal and replace form.]

This rulemaking package proposes to revise Chapter 1. Proposed changes are shown in strikeout and underline format with additions in underlined text, deletions as ~~strikethroughs~~, and relocations as double underline and double ~~strikethroughs~~.

*Of the substantive revisions, many are self-explanatory. Where necessary, further explanations of some changes have been included in [brackets]. These explanatory notes will not be included in the final rule. A generalized summary of the revisions is provided on the next page.*



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- ~~Relocating or reorienting structures, roadways, parking lots, or lot lines for the purpose of reducing nonconformance with the Commission's dimensional requirements;~~
- ~~Permit transfers (in accordance with Chapter 4 of the Commission's rules); and~~
- ~~Modifications to permit conditions which do not result in a substantially different outcome or impact on natural resources;~~
- ~~Modifications to permit conditions.~~

~~Major Amendments include an action to modify a permit, petition, or certification previously issued by the Commission that does not qualify as a minor change or minor amendment.~~

~~**D. Commission:**  
"Commission" means the Maine Land Use Planning Commission.~~

~~**BE. Development costs**  
"Development costs" means all costs of a proposed project including, without limitation, site preparation, building and road construction, installation of wastewater disposal systems and monitoring, and erosion control devices, but shall not include the cost of acquiring the land.~~

~~**CF. Director:**  
"Director" means the Director of the Maine Land Use Planning Commission is the principal administrative, operational, and executive employee of the Commission.~~

~~**DG. Minor changes**  
"Minor changes" means a revision or amendment to an action to modify a permit previously issued by the Commission where the revision or amendment is a result of:~~

- ~~(1) updating current transfer of ownership or indicating a new permit holder;~~
- ~~(2) correcting clerical or typographical errors or other errors of transcription;~~
- ~~(3) clarifying the Commission's decision, which clarification is consistent with the intent of the Commission's decision and does not materially change any findings of fact or conclusions of law; changing the phrasing of the Commission's written decision, where the phrasing is consistent with the intent of the Commission's decision; or~~
- ~~(4) corrections of correcting the dimensions of structures, or approving minor variations to the dimensions of structures previously approved, or approving expansions or changes affecting less than ten (10) percent of a structure or project; or~~
- ~~5. renewing a permit and extending the deadline for a substantial start or for substantial completion by up to two years.~~

~~**EH. Permits:**  
"Permit" means any approval, license, certification, or other authorization issued by the Commission, including amendments thereto.~~

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4. All fees are non-refundable, except any fees assessed in accordance with Section 1.02(E)(2)(c), and Section 1.02(E)(3) that exceed actual processing costs.

~~d.e.~~ Home-Occupation-based  
businesses permit applications

~~\$200~~100.00 Base fee  
\$1,500.00 Maximum fee

f. Hydropower

\$200.00 Base fee for micro-hydropower or  
hydropower development that does not  
require water quality certification  
\$500.00 Base fee for all other hydropower  
development

~~e.g.~~ Land management road permit  
applications

\$200.00 Base fee  
\$1,000.00 Maximum fee

h. Metallic mineral mining  
certifications

\$200.00 Base fee  
\$5,000.00 Maximum fee

i. Minor amendments (except for  
permit transfers)

50% of base Base fee  
fee listed for  
applicable use  
\$250.00 Maximum fee

~~f.j.~~ Non-residential development  
(except as listed separately in  
Section 1.02(B)(1)) Development  
permit applications

\$200.00 Base fee  
\$5,000.00 Maximum fee

k. Permit transfers<sup>1</sup>

\$200.00 Base fee

<del>n.u.</del> Utility Facilities permit applications (Utility Towers or Structures)	\$500.00 Base Fee + \$1.00 per foot of tower height + \$0.40 per square foot (footprint) structures \$5,000.00 Maximum Fee
<del>o.v.</del> Water crossings permit application	\$250200.00 Base fee
<del>p.w.</del> All other permit land uses not listed above and amendment applications	\$100.00 Base fee

**2. Activity Specific Fees.**

As applicable, the following fees will be added to the applicable base fees identified in Section 1.02(B)(1). Unless indicated otherwise, only one activity fee applies to any specific square foot or acre.

- a. Disturbed areas:
  - + \$0.40 Per square foot of disturbed area (~~includes areas~~ within 25 feet of shoreline, and wetland impact areas)
  - + \$1.00 Per 1,000 square feet for all other disturbed areas more than one acre in size
- b. Extraction:
  - + \$100.00 Per acre of ~~disturbed extraction~~ area
  - + \$200.00 Per well or extraction point
- c. Roads
  - Per linear foot of:
    - + \$0.15 ~~land-Land~~ management road
    - + \$0.10 Level A Road Projects
    - + \$0.15 Level B Road Projects
    - + \$0.30 Level C Road Projects
- d. Shoreland and wetland alterations:
  - Per square foot of shoreline alteration
    - + \$0.20 allowed by expedited review
    - + \$0.40 in all other instances (includes areas within 25 feet of shoreline, and wetland impact areas)

**3. Fees for Uses Allowed by Special Exception**

An additional fee of \$100.00 applies to all applications or requests for certification seeking approval of a use allowed by special exception.

- a. Notwithstanding Section 1.02(B)(3), where the entire parcel is within the P-FP subdistrict, this additional fee for uses allowed by special exception is not required for: single-family dwellings, including their reconstruction, relocation, or replacement; new construction, reconstruction, or replacement of a permanent foundation; or substantial improvements or accessory structures allowed by special exception within the P-FP subdistrict.

**4. After-the-Fact Fees**

Notwithstanding other provisions of this chapter, the following fees apply. ~~After the fact fees, or~~ Fees for development already begun prior to receiving permit approval, **also known as after-the fact fees**, are three times the **otherwise** applicable fee as established by this chapter, **regardless of any maximum fee specified by this chapter.**



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provided in Section  
1.02(C)(3)(a) through  
(c)

4. Concept Plans

\$5,000.00 Base fee  
+ \$25.00 per acre of new areas proposed for development,  
including infrastructure

**ED. SPECIAL SERVICE FEES ESTABLISHED**

[Revision Note: The revision of the fees listed in this section intend to improve user convenience, respond to the prevalence of free digital resources, or clarify fees to be charged for certain new services.]

Fees will not be assessed to view or download materials available on the Commission's website or other web-based transfer.

The following fees will be assessed to recover expenses incurred by the Commission in providing the services listed:

1. **For reproduction of documents, transcripts, or other records:** \$1.00 for the first page, and \$0.25 cents per page thereafter, except as provided below.
2. **For full-sized subdistrict boundary (zoning) maps:** \$3.00 per map plus applicable postage. An applicant paying the application fee Each applicant may request and receive, at no charge, one copy of each applicable subdistrict boundary map for application purposes ~~without being assessed an additional fee.~~
3. **For publications or rules:** No fee will be assessed for the first copy ~~two copies~~ of any publication or rule. Charges will be made for additional copies as follows:
 

a. Comprehensive Land Use Plan	\$10.00 <u>or actual costs, whichever are greater;</u>
b. Rules and <del>Standards</del> <u>standards</u>	\$5.00 <u>or actual costs, whichever are greater;</u>
c. All other publications <del>or rules</del>	\$3.00 or actual costs, whichever are greater;
4. **For photographs, ~~slides, electronically recorded or stored information,~~ oversized documents, reduced size subdistrict boundary maps, or other items requiring special handling:** Actual cost of reproduction, handling, and applicable postage.
5. If the Commission records documents at a county registry of deeds on behalf of the permittee or owner, the Commission may assess only the actual cost charged by the applicable county registry of deeds for recording and for any applicable copy required for the Commission's records.