

MAINE STATE LEGISLATURE

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STATE OF MAINE
HOUSE OF REPRESENTATIVES
115TH LEGISLATURE
FIRST REGULAR SESSION

COMMITTEE AMENDMENT "A" to H.P. 1329, L.D. 1920, Bill, "An Act to Allow the Department of Environmental Protection to Process an Application by Ivan Davis to Rebuild a Dam on the St. George River"

Amend the bill by striking out everything after the title and before the statement of fact and inserting in its place the following:

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

Whereas, on or about November 30, 1989, Ivan Davis submitted an application to rebuild a dam on the St. George River in Liberty to the Department of Environmental Protection; and

Whereas, Mr. Davis' application included no proposals for development or redevelopment of hydroelectric generating or hydromechanical facilities; and

Whereas, the Board of Environmental Protection proposed and the Legislature enacted a reclassification of the water quality of the waters affected by the application from Class C to Class AA under the Maine Revised Statutes, Title 38, sections 465 and 467 effective July 14, 1990; and

Whereas, Mr. Davis' application was not complete for processing on the effective date of the reclassification due to questions regarding Mr. Davis' right, title and interest in the property on which the proposed dam was to be rebuilt; and

Whereas, the change in classification precludes action on Mr. Davis' application; 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 preservation of the public peace, health and safety; now, therefore,

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

4 Processing of a prior application for dam rebuilding and maintenance
authorized. Notwithstanding the Maine Revised Statutes, Title 38,
6 section 465, subsection 1 and section 467, subsection 14,
paragraph A, subparagraph (1), the Department of Environmental
8 Protection shall process an application by Ivan Davis if it is
substantially identical to an application previously submitted by
10 Mr. Davis on or about November 30, 1989 for a permit, pursuant to
Title 38, section 480-C, to rebuild and maintain the dam on the
12 St. George River in Liberty, which is the first dam below the
outlet of Lake St. George and is adjacent to land owned by Ivan
14 Davis. The department shall process the application as if the
water quality classification of the waters in question were
16 classified under Title 38, section 465, subsection 2. This Act
is repealed on January 1, 1992 if, prior to this date, Mr. Davis
18 has not submitted a complete application to the department that
is substantially identical to an application previously submitted
20 by Mr. Davis on or about November 30, 1989.

22 Emergency clause. In view of the emergency cited in the
preamble, this Act takes effect when approved.

24 FISCAL NOTE

26 1991-92

28 REVENUES

30 Other Funds \$150

32 This bill authorizes the Department of Environmental
34 Protection to process an application by Ivan Davis to rebuild a
dam. If Mr. Davis submits a Natural Resource Protection Act
36 application and the required fee, additional dedicated revenue of
\$150 in fiscal year 1991-92 will result. If the applicant
38 qualifies for a license, an additional \$50 annually of dedicated
revenue will be generated.'

40 STATEMENT OF FACT

42 This amendment directs the Department of Environmental
44 Protection to process an application to be submitted by Ivan
46 Davis for the rebuilding and maintenance of a dam on the St.
George River in Liberty. It is the intent of the Legislature
48 that the application be processed only if it proposes a project
substantially identical to the project proposed by Ivan Davis to
50 the department in an application submitted on or about November
30, 1989.