

MAINE STATE LEGISLATURE

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116th MAINE LEGISLATURE

FIRST REGULAR SESSION-1993

Legislative Document

No. 171


H.P. 130

House of Representatives, January 26, 1993

**An Act to Clarify the Application of Recent Increases in Annual Dam
Registration Fees.**

(EMERGENCY)

Reference to the Committee on Energy and Natural Resources suggested and ordered printed.


JOSEPH W. MAYO, Clerk

Presented by Representative GOULD of Greenville.

Cosponsored by Representatives DEXTER of Kingfield, JACQUES of Waterville, LORD of Waterboro, MITCHELL of Freeport, POULIN of Oakland, YOUNG of Limestone, Senators CIANCHETTE of Somerset, LUDWIG of Aroostook.

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

4 Whereas, dams are registered by the State for a period of 5
6 years; and

8 Whereas, dam registration fees are set forth in law as
annual fees; and

10 Whereas, effective July 17, 1991, Public Law 1991, chapter
12 591, Part E, section 38, increased annual dam registration fees;
and

14 Whereas, it is the intent of the Legislature that the annual
16 dam registration fee effective for the duration of a 5-year dam
registration period is the annual registration fee in effect at
18 the time the dam is registered; and

20 Whereas, the Department of Environmental Protection has
interpreted the annual registration fees enacted in Public Law
22 1991, chapter 591, Part E, section 38, as applicable to all dam
registrations, without regard to the annual fee in effect at the
24 time the dam was registered; and

26 Whereas, that administrative interpretation of the law has
resulted in some dam owners paying annual dam registration fees
28 in excess of the amount intended by the Legislature; and

30 Whereas, in the judgment of the Legislature, these facts
create an emergency within the meaning of the Constitution of
32 Maine and require the following legislation as immediately
necessary for the preservation of the public peace, health and
34 safety; now, therefore,

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

38 **Sec. 1. 38 MRSA §830, sub-§1-A is enacted to read:**

40 **1-A. Applicable annual registration fees.** For any dam with
a registration valid on July 17, 1991, the annual registration
42 fee established in former section 830, subsection 2, is the
annual registration fee applicable to that dam for the duration
44 of that registration period. For any dam registrations occurring
after July 17, 1991, the annual registration fee in effect at the
46 time of that registration is the annual fee applicable to that
dam for the duration of that registration period.

48 **Sec. 2. Reimbursement.** No later than 60 days after the
50 effective date of this Act, the Department of Environmental

2 Protection shall refund all registration fees imposed since July
17, 1991 that do not conform to the Maine Revised Statutes, Title
38, section 830, subsection 1-A.

4 **Sec. 3. Retroactivity.** Section 1 of this Act applies
6 retroactively to July 17, 1991.

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

10
12 **STATEMENT OF FACT**

14 This bill clarifies that the statutory annual dam
16 registration fee in effect at the time a dam is registered is the
annual fee that remains in effect for each year of that 5-year
18 registration period. Under the provisions of this bill, the
annual registration fees set forth in the Maine Revised Statutes,
20 Title 38, former section 830, subsection 2, remain in effect for
the duration of the 5-year registration period for any dam with a
22 registration valid on the effective date of Public Law 1991,
chapter 591.

24 This bill also requires the Department of Environmental
Protection to refund any excess dam registration fees imposed on
26 dam owners since July 17, 1991.

28 This bill applies retroactively to July 17, 1991, to ensure
that its provisions regarding applicable annual registration fees
30 apply to dams registered under the previous fee schedule, as set
forth in Title 38, former section 830, subsection 2, and dams
32 registered under the new fee schedule, as enacted in Public Law
1991, chapter 591, Part E, section 38.