

# MAINE STATE LEGISLATURE

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# 120th MAINE LEGISLATURE

## SECOND REGULAR SESSION-2002

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Legislative Document

No. 2208

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H.P. 1720

House of Representatives, April 1, 2002

**An Act Allowing for a Public Hearing Process for Certain Actions  
Relating to Dams.**

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Reported by the Minority for the Joint Standing Committee on Natural Resources pursuant to Joint Order 2001, H.P. 1693.

*Millicent M. MacFarland*

MILLICENT M. MacFARLAND, Clerk

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

**Sec. 1. 38 MRSA §840, sub-§1, ¶A,** as amended by PL 1995, c. 630, §2, is further amended to read:

A. Operating with a license or ~~exemption~~ issued by the Federal Energy Regulatory Commission or determined by the Federal Energy Regulatory Commission to be subject to the ~~jurisdiction of that commission~~ licensing by the commission;

**Sec. 2. 38 MRSA c. 5, sub-c. I, art. VII** is enacted to read:

**Article VII**

**PUBLIC PROCESS FOR DAM ABANDONMENT OR REMOVAL**

**§921. Notice and public hearing**

**1. Notice and public hearing.** When a dam in this State is proposed to be abandoned or removed, the dam owner shall file a notice with the commissioner and the commissioner shall hold a public hearing on the proposed abandonment or removal. To the extent the commissioner has authority under this Title or under other law to take action on the proposed abandonment or removal, the commissioner may take action in accordance with that authority.

**FISCAL NOTE**

Requiring that the Commissioner of Environmental Protection must hold certain public hearings on proposed dam abandonments or removals may result in increased costs for the Department of Environmental Protection. Any increased costs will depend on the number of abandonment or removal notices that the commissioner gets and can not be determined at this time.

**SUMMARY**

This bill is the minority report of the Joint Standing Committee on Natural Resources.

The bill amends existing authority of the Commissioner of Environmental Protection to hold water level hearings and establish water levels by extending that authority to approximately 2 dozen dams in the State that are operating with a Federal Energy Regulatory Commission exemption. The bill also requires the Commissioner of Environmental Protection to hold a public hearing when a dam is proposed to be abandoned or removed.