

# MAINE STATE LEGISLATURE

The following document is provided by the  
**LAW AND LEGISLATIVE DIGITAL LIBRARY**  
at the Maine State Law and Legislative Reference Library  
<http://legislature.maine.gov/lawlib>



Reproduced from electronic originals  
(may include minor formatting differences from printed original)



# 132nd MAINE LEGISLATURE

## FIRST REGULAR SESSION-2025

---

Legislative Document

No. 846

---

H.P. 532

House of Representatives, March 4, 2025

### **An Act to Protect Natural Resources by Clarifying Hydropower Dam Removal Requirements**

---

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

A handwritten signature in cursive script that reads "Robert B. Hunt".

ROBERT B. HUNT  
Clerk

Presented by Representative BLIER of Buxton.

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

2 **Sec. 1. 38 MRSA §634, sub-§4**, as enacted by PL 2003, c. 134, §2, is repealed and  
3 the following enacted in its place:

4 **4. Dam removal.** A person seeking to remove an existing dam that is part of a  
5 hydropower project must comply with the requirements of this subsection.

6 A. Prior to filing an application for a permit to remove the dam, the person must attend  
7 a preapplication meeting with the department and must hold a public informational  
8 meeting. The preapplication meeting and the public informational meeting must be  
9 held in accordance with the department's rules on the processing of applications.

10 B. An applicant for a permit to remove an existing dam must propose removal of the  
11 entire dam structure. The department shall deny an application proposing to remove  
12 only a portion of an existing dam.

13 C. If any portion of the dam structure is located on land owned by a municipality or  
14 other government entity, the applicant must demonstrate to the department's  
15 satisfaction that the municipality or entity has approved the removal of that portion of  
16 the dam structure. If the applicant fails to demonstrate such approval, the department  
17 shall deny the application.

18 D. If the removal of the dam is expected to result in the alteration of water levels in  
19 the body of water from which the dam is removed, as determined by the department  
20 based on information provided by the applicant or otherwise available to the  
21 department, the department shall require as a permit condition that prior to dam  
22 removal, the applicant identify all landowners expected to be affected by the alteration  
23 of water levels and set aside sufficient funds for reimbursing those landowners for the  
24 corresponding loss in property value following dam removal. Dam removal may not  
25 commence until the department has determined that the amount of funds set aside and  
26 plan for disbursement of those funds to affected landowners is sufficient.

27 **SUMMARY**

28 This bill amends the laws regulating permits for hydropower projects to include the  
29 following provisions applicable to the removal of an existing dam that is part of a  
30 hydropower project.

31 1. An applicant for a permit to remove an existing dam must propose removal of the  
32 entire dam structure and not just a portion of an existing dam.

33 2. If any portion of the dam structure is located on land owned by a municipality or  
34 other government entity, the applicant must demonstrate to the satisfaction of the  
35 Department of Environmental Protection or Maine Land Use Planning Commission, as  
36 applicable, that the municipality or entity has approved the removal of that portion of the  
37 dam structure.

38 3. If the removal of the dam is expected to result in the alteration of water levels in the  
39 body of water from which the dam is removed, the department or Maine Land Use Planning  
40 Commission, as applicable, must require as a permit condition that prior to dam removal,  
41 the applicant identify all landowners expected to be affected by that alteration of water

1 levels and set aside sufficient funds for reimbursing those landowners for the corresponding  
2 loss in property value following dam removal.