

# MAINE STATE LEGISLATURE

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# 132nd MAINE LEGISLATURE

## FIRST SPECIAL SESSION-2025

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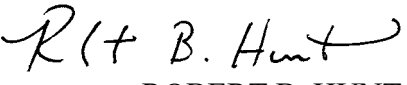
H.P. 1133

House of Representatives, April 17, 2025

### An Act Regarding Changes of Ownership of Dams

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

  
ROBERT B. HUNT  
Clerk

Presented by Representative MILLIKEN of Blue Hill.  
Cosponsored by Representative: BISHOP of Bucksport, Senators: GROHOSKI of Hancock,  
HAGGAN of Penobscot.

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

2       **Sec. 1. 38 MRSA §901, sub-§1**, as enacted by PL 1995, c. 630, §3, is amended to  
3 read:

4       **1. Petition.** The owner of a dam that is not licensed or exempted from licensure by  
5 the Federal Energy Regulatory Commission may petition the department to initiate  
6 proceedings for release from dam ownership or water-level maintenance under this article.  
7 The petition must include the following information:

8       A. The name, address and phone number of the ~~dam~~ owner of the dam and related  
9 impoundment and any identified transferee of the dam and related impoundment;

10      B. The location of the dam and related impoundment;

11      C. A plan of the dam and related impoundment and brief descriptions of the condition  
12 of the dam and related impoundment and recent operation of the dam and related  
13 impoundment, including all associated real and intangible property used to provide  
14 services and dam and related impoundment operations and maintenance and water-  
15 level management; and

16      ~~D. Any other reasonable information the department determines necessary to~~  
17 ~~implement this article.~~

18      E. Any purchase and sale agreement or closing binder in the acquisition of the dam  
19 and related impoundment, including any title searches, title insurance policies and all  
20 incorporated covenants and easements related to the dam and related impoundment to  
21 or from the owner and owner's predecessors in title or business ownership;

22      F. The insurance policies and documentation and related costs that the owner is  
23 currently using to address risk management of failures and maintenance costs related  
24 to the dam and related impoundment;

25      G. Copies of any federal, state and local permits and approvals related to the operation  
26 of the dam and related impoundment;

27      H. Any information on deeded or contractual water rights and water-level  
28 requirements and management, including deeds, easements and contracts, and any  
29 information related to intakes and piping structures present or removed within the prior  
30 2 years associated with the dam and related impoundment;

31      I. Any information regarding the composition of structures on or associated with the  
32 dam and related impoundment such as piping, pipelines and coating of piping and  
33 pipelines, including whether the structures have been tested for the presence of  
34 hazardous materials, including but not limited to polychlorinated biphenyls or asbestos,  
35 including all test results and reports on environmental conditions and hazards posed by  
36 such structures, piping, pipelines and coating;

37      J. A complete list of associated assets, including any land, dams and related  
38 impoundments, owned by the owner and any corporate affiliate of the owner located  
39 in the watershed;

40      K. A copy of any emergency action plan or response plan related to the dam and related  
41 impoundment;

1 L. A copy of the operations and maintenance plan required by the Department of  
2 Defense, Veterans and Emergency Management, Maine Emergency Management  
3 Agency for the dam and related impoundment along with inspection and maintenance  
4 records covering the last 24 months;

5 M. Property tax obligations and records for the dam and related impoundment and  
6 associated real property and tangible property assets owned by the owner and any  
7 corporate affiliate of the owner located in the watershed;

8 N. All budgets, reports, capital plans and maintenance and repair costs identified by  
9 or prepared by the owner of the dam and related impoundment or of which the owner  
10 is aware, including:

11 (1) The current and budgeted project and capital improvement plans for the prior  
12 10 years and following 10 years to maintain the dam and related impoundment and  
13 associated infrastructure and tangible assets;

14 (2) Budgeted preventive maintenance activities for the prior 10 years and  
15 following 10 years, including vendors used, scope of work and expenditures;

16 (3) Estimated timing, costs and scope of work of any past or proposed construction  
17 repairs and improvements to the dam and related impoundment for the prior 10  
18 years and following 10 years, including vendors used, scope of work and  
19 expenditures; and

20 (4) Itemization of all revenues received by the owner of the dam and related  
21 impoundment and related corporate affiliates of the owner for the dam and  
22 impoundment services and for services from or sale of real and tangible property  
23 related to the dam and related impoundment;

24 O. All contracts between the owner of the dam and related impoundment and other  
25 businesses related to the obligations with respect to and the provision and maintenance  
26 of the water supply and water-level maintenance;

27 P. Existing as-built construction plans for the dam and related impoundment and all  
28 appurtenances, including structural plans and drawings and any revisions, including  
29 any plans, site layout plans, contours, adjacent land use, right-of-way maps of  
30 properties related to the dam and related impoundment, utility maps and mechanical  
31 drawings for gates, pumps and fish ladders;

32 Q. Engineering reports and information related to the dam and related impoundment,  
33 including capital upgrade assessments and recommendations, operational and expense  
34 recommendations from the prior 10 years and following 10 years, any geotechnical  
35 borings, soil test data, recommendation reports, topographic survey data, stream and  
36 lake cross sections and bathymetric surveys upstream and downstream of the dam;  
37 hydrologic and hydraulic studies and data and Hydraulic Engineering Center River  
38 Analysis System models or similar hydrologic models; and

39 R. Any environmental reports related to the dam and related impoundment, including  
40 impact assessments related to dam removal, configuration or abandonment, including  
41 evaluations of contaminants in the sediments located in the impoundment that could  
42 potentially be released by the dam removal, dam failure or the release of impoundment  
43 water.

1 The department shall notify the owner within 15 days of receipt of the petition if the  
2 department determines that the petition does not comply with the requirements of this  
3 section. If notice is not sent within 15 days, the petition is deemed to comply.

4 **Sec. 2. 38 MRSA §903, sub-§2, ¶B**, as enacted by PL 1995, c. 630, §3, is amended  
5 to read:

6 B. The value to fisheries and wildlife of maintaining the dam; ~~and~~

7 **Sec. 3. 38 MRSA §903, sub-§2, ¶C**, as enacted by PL 1995, c. 630, §3, is amended  
8 to read:

9 C. The value to fisheries and wildlife of releasing water from the dam; and

10 **Sec. 4. 38 MRSA §903, sub-§2, ¶D** is enacted to read:

11 D. The economic impact on surrounding communities, including private and  
12 municipal interests.

### 13 SUMMARY

14 This bill adds to the list of the types of information that a petitioner must include in a  
15 petition to the Department of Environmental Protection to initiate proceedings for release  
16 from dam ownership or water-level maintenance. It also requires the Department of Inland  
17 Fisheries and Wildlife to review the economic impact on surrounding communities,  
18 including private and municipal interests, in determining whether the best interest of the  
19 public requires that the department assume ownership of a dam.