

# MAINE STATE LEGISLATURE

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STATE OF MAINE  
HOUSE OF REPRESENTATIVES  
107TH LEGISLATURE

(Filing No. H-699)

COMMITTEE AMENDMENT "A " to H.P. 1459, L.D. 1797, Bill,  
"AN ACT to Provide for the Maintenance of Neglected Dams and  
Existing Water Levels in Lakes Impounded by Dams."

Amend said Bill in section 1 in that part designated  
"§305." by striking out all of subsection 3 and inserting  
in place thereof the following:

of this section

'3. Applicability. Section 304 and subsection 1/shall  
not apply to any dam operated or maintained for the beneficial  
use of the owner or an operator or other downstream littoral  
proprietor. Such beneficial uses shall include but not be  
limited to the generation of hydro-electric power, the  
maintenance of public or private water supplies, the maintenance  
of commercial transportation, the dilution of wastewater or  
sewage discharges or any other similar use economically  
beneficial to the owner or operator or other downstream littoral  
proprietor. In the event that such beneficial uses are discontinued,  
the owner of such dam shall be subject to the requirements of  
of this section.  
section 304 and subsection 1/ Further, the provisions of this  
chapter shall not apply to any dam where the dam owner is also  
the sole littoral owner on the impounded body of water and the  
impounded body of water is not a great pond as defined in  
Title 38, section 422.'

Statement of Fact

The purpose of this amendment is twofold.

1. To make clear that private ponds, such as farm ponds,

are not subject to the regulatory provisions of the bill since the purpose of the bill is to protect public and littoral uses. Such uses do not exist in wholly private ponds.

2. To establish a broader range of uses that will cause a dam not to be subject to an order of the Soil and Water Conservation Commission. Such uses would include uses beneficial to persons other than the owner or operator, for example, a municipality or industry which contracts with a dam owner to obtain a guaranteed flow of water necessary to dilute a treated sewage discharge. Under such circumstances, maintenance of water levels in an impounded body of water must be given a lesser priority.

Reported by the Minority of the Committee on Public Utilities.

Reproduced and distributed under the direction of the Clerk of the House.

6/10/75

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