

# MAINE STATE LEGISLATURE

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D O E R

STATE OF MAINE  
SENATE  
107TH LEGISLATURE

SENATE 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 by striking out all of that part designated  
"§301." of section 1 and inserting in place thereof the following:

'§301. Legislative findings

The Legislature recognizes that the Colonial Ordinance  
of 1641, which is a part of the common law of Maine, established  
the principle that great ponds, including artificial ponds of 30  
or more acres, are held by the State in trust for the people; and  
the Legislature declares that it is desirable for littoral proprietors  
and the public to have water levels in bodies of water impounded  
by dams maintained at levels/which such bodies have been traditionally  
maintained. This public policy includes the maintenance of water  
levels to provide navigation on such body of water in the customary  
fashion, to maintain customary habitat for fish and wildlife, to  
prevent the exposure of unsightly shorelines and to provide for  
access to the water in the customary fashion, to prevent erosion  
of shorelines from severely fluctuating lake levels, and  
to provide and maintain other rights to which such littoral proprietors  
and the public have through the passage of time become entitled.'

Further amend said Bill by striking out all of the first  
sentence of that part designated "§303." of section 1 and inserting  
in place thereof the following:

'Any person, other than State and Federal Governments, owning or operating any dam shall annually register with the commission, on forms provided by the commission, on or before the first day of January of each calendar year.'

Further amend said Bill in that part designated "§304." of section 1 by inserting at the end of subsection 1 the following:

'This section 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.'

Further amend said Bill in that part designated "§305." of section 1 by adding at the end the following:

'4. Transfer. Any owner of a dam who transfers the title to such dam and the rights relating to such dam to a municipality or to a nonprofit corporation organized under Title 13, chapter 81, shall be relieved of all obligations under this section.'

Further amend said Bill by striking out all of those parts designated "§306." and "§307." of section 1.

Further amend said Bill by renumbering those parts designated "§308." to "§310." of section 1 to be '§306.' to '§308.'

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SENATE AMENDMENT "A" to H.P. 1459, L.D. 1787

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Further amend said Bill by striking out all of section 2.

Further amend said Bill by striking out at the beginning of the first line after the enacting clause the underlined abbreviation and figure "Sec. 1."

Statement of Fact

The purpose of this amendment is to revise certain portions of the bill to conform with section 301 of the Act as restated.

(Collins)

NAME:

*Samuel W. Collins Jr.*

COUNTY: Knox

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