

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 scanned originals with text recognition applied
(searchable text may contain some errors and/or omissions)

FIRST REGULAR SESSION

ONE HUNDRED AND TENTH LEGISLATURE

Legislative Document

No. 1202

H. P. 1006

House of Representatives, March 10, 1981

Referred to the Committee on Energy and Natural Resources. Sent up for concurrence and ordered printed.

EDWIN H. PERT, Clerk

Presented by Representative Kany of Waterville.

Cosponsor: Representative Huber of Falmouth.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED AND EIGHTY-ONE

**AN ACT to Clarify the Permit Requirements for Large Hydroelectric Projects
and to Protect Environmental Values.**

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

Sec. 1. 38 MRSA § 482, sub-§ 6, ¶ C is enacted to read:

C. Any dam or impoundment used in any hydroelectric project which is not a small hydroelectric project as defined in Title 38, section 621.

Sec. 2. 38 MRSA § 484-A is enacted to read:

§ 484-A. Dam or impoundment; hydroelectric projects

1. Additional criteria. In the case of a dam or impoundment used in hydroelectric projects, in addition to the requirements of section 484, subsections 1 to 4, the board shall consider the following criteria:

A. The impacts upon fish and wildlife habitat;

B. The impact of the proposed flowage including an assessment of the advantages of stabilizing stream flows and maintaining minimum flows and providing flood control;

C. The total energy and capacity the facility will provide;

D. The impact of fluctuating water levels upon the total environment including the impact upon recreation and navigation;

E. The impact of the project upon the natural environs of any great pond, river or stream; and

F. The impact of the project upon water quality including the impacts attributable to the proposed flowage.

2. If the board finds no unreasonable adverse impacts, the board shall approve the project but may impose reasonable conditions on the operation of the facility to minimize adverse environmental impacts which may be caused by fluctuations in the level of the impoundment and the downstream flow.

STATEMENT OF FACT

This bill would clarify the laws to require that all large hydro projects receive a site-location permit from the Board of Environmental Protection prior to construction. It provides authority to the Board of Environmental Protection to establish parameters for the regulation of water levels in impoundments and the downstream flow.