

MAINE STATE LEGISLATURE

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1 FIRST REGULAR SESSION
2

3 ONE HUNDRED AND ELEVENTH LEGISLATURE
4

5 Legislative Document

No. 1251

6
7 S.P. 403

In Senate, March 17, 1983

8 Referred to the Committee on Energy and Natural Resources. Sent down
9 for concurrence and ordered printed.

10 JOY J. O'BRIEN, Secretary of the Senate

Presented by Senator Brown of Washington.

Cosponsors: Representative Rolde of York, Representative Higgins of
11 Portland and Senator Hayes of Penobscot.

12 STATE OF MAINE
13

14 IN THE YEAR OF OUR LORD
15 NINETEEN HUNDRED AND EIGHTY-THREE
16

17 AN ACT to Protect the Public Use and
18 Enjoyment of Maine's Important Rivers.
19

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

22 Sec. 1. 10 MRSA §1003, sub-§8, as enacted by PL
23 1981, c. 476, §2, is amended to read:

24 8. Energy generating system project. "Energy
25 generating system projects" means:

26 A. For a system which does not generate elec-
27 tricity, an energy generating system owned, in
28 whole or in part, by a municipality, corporation
29 or firm, and which system used biomass, peat,
30 solar, waste, water and related dams, wind, wood
31 or coal, or which is an energy conservation
32 project, including a transportation project con-
33 sistent with the United States Internal Revenue
34 Service guidelines; or

1 B. For a system which does generate electricity,
2 an energy generating system which uses biomass,
3 peat, solar, waste, water and related dams, wind,
4 wood or coal, and which is owned, in whole or in
5 part, by a public utility or a municipality, cor-
6 poration or firm which qualifies as a cogenerator
7 or small power producer under Title 35, chapter
8 172.

9 No energy generating system may be an eligible
10 project if located upon or across any stream or river
11 or portions thereof listed in Title 38, section 651.

12 Sec. 2. 38 MRSA §418-B is enacted to read:

13 §418-B. Protection and restoration of rivers

14 1. Findings. The Legislature finds that the
15 State has a system of rivers which are a unique and
16 valuable natural resource and therefore declares that
17 the protection and restoration of the rivers, or por-
18 tions thereof, listed in subsection 2, is a state
19 priority.

20 2. Prohibition. No person, firm, corporation,
21 municipality or other legal entity may erect any dam
22 upon or across the streams or rivers, or portions
23 thereof, listed in section 651 or upon or across cer-
24 tain related tributaries of these streams and rivers,
25 or portions thereof, identified in the Department of
26 Conservation Maine Rivers Study dated May, 1982.

27 Sec. 3. 38 MRSA §651 is repealed and the follow-
28 ing enacted in its place:

29 §651. Milldams and canals

30 1. Erect and maintain watermills and dams. Any
31 person may on his own land erect and maintain a
32 watermill and dams to raise water for working it,
33 upon and across any stream not navigable; or, for the
34 purpose of propelling mills or machinery, may cut a
35 canal and erect walls and embankments upon his own
36 land, not exceeding one mile in length, and thereby
37 divert from its natural channel the water of any
38 stream not navigable, upon the terms and conditions

1 and subject to the regulations set out under this
2 section.

3 2. Dams or watermills. No dams or watermills
4 may be erected upon or across the following streams
5 and rivers or portions thereof:

6 A. Allagash: St. John River to Telos Lake;

7 B. Aroostook: Sheridan Dam to Millinocket Lake
8 and from the Canadian Border to Sheridan Dam;

9 C. Carrabasset: Kennebec River to headwaters;

10 D. Crooked: Sebago Lake to headwaters;

11 E. Damariscotta: Foster Point to headwaters;

12 F. Dead: Kennebec River to Flagstaff Lake;

13 G. Dennys: Hinckley Point to the headwaters of
14 Meddybemps Lake;

15 H. East Machias: Newcomb Point to Pocomoonshine
16 Lake, including Maine River;

17 I. Grand Lake Stream: Big Lake to West Grand
18 Lake;

19 J. Kennebago: Cupsuptic Lake to Big Island
20 Pond;

21 K. Kennebec: Main Stem from Bay Point to head
22 of tide in Augusta, including Merrymeeting Bay
23 and its tributaries to the head of tide; and the
24 Forks to Harris Dam;

25 L. Machias: Fort O'Brian Point to Fifth Machias
26 Lake, including Fourth and Fifth Lake Stream;

- 1 M. Moose: Attean Pond to Canadian Border;
2 N. Narraguagus: Fickett Point to headwaters;
3 O. Penobscot: Main Stem from Sandy Point to
4 Veazie Dam, including the Eastern Channel; East
5 Branch from Medway to Grand Lake Matagamon Dam;
6 West Branch from Ambajejus Lake to Ripogenus Dam,
7 and Chesuncook Lake to Seboomook Lake Dam;
8 P. Pleasant: Seavey Point to the headwaters of
9 Pleasant River Lake;
10 Q. Rapid: Umbagog Lake to Lower Richardson
11 Lake;
12 R. Saco: East Limington to New Hampshire Bor-
13 der;
14 S. Sandy River: Kennebec River to headwaters;
15 T. St. Croix: Oak Point to Spednik Lake;
16 U. St. George: Thomaston to headwaters;
17 V. St. John: Cross Rocks Landing at the
18 Allagash/St. Francis township line to Baker
19 Branch;
20 W. Sheepscot: Wiscasset to headwaters; and
21 X. West Branch Pleasant: Main Stem to Fourth
22 West Branch Pond;

23 STATEMENT OF FACT

24 Section 1 prohibits the Maine Guarantee Authority
25 from financing any dams on these rivers even if they
26 are approved by the Federal Energy Regulatory Commis-
27 sion.

28 Sections 2 and 3 of this bill prohibit dams on 24
29 of Maine's most important rivers and their important
30 tributaries, and protects this natural resource for
31 the use of all of Maine's people and its future
32 generations. It includes many of the rivers which

1 are described in The Maine River Study, dated April,
2 1982, and published by the Department of Conservation
3 and the National Park Service.

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