

# MAINE STATE LEGISLATURE

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1 L.D. 2113  
2 (Filing No. H-577 )

3 STATE OF MAINE  
4 HOUSE OF REPRESENTATIVES  
5 113TH LEGISLATURE  
6 SECOND REGULAR SESSION

7 COMMITTEE AMENDMENT "<sup>A</sup>" to H.P. 1553, L.D. 2113,  
8 Bill, "AN ACT to Protect Maine's Outstanding Rivers  
9 from Water Diversion Projects."

10 Amend the bill in the emergency preamble in the  
11 5th paragraph in the 2nd line (page 2, line 23 in  
12 L.D.) by striking out the words "that water" and  
13 inserting in their place the words 'that hydropower  
14 water'

15 Further amend the bill in the emergency preamble  
16 in the 6th paragraph in the first line (page 2, line  
17 28 in L.D.) by striking out the words "the water" and  
18 inserting in their place the words 'the hydropower  
19 water'

20 Further amend the bill in the emergency preamble  
21 in the 7th paragraph in the 4th line (page 2, line 36  
22 in L.D.) by striking out the words "or water" and  
23 inserting in their place the words 'or hydropower  
24 water'

25 Further amend the bill by inserting at the  
26 beginning of the first line after the enacting clause  
27 (page 3, line 7 in L.D.) the following: 'Sec. 1.'

28 Further amend the bill in the first paragraph  
29 after the amending clause in the 7th to 11th lines  
30 (page 3, lines 15 to 19 in L.D.) by striking out the  
31 following: "that no new water diversion projects on or

COMMITTEE AMENDMENT "A" to H.P. 1553, L.D. 2113

1 affecting the flow regime of these river and stream  
2 segments be constructed without the specific  
3 authorization of the Legislature" and inserting in its  
4 place the following: 'that no new water diversion,  
5 which would constitute a hydropower project pursuant  
6 to Title 38, section 632, and which would bypass all  
7 or part of the natural course of these river and  
8 stream segments, be constructed without specific  
9 authorization of the Legislature'

10 Further amend the bill in the first paragraph  
11 after the amending clause in the 6th to 8th lines from  
12 the end (page 3, lines 30 to 32 in L.D.) by striking  
13 out the following: "for the construction of water  
14 diversion projects on or affecting the flow regime of  
15 the river and stream segments subject to this special  
16 protection" and inserting in its place the following:  
17 'for the construction of any water diversion project  
18 which would constitute a hydropower project pursuant  
19 to Title 38, section 632, and which would bypass all  
20 or part of the natural course of river and stream  
21 segments subject to this special protection without  
22 the specific authorization of the Legislature'

23 Further amend the bill in the 2nd paragraph after  
24 the amending clause in the 3rd line (page 3, line 40  
25 in L.D.) by inserting after the underlined word  
26 "projects" the following: ', which constitute  
27 hydropower projects pursuant to Title 38, section 632,'

28 Further amend the bill by inserting at the end  
29 before the emergency clause the following:

30 'Sec. 2. 12 MRSa §403-A is enacted to read:

31 §403-A. Definitions

32 As used in this chapter, unless the context  
33 otherwise indicates, the following terms have the  
34 following meanings.

35 1. Existing dam. "Existing dam" means any  
36 man-made barrier across a river segment identified in  
37 this chapter which impounds water and has not  
38 deteriorated or been breached or modified to the point  
39 where it no longer impounds water at 50% or more of  
40 its design level at normal flows.'

COMMITTEE AMENDMENT "A" to H.P. 1553, L.D. 2113

1 STATEMENT OF FACT

2 The intent of this amendment is to limit the  
3 application of the new language to water diversions  
4 which are part of hydropower projects. It is the  
5 intent of the committee that water diversions formed  
6 by cofferdams or other devices used for routine and  
7 temporary maintenance of existing dams not be affected  
8 by the new provisions of this legislation.

9 This amendment also provides a definition of the  
10 term "existing dam" based on the impoundment level.

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Reported by the Committee on Energy and Natural Resources  
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