

MAINE STATE LEGISLATURE

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(New Draft of S.P. 854, L.D. 2230)
SECOND REGULAR SESSION

ONE HUNDRED AND THIRTEENTH LEGISLATURE

Legislative Document

No. 2508

S.P. 949

In Senate, March 14, 1988

Reported by Senator LUDWIG of Aroostook for the Committee on Energy and Natural Resources and printed under Joint Rule 2. Original Bill sponsored by Senator RANDALL of Washington. Cosponsored by: Representative MOHOLLAND of Princeton, Representative LOOK of Jonesboro, and Representative TAMMARO of Baileyville.

JOY J. O'BRIEN, Secretary of the Senate

STATE OF MAINE

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

1 AN ACT Relating to Development Along the St.
2 Croix River.
3

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

6 12 MRSA §405-A is enacted to read:

7 §405-A. St. Croix River

1 1. Special consideration. In consideration of
2 the special status of the St. Croix River as an
3 international boundary governed in part by the
4 International Joint Commission and the Province of New
5 Brunswick, the Legislature establishes the following
6 provisions.

7 2. Commercial, industrial or residential
8 development. Except as provided in this subsection,
9 no person may undertake any further commercial,
10 industrial or residential development in the area
11 within 250 feet of the St. Croix River from the Grand
12 Falls flowage to the north end of Wingdam Island. The
13 following activities shall be exempt from these
14 provisions:

15 A. Development of hydroelectric or other dams,
16 plants and related facilities or improvements
17 subject to the conditions described in subsection
18 3;

19 B. A bridge at Vanceboro;

20 C. A haul road from Grand Falls;

21 D. Activities and developments related to timber
22 harvesting, mining or extraction of sand and
23 gravel; and

24 E. Any recreational management activity conducted
25 or approved by the State.

26 3. New hydroelectric dams. No person may develop
27 new hydroelectric dams on the St. Croix River from
28 Grand Falls to the north end of Wingdam Island without
29 first:

30 A. Having performed a feasibility study, by a
31 qualified consultant, approved by the Governor to
32 examine the alternative potentials for hydropower
33 development downstream from Grand Falls and having
34 made the findings available to the State for
35 review;

36 B. Having consulted with the office of the

1 Governor or other agency of the State, designated
2 by the Governor, regarding the feasibility of this
3 downstream development;

4 C. Having determined that there exists no
5 economically feasible site downstream from Grand
6 Falls; and

7 D. Having consulted with the St. Croix
8 International Waterway Commission.

9 If the State disagrees with any of the assumptions,
10 findings or conclusions of the economic feasibility
11 study, the comments of the State shall be considered
12 and responded to by the consultant. These comments
13 and the responses of the consultant shall be noted in
14 the final report of the economic feasibility study.

15 4. Review. The State Planning Office shall
16 review the status of hydropower development on the St.
17 Croix River and shall report to the joint standing
18 committee of the Legislature having jurisdiction over
19 energy and natural resources by January 1, 1993 and
20 every 5 years thereafter. The report shall include
21 any recommendations for changes in the provisions of
22 this section together with the justification for the
23 changes. If the St. Croix River is included in any
24 legislative Act or regulation which directly or
25 indirectly has as its effect the essential prohibition
26 of construction of new dams or development or
27 redevelopment of existing dams on the St. Croix River,
28 this section shall be repealed on the effective date
29 of that Act or regulation.

30 STATEMENT OF FACT

31 This new draft eliminates the automatic 5-year
32 repeal provision of the existing law while preserving
33 the original intent of the bill. The amendment also
34 reenacts the substance of the Maine Revised Statutes,
35 Title 12, section 405, which was automatically
36 repealed on January 1, 1988.

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