

# MAINE STATE LEGISLATURE

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DATE: *March 23, 1998*

(Filing No. S-579 )

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**NATURAL RESOURCES**

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Reported by:

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Reproduced and distributed under the direction of the Secretary of the Senate.

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**STATE OF MAINE  
SENATE  
118TH LEGISLATURE  
SECOND REGULAR SESSION**

16

18

COMMITTEE AMENDMENT "A" to S.P. 843, L.D. 2247, Bill, "An Act Relating to Dam Abandonment"

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Amend the bill by striking out all of sections 1, 2 and 3 and inserting in their place the following:

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'Sec. 1. 38 MRSA §902, sub-§1-A is enacted to read:

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1-A. Extension of consultation period. The consultation period under subsection 1 must be extended for an additional 180 days if:

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A. A municipality in which the dam or impoundment is located applies to the department for an extension and demonstrates that the municipality needs additional consultation time to facilitate an agreement for municipal ownership of the dam; or

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B. The dam owner applies to the department for an extension.

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The consultation period under subsection 1 may not be extended for more than 180 days regardless of the number of applications for extension under this subsection.

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Sec. 2. 38 MRSA §902, sub-§4, as enacted by PL 1995, c. 630, §3, is amended to read:

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4. Report on notice compliance. The dam owner shall file a report with the department within 180 days of filing a petition. ~~The report must include~~ that includes:

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A. Evidence that the owner complied with the notice requirements set forth in section 901; and

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**COMMITTEE AMENDMENT**

2 B. Names and addresses of persons notified under section  
3 901--and--of--parties--consulted--in--accordance--with--this  
4 section; and,

6 G.--The--results--of--the--consultations--and--whether--a--new--owner  
7 has--been--located.

8 At--the--request--of--the--dam--owner--the--department--shall--extend--the  
9 deadline--for--reporting--up--to--an--additional--180--days.

10 **Sec. 3. 38 MRSA §902, sub-§4-A is enacted to read:**

12 **4-A. Report on consultation process.** The dam owner shall  
13 file a report with the department within 180 days of filing a  
14 petition or before the conclusion of an extension to the  
15 consultation period granted pursuant to section 902, subsection  
16 1-A that includes:

18 A. Names and addresses of parties consulted in accordance  
19 with this section; and

22 B. The results of the consultations and whether a new owner  
23 has been located.

24 **Sec. 4. 38 MRSA §909 is enacted to read:**

26 **§909. Technical assistance**

28 To the extent existing resources are available, when one or  
29 more municipalities seeks ownership of a dam, the State Planning  
30 Office may provide grants and technical assistance to the  
31 participating municipality or municipalities or to regional  
32 planning organizations.

34 **Sec. 5. Payment to the Gardiner Water District.** If a  
35 municipality is granted an extension of the consultation period  
36 pursuant to the Maine Revised Statutes, Title 38, section 902,  
37 subsection 1-A for the purpose of finding a new owner for the New  
38 Mills Dam as part of the Gardiner Water District's October 2,  
39 1997 petition to the Department of Environmental Protection for  
40 release from dam ownership, the Gardiner Water District must be  
41 compensated by the Department of Environmental Protection in the  
42 amount of \$750 for each month the extension is in effect as  
43 partial payment for the cost of maintaining the New Mills Dam.

46 **Sec. 6. Appropriation.** The following funds are appropriated  
47 from the General Fund to carry out the purposes of this Act.

1998-99

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ENVIRONMENTAL PROTECTION, DEPARTMENT OF

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Land and Water Quality

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All Other \$4,500

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Appropriates funds to be used  
under certain circumstances  
to assist the Gardiner Water  
District with the costs of  
maintaining the New Mills  
Dam.'

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Further amend the bill by relettering or renumbering any  
nonconsecutive Part letter or section number to read  
consecutively.

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Further amend the bill by inserting at the end before the  
summary the following:

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FISCAL NOTE

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1998-99

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APPROPRIATIONS/ALLOCATIONS

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General Fund \$4,500

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This bill includes a General Fund appropriation of \$4,500 in  
fiscal year 1998-99 for the Department of Environmental  
Protection to help cover the costs of maintaining the New Mills  
Dam under certain circumstances.

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The additional costs associated with providing technical  
assistance to certain municipalities can be absorbed by the State  
Planning Office utilizing existing budgeted resources.

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The Department of Environmental Protection will incur some  
minor additional costs to consult with the State Planning Office  
on issues pertaining to dam abandonment. These costs can be  
absorbed within the department's existing budgeted resources.'

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SUMMARY

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The amendment adds a clarification to the proposal in the  
bill to allow a municipality to apply for an extension of the

COMMITTEE AMENDMENT "A" to S.P. 843, L.D. 2247

2 consultation period under the State's dam abandonment laws. The  
amendment clarifies that the municipality must be one in which  
4 the dam is located. The purpose of the consultation period is to  
provide time to find a new owner for a dam. The amendment also  
6 provides that the consultation period may not be extended for  
more than 180 days.

8 The amendment also requires a report by the dam owner within  
180 days of filing an abandonment petition that describes  
10 compliance with notice provisions. It also requires a report by  
the dam owner within 180 days of filing, or before the end of an  
12 extension to the consultation process, describing the people who  
were consulted and the results of the process.

14 The amendment also allows the State Planning Office to  
16 provide technical assistance and grants to municipalities or  
regional planning organizations when municipalities are seeking  
18 ownership of a dam.

20 The amendment also provides an appropriation for payments to  
the Gardiner Water District in the event a municipality seeks an  
22 extension of the consultation period regarding the district's  
existing petition to abandon the New Mills Dam. The payments are  
24 \$750 for each month the extension is in effect as partial payment  
for the cost of maintaining the New Mills Dam.

26 The amendment adds a fiscal note.