

MAINE STATE LEGISLATURE

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NATURAL RESOURCES

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STATE OF MAINE
HOUSE OF REPRESENTATIVES
120TH LEGISLATURE
FIRST REGULAR SESSION

COMMITTEE AMENDMENT "A" to H.P. 379, L.D. 481, Bill, "An Act to Modify the Dam Repair and Reconstruction Fund"

Amend the bill by striking out the title and substituting the following:

'An Act to Promote Dam Safety'

Further amend the bill by striking out everything after the enacting clause and before the summary and inserting in its place the following:

Sec. 1. 5 MRSA §12004-G, sub-§13-D, as enacted by PL 1997, c. 236, §1, is repealed.

Sec. 2. 37-B MRSA cc. 21 and 22 are repealed.

Sec. 3. 37-B MRSA c. 24 is enacted to read:

CHAPTER 24

DAM SAFETY

§1111. Definitions

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

1. Dam. "Dam" means any artificial barrier, including appurtenant works, the site on which it is located and appurtenant rights of flowage and access, that impounds or diverts water, and that:

A. Is 25 feet or more in height from the natural bed of the watercourse measured at the downstream toe of the barrier or from the lowest elevation of the outside limit of the barrier to the maximum water storage elevation and impounds at least 15 acre-feet of water; or

B. Is 6 feet or more in height from the natural bed of the watercourse measured at the downstream toe of the barrier or from the lowest elevation of the outside limit of the barrier to the maximum water storage elevation and has an impounding capacity at maximum water storage elevation of 50 acre-feet or more.

2. Commissioner. "Commissioner" means the Commissioner of Defense, Veterans and Emergency Management.

3. Emergency. "Emergency" means breaches and all conditions leading to or causing a breach, overtopping or any other condition in a dam and its appurtenant structures that may be construed as unsafe or threatening to life and property.

4. Emergency situation. "Emergency situation" means a situation determined by the commissioner, after consultation with other state and federal agencies if time permits, to present a potential but real and impending danger to life, limb or property because of flooding or potential and imminent flooding and includes a situation that the Governor declares to be an emergency pursuant to section 742.

5. Emergency action plan. "Emergency action plan" means a set of written instructions or guidelines for use by public officials that recommends actions that, when implemented, will minimize the effects of a dam failure on people and property.

6. Hazard potential. "Hazard potential" means the possible adverse incremental consequences that result from the release of water or stored contents due to failure of the dam or misoperation of the dam or appurtenances. The hazard potential classification of a dam does not reflect in any way on the

2 current condition of the dam and its appurtenant structures. The
3 classifications are as follows:

4 A. High hazard potential dam. "High hazard potential dam"
5 means a dam assigned the high hazard potential
6 classification where failure or misoperation will probably
7 cause loss of human life;

8
9 B. Low hazard potential dam. "Low hazard potential dam"
10 means a dam assigned the low hazard potential classification
11 where failure or misoperation results in no probable loss of
12 human life and low economic and environmental losses.
13 Losses are principally limited to the owner's property; and

14
15 C. Significant hazard potential dam. "Significant hazard
16 potential dam" means a dam assigned the significant hazard
17 potential classification where failure or misoperation
18 results in no probable loss of human life but can cause
19 major economic loss, environmental damage or disruption of
20 lifeline facilities or affect other concerns. Significant
21 hazard potential dams are often located in predominantly
22 rural or agricultural areas but could be located in areas
23 with population and significant infrastructure.

24
25 7. Necessary remedial measure. "Necessary remedial
26 measure" means any repair or hazard-reducing measure relating to
27 a structural component or operation of a dam needed to mitigate a
28 specific condition at the dam that constitutes a threat to public
29 safety.

30
31 8. Person. "Person" means any individual, firm,
32 association, partnership, corporation, trust, municipality,
33 quasi-municipal corporation, state department, federal department
34 or other legal entity.

35
36 9. Public safety. "Public safety" or "safety of the
37 public" means protection of life, health or property from any
38 condition, event or action at a dam that might compromise the
39 safety, stability or integrity of the dam or its ability to
40 function safely.

41
42 10. State dam inspector. "State dam inspector" means an
43 inspector appointed or hired under section 1117.

44 **§1112. Administration**

45
46 The department shall administer this chapter. In carrying
47 out the provisions of this chapter, the department shall consult
48 as appropriate with other state agencies, including the
49 Department of Conservation, the Department of Environmental
50 Protection and the Department of Transportation.

2 Protection, the Department of Inland Fisheries and Wildlife, the
3 Department of Marine Resources, the Department of Public Safety,
4 the Department of Transportation, the Maine Land Use Regulation
5 Commission, the Maine Atlantic Salmon Commission and the State
6 Planning Office, for their aid and assistance.

8 **§1113. Duties of the department**

10 The department shall inspect existing dams and reservoirs to
11 determine their hazard potential, review the design and
12 construction of new and reconstructed dams, assist dam owners in
13 developing emergency action plans to minimize the effects of dam
14 failure and take all necessary actions in emergency situations of
15 probable dam failure in order to protect life and property.

16 Except for the Federal Government, a person may not exercise
17 any authority over the emergency regulation or supervision of any
18 dams or reservoirs in the State when that exercise would conflict
19 with the powers and authority vested in the department.

20 **§1114. Powers of the department**

22 1. Rules. In accordance with Title 5, chapter 375,
23 subchapter II, the department may adopt, modify or repeal rules
24 for carrying out this chapter. Rules adopted under this section
25 are routine technical rules pursuant to Title 5, chapter 375,
26 subchapter II-A.

28 2. Emergency situation. When an emergency situation
29 arises, the commissioner shall warn the public of the emergency
30 and, notwithstanding any other provision of law, shall take all
31 actions necessary to protect life and property, which may
32 include, but are not limited to, the following:

34 A. Taking full charge and control of any dam or reservoir;

36 B. Lowering the water level by releasing water from the
37 reservoir;

38 C. Completely emptying the reservoir;

40 D. Breaching or removing the dam itself; and

42 E. Taking other necessary steps to safeguard life and
43 property.

44 3. Investigations. For the purpose of enabling it to make
45 decisions as compatible as possible with economy and protection
46 of life and property and for the purpose of determining
47 compliance with this chapter, the department may make necessary
48 actions.

2 investigations and inspections. In making investigations and
3 inspections required or authorized by this chapter, the
4 department or its representatives may, as necessary in emergency
5 situations, enter upon public or private property or in
6 nonemergency situations secure administrative warrants from any
7 District Court Judge or Superior Court Justice for the purpose of
8 gaining entry onto private property.

9
10 4. Injunction; civil or criminal proceedings. In the event
11 of violation of any of the provisions of this chapter or of any
12 rule, order or decision of the department, the department may
13 institute injunctive proceedings or other civil action as
14 provided in this chapter.

15 **§1115. Jurisdiction**

16
17 The inspection of and design standards for all dams are
18 under the sole jurisdiction of the department, except that the
19 department does not have jurisdiction over any dam licensed or
20 inspected by any department of the Federal Government or by the
21 International Joint Commission.

22 **§1116. Design standards**

23
24 All new dams that reasonably will be classified as high or
25 significant hazard potential dams must be designed, constructed
26 or reconstructed under the supervision of a registered
27 professional engineer. Prior to construction, the dam owner
28 shall provide a copy of the plans and specifications to the
29 department.

30
31 **§1117. Inspectors of dams**

32
33 The commissioner shall appoint or hire one or more dam
34 inspectors who are licensed as professional engineers under Title
35 32, chapter 19 and who are experienced in the inspection and
36 design of dams.

37 **§1118. Dam hazard evaluation**

38
39 1. Evaluation. The commissioner shall evaluate all dams to
40 assign or reassign a hazard potential classification in
41 accordance with the following schedule:

42
43 A. New or reconstructed dams, within 6 months of
44 construction or reconstruction;

45
46 B. All other dams, at least once every 6 years;

2 C. Any dam, within 30 days of a request for an evaluation
3 from the dam owner, the municipality in which the dam is
4 located or the emergency management director of the county
5 in which the dam is located; and

6 D. At any time a dam for which, in the judgment of the
7 commissioner, such an evaluation is appropriate.

8
9 Notwithstanding the schedule of this subsection, the commissioner
10 shall evaluate the hazard classification of a significant or high
11 hazard potential dam within 30 days of receipt by the
12 commissioner of a notice of transfer of ownership of the dam as
13 required under section 1128 unless the dam has been evaluated
14 under this subsection within 4 years preceding the notice of
15 transfer of ownership.

16 Until the commissioner assigns or reassigns a hazard potential
17 classification, a dam retains the hazard potential classification
18 assigned in the 1981 United States Army Corps of Engineers'
19 Inventory of Dams in the United States.

20
21 2. Factors considered. Before assigning a dam a hazard
22 potential classification, the commissioner shall consider the
23 potential risk to public safety and property that may result from
24 the failure or operation of the dam. In addition, when
25 reassigning a hazard potential classification, the commissioner
26 shall review any changes in upstream and downstream conditions
27 since the last hazard classification evaluation.

28
29 3. Hazard report. Before the commissioner assigns or
30 reassigns a dam hazard potential classification, a state dam
31 inspector shall visually inspect that dam and its upstream and
32 downstream environs and provide a report to the commissioner
33 recommending a hazard classification for that dam. The
34 commissioner shall provide a copy of the report by certified mail
35 to the dam owner, lessee or other person in control of the dam,
36 to the municipality in which the dam is located and to the
37 emergency management director of the county in which the dam is
38 located. The dam owner, lessee or other person in control of the
39 dam must notify the commissioner within 20 days of receipt of the
40 report if the dam owner, lessee or other person in control of the
41 dam disagrees with the recommended hazard classification and must
42 file within 3 months of receipt of the commissioner's
43 classification the basis of the appeal with the commissioner.
44 The commissioner may extend the 3 month period for good cause
45 shown, but not more than an additional 3 months. The
46 commissioner shall consider the evidence presented by the dam
47 owner, lessee or other person in control of the dam as well as
48 the evidence of the state inspector before issuing a final
49 determination.

2 **§1119. Dam condition inspection**

4 **1. Inspections.** A state dam inspector shall conduct an
6 inspection of all high and significant hazard potential dams to
8 determine whether the integrity, structural stability, function
or operation of those dams constitutes a threat to public safety,
in accordance with the following schedule:

10 A. All significant hazard potential dams, at least once
12 every 4 years;

14 B. All high hazard potential dams, at least once every 2
16 years;

18 C. Any dam, within 30 days of a request for an inspection
20 from the dam owner or the municipality in which the dam is
22 located; and

24 D. At any time any dam that may, in the judgment of the
26 commissioner, constitute a potential risk to public safety.

28 Notwithstanding the schedule outlined in this subsection, a state
30 dam inspector shall conduct an inspection of a significant or
32 high hazard potential dam within 30 days of receipt by the
34 commissioner of a notice of transfer of ownership of the dam as
36 required under section 1128 unless the dam has been inspected
38 under this subsection within 4 years preceding the notice of
40 transfer of ownership.

42 **2. Condition report.** After the on-site dam inspection, a
44 state dam inspector shall provide a condition report to the
46 commissioner detailing the operation and material condition of
48 the dam and recommending all necessary remedial measures. The
50 commissioner shall send a copy of the state dam inspector's
condition report by certified mail to the dam owner, lessee or
other person in control of the dam, the municipality in which the
dam is located and the emergency management director of the
county in which the dam is located if the condition report
recommends any necessary remedial measures. The dam owner,
lessee or other person in control of the dam must notify the
commissioner within 20 days of receipt of the report if the owner
disagrees with the findings and recommendations of the report.
The dam owner, lessee or other person in control of the dam must
provide the basis of disagreement to the commissioner within 3
months of receipt of the inspector's report. The dam owner,
lessee or other person in control of the dam may apply for and be
granted an extension of this deadline for good cause, but not for
more than an additional 3 months.

2 3. Review conference. After receiving the inspector's
report and prior to issuing any dam safety order, the
4 commissioner shall hold a review conference and shall invite the
emergency management director of the county in which the dam is
6 located to the review conference as well as representatives from
appropriate state agencies which may include the Department of
8 Conservation, the Department of Environmental Protection, the
Department of Inland Fisheries and Wildlife, the Department of
10 Marine Resources, the Department of Public Safety, the Department
of Transportation, the Maine Land Use Regulation Commission, the
12 Maine Atlantic Salmon Commission and the State Planning Office,
to discuss the public safety, environmental, economic and other
14 concerns relating to the dam and the necessary remedial measures
under consideration. A state dam inspector shall attend the
16 review conference. The commissioner shall maintain a written
record of the conference and shall make a copy of this record
18 available to all parties participating in the conference.

20 4. Order. The commissioner shall consider the inspector's
report, the evidence presented by the dam owner, lessee or other
22 person in control of the dam and the record from the review
conference before issuing a dam safety order directing that
24 necessary remedial measures be undertaken by the dam owner,
lessee or other person in control of the dam. The commissioner
26 may issue such an order only if the commissioner determines that
the integrity, structural stability, function or operation of the
dam constitutes a threat to public safety. Necessary remedial
28 measures may include, but are not limited to:

30 A. Breach or removal of the dam;

32 B. Repair or maintenance of the dam in a specified manner;

34 C. Operation of the dam in a specified manner;

36 D. Preparation of and adherence to any emergency action
that is approved by the commissioner; and

38 E. Maintenance of appropriate records relating to water
40 levels, dam operation and dam maintenance.

42 **§1120. Enforcement**

44 The commissioner may commence an action to enjoin the
46 violation of any provision of this chapter. The commissioner may
enforce any order by any other appropriate remedy, including, but
48 not limited to, entering the dam premises to carry out the terms
of the order.

2 The owners, lessees or persons in control of the dam are
3 jointly and severally liable for any costs incurred by the
4 department in carrying out its responsibilities under section
5 1114, subsection 2 or in enforcing any order. If the owners,
6 lessees or persons in control of the dam refuse to comply or do
7 not fully comply with the department's order, the department
8 shall initiate a civil action against the owners, lessees or
9 other persons in control of the dam for damages in the amount of
10 the costs incurred by the department in enforcing its order.

11 **§1121. Appeal**

12
13 Any person aggrieved by an order of the commissioner may
14 appeal to the Superior Court under Title 5, chapter 375,
15 subchapter VII.

16 **§1122. Exemptions**

17
18 Dams licensed by or subject to the jurisdiction of the
19 Federal Energy Regulatory Commission are exempt from this chapter.

20 **§1123. Rights of owner**

21
22 This chapter may not be construed to deprive any owner of
23 recourse to the court in which that owner may be entitled to
24 relief under the laws of this State.

25 **§1124. Immunity**

26
27 An action may not be brought against the State, the
28 department or its agents or employees for any action taken or
29 failure to take action pursuant to this chapter.

30 **§1125. Relief of obligation**

31
32 This chapter may not be construed as relieving a person of
33 duties, responsibilities or liabilities imposed by any other law,
34 regulation, municipal ordinance or rule of law, including, but
35 not limited to, the need to obtain permits or other approvals
36 required to authorize repairs or other remedial measures at a dam
37 and the need to comply with the terms and conditions of any
38 outstanding water level or dam release order, except in an
39 emergency situation as defined by this chapter.

40 **§1126. Access and notification**

41
42 **1. Department access.** A state dam inspector and any
43 department staff member must have full access to any dam site
44 under the commissioner's jurisdiction for the purpose of

2 conducting an inspection or enforcing an order under this chapter
3 subject to the Maine Rules of Civil Procedure, Rule 80E.

4 2. Owners, lessees; necessary access. The owners, lessees
5 or persons in control of a dam must have access over land
6 abutting the dam site owned by others if the access, including
7 the passage of vehicles, machinery and equipment, is reasonably
8 necessary to comply with an order issued under this chapter. In
9 passing over land owned by abutters, the owners, lessees or
10 persons in control of a dam shall make every effort to minimize
11 the intrusion, shall restore the land to its preexisting
12 condition to the maximum extent practicable and are liable to the
13 abutters for all property damage caused by their activities on
14 the abutters' land. The abutters may not be held liable to any
15 person for any personal injuries or property damage arising from
16 the crossing of their land by the owners, lessees or persons in
17 control of a dam.

18 **§1127. Emergency action plans**

19
20 Within 6 months after the determination of classification,
21 the owner of a dam under the commissioner's jurisdiction that is
22 classified as high or significant hazard potential shall prepare
23 an emergency action plan, which must be updated every 2 years.
24 Such emergency action plans must be reviewed for adequacy by the
25 department. Emergency plans must follow a model plan supplied by
26 the department. All emergency action plans must be available and
27 on file at the appropriate local and county government offices
28 and at the department.

29 **§1128. Notice of transfer of ownership**

30
31 Forty-five days prior to any change of ownership of a dam,
32 whether by sale, lease or gift, the owner or owners of a dam
33 classified as a high or significant hazard potential dam shall
34 provide in writing to the commissioner the name and address of
35 the prospective new owner or owners along with any plan that the
36 prospective owner has with regard to maintaining competent
37 operations and correcting unsafe conditions, if any. For
38 purposes of this section, "competent operations" means properly
39 and safely maintaining the dam and ensuring compliance with all
40 safety, environmental and water level rules or orders.

41 **§1129. Violations**

42
43 In addition to any other forfeitures or penalties provided
44 by law, a person who violates any provisions of this chapter or
45 any rule or order adopted, promulgated or issued under this
46 chapter is subject to a civil penalty as assessed by the
47 commissioner of not less than \$100 nor more than \$5,000 for each
48 violation.

day that the violation continues. The penalty is payable to the State, to be recovered in a civil action.

§1130. Dam Repair and Reconstruction Fund

1. Fund established. The Dam Repair and Reconstruction Fund, referred to in this section as the "fund," is established within the department. The department shall administer the fund and make low-interest loans from the fund for purposes pursuant to this section. The department may seek assistance from the Finance Authority of Maine in administering the fund.

2. Purposes. The fund provides low-interest loans to municipalities for engineering, legal and construction costs involved in acquiring title to, establishing a long-term management plan for, repairs to, reconstruction of, breaching of or removal of a dam.

3. Rulemaking. The department shall adopt rules to implement this section, including criteria and procedures for the application for and award of low-interest loans from the fund and for repayment of loans to the fund. Rules adopted pursuant to this section are routine technical rules as defined in Title 5, chapter 375, subchapter II-A.

4. Nonlapsing. Any balance in the fund at the end of the fiscal year may not lapse but must be carried forward to the next fiscal year.

Sec. 4. 38 MRSA §818, sub-§3, as repealed and replaced by PL 1987, c. 769, Pt. A, §180, is amended to read:

3. Other powers. No provision of this article may be construed as limiting the powers of the Maine Emergency Management Agency under Title 37-B, sections ~~1051 to 1059~~ chapter 24.

Sec. 5. 38 MRSA §841, sub-§2, as affected by PL 1989, c. 890, Pt. A, §40 and amended by Pt. B, §202, is further amended to read:

2. Exception. No An owner, lessee or person in control of a dam may not be in violation of subsection 1, ~~where~~ when the water level fluctuation not permitted by the order was caused by unforeseeable and unpredictable meteorological conditions or operating failures of the dam or any associated equipment or by valid order of federal, state or local authorities, including an order issued pursuant to Title 37-B, section 1114, subsection 2, and ~~where~~ when the person could not have avoided the fluctuation by promptly undertaking all reasonably available steps to

regulate water flow through or over any dam under the person's control. The burden of proof is on the owner, lessee or person in control of the dam to demonstrate the applicability of this subsection.

Sec. 6. 38 MRSA §844, as enacted by PL 1999, c. 782, §1, is repealed.

Sec. 7. State Controller to transfer balance. The State Controller shall transfer any balance held in the former Dam Repair and Reconstruction Fund established in the Maine Revised Statutes, Title 38, section 844 to the Dam Repair and Reconstruction Fund established in Title 37-B, section 1130 on the effective date of this Act.

Sec. 8. Appropriation. The following funds are appropriated from the General Fund to carry out the purposes of this Act.

	2001-02	2002-03
DEFENSE, VETERANS AND EMERGENCY MANAGEMENT, DEPARTMENT OF		
Administration - Maine Emergency Management Agency		
Positions	(2,000)	(2,000)
Personal Services	\$49,776	\$70,578
All Other	5,800	6,100
Provides funds for one Engineer Technician I position and one Planning and Research Assistant I position and related operating costs associated with the dam safety inspection cycle and administration of the program.		
DEPARTMENT OF DEFENSE, VETERANS AND EMERGENCY MANAGEMENT		
TOTAL	<u>\$55,576</u>	<u>\$76,678</u>

Sec. 9. Allocation. The following funds are allocated from Other Special Revenue funds to carry out the purposes of this Act.

	2001-02	2002-03
DEFENSE, VETERANS AND EMERGENCY		

**MANAGEMENT, DEPARTMENT OF
Dam Repair and Reconstruction Fund**

All Other \$251,200 \$251,200

Allocates funds to provide low-interest loans to municipalities for engineering, legal and construction costs involved in establishing a long-term management plan for the repair, reconstruction, breaching or removal of dams.

**DEPARTMENT OF DEFENSE, VETERANS AND EMERGENCY MANAGEMENT
TOTAL**

\$251,200 \$251,200

Sec. 10. Allocation. The following funds are allocated from Other Special Revenue funds to carry out the purposes of this Act.

2001-02

**DEFENSE, VETERANS AND EMERGENCY MANAGEMENT,
DEPARTMENT OF**

Dam Repair and Reconstruction Fund

All Other (\$129,000)

Deallocates funds to reflect an allocation from the Dam Repair and Reconstruction Fund to the Department of Inland Fisheries and Wildlife.

**DEPARTMENT OF DEFENSE, VETERANS AND EMERGENCY MANAGEMENT
TOTAL**

(\$129,000)

INLAND FISHERIES AND WILDLIFE, DEPARTMENT OF

Administrative Services - Inland Fisheries and Wildlife

All Other \$129,000

COMMITTEE AMENDMENT "A" to H.P. 379, L.D. 481

2 Allocates funds on a one-time
3 basis from the Dam Repair and
4 Reconstruction Fund within
5 the Department of Defense,
6 Veterans and Emergency
7 Management for the
8 reconstruction of 2 dams that
9 control the water level at
10 Rocky Lake in Whiting. Any
11 unspent funds shall lapse to
12 the Dam Repair and
13 Reconstruction Fund.

14 **DEPARTMENT OF INLAND FISHERIES AND
15 WILDLIFE**

16 **TOTAL** \$129,000

18 **TOTAL ALLOCATIONS** \$0'

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

24 **FISCAL NOTE**

26 **2001-02** **2002-03**

28 **APPROPRIATIONS/ALLOCATIONS**

30 General Fund \$55,576 \$76,678
31 Other Funds 251,200 251,200

34 **REVENUES**

36 Other Funds \$251,200 \$251,200

38
40 This bill includes General Fund appropriations of \$55,576
41 and \$76,678 in fiscal years 2001-02 and 2002-03, respectively,
42 for the Department of Defense, Veterans and Emergency Management
43 for one Engineer Technician I position and one Planning and
44 Research Assistant position and related operating costs
45 associated with the dam safety inspection cycle and
46 administration of the program.

48 This bill authorizes the transfer of the existing balance
49 from the Dam Repair and Reconstruction Fund within the Department
50 of Environmental Protection to a new fund with the same name
within the Department of Defense, Veterans and Emergency

2 Management. As of April 2001, the unencumbered balance in the
3 fund was \$251,200. The Department of Defense, Veterans and
4 Emergency Management will require additional Other Special
5 Revenue allocations of \$251,200 in each of fiscal years 2001-02
6 and 2002-03. The Governor's proposed "current services" budget
7 does not currently include funding for the Dam Repair and
8 Reconstruction Fund within the Department of Environmental
9 Protection.

10 This bill includes an Other Special Revenue funds allocation
11 of \$129,000 in fiscal year 2001-02 for the Department of Inland
12 Fisheries and Wildlife to provide funds from the Dam Repair and
13 Reconstruction Fund for the reconstruction of 2 dams on Rocky
14 Lake in Whiting. The bill also includes a corresponding
15 deallocation for the Department of Defense, Veterans and
16 Emergency Management.

17 The Department of Defense, Veterans and Emergency Management
18 will incur some minor additional costs to adopt rules and
19 administer the fund. These costs can be absorbed within the
20 department's existing budgeted resources.'

24 SUMMARY

25 This amendment consolidates existing dam safety laws within
26 the Department of Defense, Veterans and Emergency Management and
27 moves the Dam Repair and Reconstruction Fund from the Department
28 of Environmental Protection to the Department of Defense,
29 Veterans and Emergency Management. The substantive changes made
30 in the dam safety laws in this amendment include changing the
31 definition of a dam to exclude low-head dams that do not pose a
32 safety risk, codifying the definitions of high, low and
33 significant hazard potential dams, setting forth a new schedule
34 for inspections and hazard evaluation and authorizing the
35 Department of Defense, Veterans and Emergency Management to issue
36 an order to breach, remove or control a dam if the dam presents a
37 potential risk to public safety.

38 The amendment also expands the use of money in the dam
39 repair and reconstruction fund to include the breaching or
40 removal of a dam. The amendment transfers all funds in the dam
41 reconstruction and repair fund from the Department of
42 Environmental Protection to the Department of Defense, Veterans
43 and Emergency Management.

44 The amendment allocates funds from the Dam Repair and
45 Reconstruction Fund within the Department of Defense, Veterans
46 and Emergency Management to the Department of Inland Fisheries

COMMITTEE AMENDMENT "A" to H.P. 379, L.D. 481

2 and Wildlife to fully fund the repair and reconstruction of 2
dams on Rocky Lake in Whiting.

4 The amendment also adds a fiscal note to the bill.