

# MAINE STATE LEGISLATURE

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Refs.

L.D. 1752

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

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HOUSE AMENDMENT "B" to H.P. 1288, L.D. 1752, Bill, "An Act to Update the Department of Defense, Veterans and Emergency Management Laws"

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Amend the bill by inserting after section 3 the following:

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'Sec. 4. 5 MRSA §12004-G, sub-§13-E is enacted to read:

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<u>13-E.</u>	<u>River Flow</u>	<u>Expenses</u>	<u>37-B MRSA</u>
<u>Environment/</u>	<u>Advisory</u>	<u>Only</u>	<u>§1131</u>
<u>Natural</u>	<u>Commission</u>		
<u>Resources'</u>			

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Further amend the bill by inserting after section 26 the following:

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'Sec. 27. 37-B MRSA §264, sub-§1, as amended by PL 1999, c. 185, §6, is further amended to read:

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1. **Sale of property; proceeds.** The Adjutant General shall designate an officer to inspect military property, real and personal, and may condemn any inspected property that the Adjutant General determines to be unfit for use by the military. Property condemned under this subsection may be sold by the Adjutant General. Real property condemned under this subsection may not be sold for less than its appraised value as determined by a person licensed as a real estate appraiser under Title 32, chapter 124.

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All proceeds from the sale of condemned property must be paid into the State Treasury and credited to the ~~Capital--Repair~~

HOUSE AMENDMENT

R.O.S.

HOUSE AMENDMENT "B" to H.P. 1288, L.D. 1752

~~Account of the Military Bureau established under section 154~~  
Department of Defense, Veterans and Emergency Management.'

Further amend the bill in section 64 in subsection 2 in paragraph A in subparagraph (1) in division (c) in the last line (page 27, line 25 in L.D.) by striking out "paragraph C" and inserting in its place the following: 'paragraph F'

Further amend the bill by inserting after section 101 and before the summary a new section to read:

'Sec. 102. 37-B MRSA §1131 is enacted to read:

**§1131. Establishment of commission**

**1. Establishment of commission.** The River Flow Advisory Commission, as established by Title 5, section 12004-G, subsection 13-E and referred to in this section as the "commission," shall act as a technical advisory commission to the department and the Governor's office on issues of flow of the State's rivers and streams. The commission shall also facilitate communication of river flow data between dam operators, river basin managers, state agencies, the United States Geological Survey and the National Weather Service during floods and droughts and shall administer the State's hydrologic monitoring program in cooperation with the United States Geological Survey.

**2. Membership.** The commission is composed of these members:

A. The Adjutant General or the Adjutant General's designee;

B. The State Geologist or the State Geologist's designee;

C. The Commissioner of Agriculture, Food and Rural Resources or the commissioner's designee;

D. The Commissioner of Environmental Protection or the commissioner's designee;

E. The Commissioner of Inland Fisheries and Wildlife or the commissioner's designee;

F. The Commissioner of Marine Resources or the commissioner's designee;

G. The Director of the State Planning Office or the director's designee;

H. The Commissioner of Transportation or the commissioner's designee;

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- 2           I. The District Chief of the United States Geological  
3           Survey Water Resources Division Maine District Office;
- 4
- 5           J. The Meteorologist-in-Charge of the National Weather  
6           Service Forecast Office in Gray or the designee of the  
7           Meteorologist-in-Charge;
- 8
- 9           K. Representatives from the major hydroelectric power  
10           generators, as determined by the cochairs of the commission;  
11           and
- 12
- 13           L. A representative of the public, appointed by the  
14           Governor.
- 15
- 16           3. Chair. The District chief of the United States  
17           Geological Survey Water Resources Division Maine District Office  
18           and the Adjutant General or the Adjutant General's designee shall  
19           act as cochairs of the commission.
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- 21           4. Terms of office. The term of office of the public  
22           member is 5 years. The public member may be removed from office  
23           for cause by the Governor. Members from the State Government or  
24           Federal Government shall serve a term coincident with their  
25           governmental position. The term of a representative from the  
26           major hydroelectric power generators is 5 years.
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- 28           5. Voting. A quorum of at least 7 members must be present  
29           for voting.
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- 31           6. Administrative provision. The Maine Emergency  
32           Management Agency shall administer the affairs and activities of  
33           the commission.
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- 35           7. Records. The commission shall keep accurate records of  
36           its proceedings and shall file them with the Maine Emergency  
37           Management Agency.
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- 39           8. Compensation. Members of the commission are not  
40           entitled to receive compensation.
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- 42           9. Meetings. The commission shall meet at least once per  
43           calendar year at the call of either of the cochairs to review  
44           hydrologic conditions prior to the spring snowmelt and runoff for  
45           the purpose of issuing an advisory statement on the potential for  
46           major river flooding. Either of the cochairs may call additional  
47           meetings as needed.
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- 49           10. Powers and duties. The commission has the power and  
50           duty only to:



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HOUSE AMENDMENT "B" to H.P. 1288, L.D. 1752

2           2. It requires proceeds from the sale of condemned property  
3 to be credited to the Department of Defense, Veterans and  
4 Emergency Management instead of to the Capital Repair Account of  
5 the Military Bureau; and

6           3. It reenacts the River Flow Advisory Commission that was  
7 inadvertently repealed by Public Law 2001, chapter 460, a law  
8 whose purpose was to "consolidate...existing dam safety laws  
9 within the Department of Defense, Veterans and Emergency  
10 Management and move...the Dam Repair and Reconstruction Fund from  
11 the Department of Environmental Protection to the Department of  
12 Defense, Veterans and Emergency Management.

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SPONSORED BY:

(Representative John L. Tuttle Jr.  
TUTTLE)

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TOWN: Sanford

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