

MAINE STATE LEGISLATURE

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L.D. 1752

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

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

Amend the bill by inserting after section 3 the following:

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

<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>			

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 the following:

'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

2 communication of river flow data between dam operators, river
3 basin managers, state agencies, the United States Geological
4 Survey and the National Weather Service during floods and
5 droughts and shall administer the State's hydrologic monitoring
6 program in cooperation with the United States Geological Survey.

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

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

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

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

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

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

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

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

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

22 I. The District Chief of the United States Geological
23 Survey Water Resources Division Maine District Office;

24 J. The Meteorologist-in-Charge of the National Weather
25 Service Forecast Office in Gray or the designee of the
26 Meteorologist-in-Charge;

27 K. Representatives from the major hydroelectric power
28 generators, as determined by the cochairs of the commission;
29 and

30 L. A representative of the public, appointed by the
31 Governor.

32 **3. Chair.** The District Chief of the United States
33 Geological Survey Water Resources Division Maine District Office
34 and the Adjutant General or the Adjutant General's designee shall
35 act as cochairs of the commission.
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2 4. Terms of office. The term of office of the public
3 member is 5 years. The public member may be removed from office
4 for cause by the Governor. Members from the State Government or
5 Federal Government shall serve a term coincident with their
6 governmental position. The term of a representative from the
7 major hydroelectric power generators is 5 years.

8 5. Voting. A quorum of at least 7 members must be present
9 for voting.

10 6. Administrative provision. The Maine Emergency
11 Management Agency shall administer the affairs and activities of
12 the commission.

13 7. Records. The commission shall keep accurate records of
14 its proceedings and shall file them with the Maine Emergency
15 Management Agency.

16 8. Compensation. Members of the commission are not
17 entitled to receive compensation.

18 9. Meetings. The commission shall meet at least once per
19 calendar year at the call of either of the cochairs to review
20 hydrologic conditions prior to the spring snowmelt and runoff for
21 the purpose of issuing an advisory statement on the potential for
22 major river flooding. Either of the cochairs may call additional
23 meetings as needed.

24 10. Powers and duties. The commission has the power and
25 duty only to:

26 A. Advise the department and the Governor on issues of flow
27 within the State's rivers and streams;

28 B. Assist in communication of river flow data between dam
29 operators, river basin managers, state agencies and federal
30 agencies; and

31 C. Administer the State's cooperative hydrologic monitoring
32 program in cooperation with the United States Geological
33 Survey.'

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

37 FISCAL NOTE

38 The Department of Defense, Veterans and Emergency Management
39 will incur some minor additional costs to administer the

2 activities of the River Flow Advisory Commission and to reimburse
certain members for expenses incurred as board members. These
4 costs can be absorbed within the department's existing budgeted
resources.

6 The Departments of Defense, Veterans and Emergency
Management; Conservation; Agriculture, Food and Rural Resources;
8 Environmental Protection; Inland Fisheries and Wildlife; Marine
Resources and Transportation and the State Planning Office within
10 the Executive Department will incur some minor additional costs
to participate as members of the River Flow Advisory Commission.
12 These costs can be absorbed within the agencies' existing
budgeted resources.

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SUMMARY

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This amendment amends the bill in the following ways:

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1. It corrects a cross-reference; and

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

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SPONSORED BY:

John L Tuttle
(Representative TUTTLE)

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TOWN: Sanford

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