

# MAINE STATE LEGISLATURE

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**Rds**

L.D. 1962

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DATE: 3-13-02

(Filing No. H-902)

**NATURAL RESOURCES**

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

COMMITTEE AMENDMENT "A" to H.P. 1465, L.D. 1962, Bill, "An Act to Reduce Pollution of Androscoggin Lake by Repairing and Altering the Existing State-owned Barrier on the Dead River in Leeds"

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

**'Resolve, to Reduce Pollution of Androscoggin Lake by Repairing and Altering the Existing State-owned Barrier on Dead River in Leeds'**

Further amend the bill by striking out everything after the title and before the concept draft summary and inserting in its place the following:

**'Sec. 1. Study; report. Resolved:** That, using funds appropriated under this resolve for these purposes, the Department of Environmental Protection has the following duties.

**1. Protection of Androscoggin Lake; feasibility study.** The Commissioner of Environmental Protection, working with the Department of Agriculture, Food and Rural Resources, affected municipalities, businesses, property owners, nongovernmental organizations and interested citizens and using funds provided in this resolve, shall undertake such technical evaluations as necessary to determine the feasibility of and costs for options for permanent flood control structures on Dead River in the Town of Leeds, Androscoggin County that eliminate or minimize the adverse environmental impacts to Androscoggin Lake resulting from polluted waters flowing into the lake from the Androscoggin River.

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2           **2. Report.** No later than January 1, 2003, the Commissioner  
of Environmental Protection shall submit a written report on any  
4 feasibility study undertaken pursuant to this resolve to the  
joint standing committee of the Legislature having jurisdiction  
6 over agricultural matters. That report must include, but is not  
limited to:

8           A. An analysis of conventional and toxic water-borne  
pollutants entering Androscoggin Lake, including the sources  
10 of these pollutants, their amounts and their impacts to  
water quality and to fisheries and wildlife, and methods and  
12 plans for controlling and minimizing the discharge of these  
pollutants;

14           B. Recommendations on alternative permanent flood control  
structures available to eliminate some or all of the flow of  
16 water from the Androscoggin River into Androscoggin Lake and  
the location, construction feasibility and costs of these  
18 alternatives, including, if necessary, the cost of removing  
the existing state-owned dam on Dead River in the Town of  
20 Leeds, Androscoggin County;

22           C. A recommendation of the Department of Environmental  
Protection's preferred permanent flood control structure,  
24 including cost estimates and a plan to obtain necessary  
funding for its construction and maintenance;  
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28           D. Recommendations on the permanent future ownership of the  
structure; and  
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32           E. Any other matters relevant to the purposes of the study.

The Department of Environmental Protection shall seek and may  
34 accept up to \$15,000 in additional funds for this study from  
Androscoggin County or the Town of Leeds or the Town of Wayne or  
36 from any public or private group or groups having an interest in  
Androscoggin Lake, or any combination of those entities. Funds  
38 received for these purposes may be expended only for the purposes  
set forth in this section. Unexpended money must be returned to  
40 the contributing entities on a pro rata basis; and be it further

42           **Sec. 2. Legislation authorized. Resolved:** That, the joint  
standing committee of the Legislature having jurisdiction over  
44 agricultural matters may report out emergency legislation to the  
First Regular Session of the 121st Legislature on any issue  
46 pertaining to the state-owned dam on Dead River in the Town of  
Leeds, Androscoggin County; and be it further  
48

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2           **Sec. 3. Removal of dam prohibited. Resolved:** That,  
3 notwithstanding any other provision of law, the Commissioner of  
4 Agriculture, Food and Rural Resources may not remove, cause to be  
5 removed or seek to have removed the state-owned dam on Dead River  
6 in the Town of Leeds, Androscoggin County. This section is  
7 repealed July 1, 2003; and be it further

8           **Sec. 4. Appropriations and allocations. Resolved:** That the  
9 following appropriations and allocations are made.

10           **AGRICULTURE, FOOD AND RURAL RESOURCES,**  
11           **DEPARTMENT OF**

12           **Office of the Commissioner**

13           Initiative: Appropriates funds for emergency temporary repairs  
14 to the state-owned dam on Dead River in the Town of Leeds,  
15 Androscoggin County.

16 <b>General Fund</b>	<b>2001-02</b>	<b>2002-03</b>
17           All Other	\$0	\$40,000

18           **AGRICULTURE, FOOD AND RURAL RESOURCES,**  
19           **DEPARTMENT OF**  
20           **DEPARTMENT TOTALS**

	<b>2001-02</b>	<b>2002-03</b>
21 <b>GENERAL FUND</b>	<b>\$0</b>	<b>\$40,000</b>
22 <b>DEPARTMENT TOTAL - ALL FUNDS</b>	<b>\$0</b>	<b>\$40,000</b>

23           **ENVIRONMENTAL PROTECTION, DEPARTMENT OF**

24           **Land and Water Quality**

25           Initiative: Appropriates funds for technical evaluations to  
26 determine the feasibility of and costs for options for  
27 permanent flood control structures on Dead River in the Town of  
28 Leeds, Androscoggin County.

29 <b>General Fund</b>	<b>2001-02</b>	<b>2002-03</b>
30           All Other	\$0	\$20,000
31           General Fund Total	\$0	\$20,000

32 <b>Other Special Revenue funds</b>	<b>2001-02</b>	<b>2002-03</b>
33           All Other	\$0	\$15,000
34           Other Special Revenue Funds Total	\$0	\$15,000

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2	<b>ENVIRONMENTAL PROTECTION, DEPARTMENT OF</b>		
4	<b>DEPARTMENT TOTALS</b>	<b>2001-02</b>	<b>2002-03</b>
6	<b>GENERAL FUND</b>	<b>\$0</b>	<b>\$20,000</b>
8	<b>OTHER SPECIAL REVENUE FUNDS</b>	<b>\$0</b>	<b>\$15,000</b>
10	<b>DEPARTMENT TOTAL - ALL FUNDS</b>	<b>\$0</b>	<b>\$35,000</b>
12	<b>SECTION TOTALS</b>	<b>2001-02</b>	<b>2002-03</b>
14	<b>GENERAL FUND</b>	<b>\$0</b>	<b>\$60,000</b>
16	<b>OTHER SPECIAL REVENUE FUNDS</b>	<b>\$0</b>	<b>\$15,000</b>
18	<b>SECTION TOTAL - ALL FUNDS</b>	<b>\$0</b>	<b>\$75,000'</b>

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

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20 **FISCAL NOTE**

22 **2002-03**

24 **APPROPRIATIONS/ALLOCATIONS**

26	General Fund	\$60,000
28	Other Funds	15,000

30 **REVENUES**

32	Other Funds	\$15,000
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36 This amendment includes a General Fund appropriation of \$40,000 in fiscal year 2002-03 for the Office of the Commissioner program within the Department of Agriculture, Food and Rural Resources to pay for emergency repairs to the state-owned dam on Dead River in the Town of Leeds, Androscoggin County.

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42 This amendment also includes a General Fund appropriation of \$20,000 in fiscal year 2002-03 for the Land and Water Quality program within the Department of Environmental Protection to pay for technical evaluations to determine the feasibility of and costs for options for permanent flood control structures on Dead River in the Town of Leeds, Androscoggin County.

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50 This amendment also authorizes the Department of Environmental Protection to collect up to \$15,000 in public and private funds to help pay for technical evaluations to determine

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2 the feasibility of and costs for options for permanent flood  
control structures on Dead River in the Town of Leeds,  
4 Androscoggin County. These funds will be collected by the  
department and deposited as dedicated revenues. Included in the  
6 amendment is an Other Special Revenue Funds allocation of \$15,000  
in fiscal year 2002-03 for the Land and Water Quality program  
8 within the Department of Environmental Protection to authorize  
the spending for the technical evaluations described above.'

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### SUMMARY

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14 This amendment changes the bill to a resolve and changes its  
title. The amendment provides the Department of Agriculture,  
16 Food and Rural Resources with \$40,000 to address emergency  
temporary repair issues at the state-owned dam on Dead River in  
18 the Town of Leeds, Androscoggin County. The amendment also  
provides the Department of Environmental Protection with \$20,000  
20 to study the feasibility of and costs for options for permanent  
flood control structures on Dead River that eliminate or minimize  
22 the adverse environmental impacts to Androscoggin Lake resulting  
from polluted waters flowing into the lake from the Androscoggin  
24 River. The amendment also allows the Department of Environmental  
Protection to raise an additional \$15,000 for that study from  
26 local governments and private entities having an interest in  
Androscoggin Lake. The results of that study are to be reported  
28 by January 1, 2003 to the joint standing committee of the  
Legislature having jurisdiction over agricultural matters. The  
30 committee may report out emergency legislation to the First  
Regular Session of the 121st Legislature.

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The amendment also prohibits the Department of Agriculture,  
34 Food and Rural Resources from removing or seeking to remove the  
state-owned dam on Dead River in Leeds, Androscoggin County until  
the results of the Department of Environmental Protection study  
36 are known.

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