

MAINE STATE LEGISLATURE

The following document is provided by the
LAW AND LEGISLATIVE DIGITAL LIBRARY
at the Maine State Law and Legislative Reference Library
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied
(searchable text may contain some errors and/or omissions)



121st MAINE LEGISLATURE

FIRST REGULAR SESSION-2003

Legislative Document

No. 709

S.P. 247

In Senate, February 14, 2003

An Act To Require Public Hearings prior to State Agreements for Dam Removal

(EMERGENCY)

Reference to the Committee on Natural Resources suggested and ordered printed.

A handwritten signature in cursive script, reading 'Joy J. O'Brien'.

JOY J. O'BRIEN
Secretary of the Senate

Presented by Senator GAGNON of Kennebec.
Cosponsored by Representative FLETCHER of Winslow and
Senators: President DAGGETT of Kennebec, WESTON of Waldo, Representatives: BLISS of
South Portland, CRESSEY of Baldwin, HATCH of Skowhegan, MOODY of Manchester,
NUTTING of Oakland.

2 **Emergency preamble.** Whereas, Acts of the Legislature do not
become effective until 90 days after adjournment unless enacted
as emergencies; and

4
6 **Whereas,** dams in this State may be removed without
appropriate and sufficient public input; and

8 **Whereas,** in the judgment of the Legislature, these facts
create an emergency within the meaning of the Constitution of
10 Maine and require the following legislation as immediately
necessary for the preservation of the public peace, health and
12 safety; now, therefore,

14 **Be it enacted by the People of the State of Maine as follows:**

16 **Sec. 1.** 38 MRSA c. 5, sub-c. 1, art. 7 is enacted to read:

18 Article 7

20 PUBLIC PROCESS FOR DAM REMOVAL

22 §921. Notice and public hearing

24 When a dam in this State is proposed to be removed, the dam
owner shall file a notice with the commissioner and the
26 commissioner shall hold a public hearing on the proposed removal
in the community in which the dam is located. To the extent the
28 commissioner has authority under this Title or under other law to
take action on the proposed removal, the commissioner may not
30 take action in accordance with that authority unless a public
hearing under this section is held.

32 **Sec. 2. Retroactivity.** This Act applies retroactively to
34 January 1, 1996.

36 **Sec. 3. Application.** This Act applies to dams that are not
removed as of the effective date of this Act.

40 **Emergency clause.** In view of the emergency cited in the
preamble, this Act takes effect when approved.

42 **SUMMARY**

44 This bill requires the Department of Environmental
46 Protection to hold a public hearing before a dam is removed.