

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. 1059

H.P. 777

House of Representatives, March 4, 2003

An Act Regarding Water Storage Reservoirs

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

Millicent M. MacFarland
MILLICENT M. MacFARLAND
Clerk

Presented by Representative CLARK of Millinocket.
Cosponsored by Senator STANLEY of Penobscot and
Representatives: McGLOCKLIN of Embden, SAVIELLO of Wilton, USHER of Westbrook,
Senator: HATCH of Somerset.

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

4 **Sec. 1. 38 MRSA §466, sub-§10**, as enacted by PL 1985, c. 698, §15, is amended to read:

6 **10. Resident biological community.** "Resident biological
8 community" means aquatic life expected to exist in a habitat
10 which that is free from the influence of the discharge of any
12 pollutant. This shall must be established by accepted
14 biomonitoring techniques. With respect to a water storage
reservoir, "resident biological community" means aquatic life
expected to exist within the impounded waters of water storage
reservoirs with drawdowns of similar magnitude.

16 **Sec. 2. 38 MRSA §466, sub-§11-B** is enacted to read:

18 **11-B. Water storage reservoir.** "Water storage reservoir"
20 means an impoundment associated with a hydropower project, as
22 defined by section 632, that was in existence prior to November
24 28, 1975, was not primarily lacustrine in its natural state, is
classified under section 465-A and is managed to store and
release water on an annual cycle to benefit downstream hydropower
generation.

26 **Sec. 3. Application.** Notwithstanding the Maine Revised
28 Statutes, Title 1, section 302, this Act applies to all
proceedings pending before the Department of Environmental
Protection on or after January 1, 2003.

30 **SUMMARY**

32 This bill clarifies that, in determining whether the habitat
34 characteristics and aquatic life criteria are met in water
36 storage reservoirs, the fact that there is different habitat and
38 aquatic life in a water storage reservoir than in a natural great
40 pond must be recognized. The Legislature recognizes that many of
42 these water storage reservoirs were authorized by legislative
44 charter for the express purpose of storing and releasing water
46 for instream purposes and downstream uses and that water storage
reservoirs are artificial and not natural. This bill therefore
clarifies that in determining whether the structure and function
of the resident biological community is maintained in water
storage reservoirs the "resident biological community" to be
evaluated is the aquatic life expected to exist within the
impounded waters of water storage reservoirs with drawdowns of
similar magnitude.