## MAINE STATE LEGISLATURE

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## 130th MAINE LEGISLATURE

## **FIRST SPECIAL SESSION-2021**

**Legislative Document** 

No. 1488

H.P. 1102

House of Representatives, April 14, 2021

Resolve, To Study and Recommend Improvements to Maine's Dam Safety

Received by the Clerk of the House on April 12, 2021. Referred to the Committee on Environment and Natural Resources pursuant to Joint Rule 308.2 and ordered printed pursuant to Joint Rule 401.

ROBERT B. HUNT Clerk

R(+ B. Hunt

Presented by Representative BELL of Yarmouth.

- **Sec. 1. Dam study. Resolved:** That the Department of Defense, Veterans and Emergency Management, in consultation with other state agencies as required by the Maine Revised Statutes, Title 37-B, section 1112, appropriate federal agencies, state and local emergency management officials, hazard assessment and public safety experts, including dam safety experts, civil engineering organizations, environmental organizations, municipal dam operators and private dam owners, shall conduct a study of the State's dam safety efforts under Title 37-B, chapter 24 that assesses the condition of dams in the State and the ability of the department to ensure the safe operation of dams and to protect public safety. The study must include:
- 1. A review of the State's laws and rules governing dams and dam safety and whether they are sufficient to ensure that the objectives of Title 37-B, chapter 24 are met;
  - 2. A survey of the State's existing dams, including the:

- A. Total number of registered and unregistered dams;
- B. Hazard potential and hazard classifications of each dam;
- C. Current age and estimated operational lifespan of each dam;
- D. Potential risks to downstream communities with respect to dam failures, including infrastructure and public and private property; and
- E. Impact of dams and potential dam failures on public resources, including wildlife habitats, native ecosystems, water quality and fisheries;
- 3. An assessment of the resiliency of the State's existing dams and their ability to withstand historic and projected drought and flood events;
  - 4. A review of the existing limits and needs of the State's dam safety efforts; and
- 5. A review of local, state and federal loan or grant programs available to dam owners in the State.

The department may use funds from federal or private sources, to the extent available, to conduct this study and shall disclose those funding sources in its report to the Joint Standing Committee on Veterans and Legal Affairs under section 3.

- **Sec. 2. Dam safety peer review. Resolved:** That, by December 1, 2021, the department shall have the Association of State Dam Safety Officials conduct a peer review of the State's dam safety efforts.
- **Sec. 3. Dam report. Resolved:** That, by January 14, 2022, the Department of Defense, Veterans and Emergency Management shall provide a report on the results of its study under section 1, the peer review under section 2 and recommendations for the improvement of dam safety, including suggested legislation, to the Joint Standing Committee on Veterans and Legal Affairs. The committee is authorized to submit a bill based on the report to the Second Regular Session of the 130th Legislature.

37 SUMMARY

This resolve requires the Department of Defense, Veterans and Emergency Management to conduct a study of the State's dams and the State's dam safety efforts, including an assessment of the hazard potential and classification of each dam, the potential risk of dam failure to downstream communities and public resources, dam resiliency, and the efficacy of the State's dam safety efforts. The department is required to have the Association of State Dam Safety Officials conduct a peer review of the State's dam safety efforts by December 1, 2021. The department is required to submit a report on the results of its study, including suggested legislation, and the peer review to the Joint Standing Committee on Veterans and Legal Affairs by January 14, 2022. The committee is authorized to submit a bill based on the report to the Second Regular Session of the 130th Legislature.