

# MAINE STATE LEGISLATURE

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STATE OF MAINE  
ONE HUNDRED AND THIRTEENTH LEGISLATURE  
FIRST REGULAR SESSION

JOINT STANDING COMMITTEE ON  
ENERGY AND NATURAL RESOURCES  
BILL SUMMARY



JUNE 1987

PREPARED BY:

Tim Glidden, Legislative Analyst  
David Elliott, Legislative Analyst

OFFICE OF POLICY AND LEGAL ANALYSIS  
STATE HOUSE, STATION 13 AUGUSTA, MAINE 04333  
(207) 289-1670

HELEN T. GINDER, DIRECTOR  
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WILLIAM T. GLIDDEN, JR.



STATE OF MAINE  
**OFFICE OF POLICY AND LEGAL ANALYSIS**

ROOM 101/107  
STATE HOUSE STATION 13  
AUGUSTA, MAINE 04333  
TEL.: (207) 289-1670

JULIE S. JONES  
JOHN B. KNOX  
EDWARD POTTER  
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ONE HUNDRED AND THIRTEENTH LEGISLATURE  
FIRST REGULAR SESSION

JOINT STANDING COMMITTEE  
BILL SUMMARIES  
JUNE 1987

This document is a compilation of the bill summaries prepared by this office for the Joint Standing Committees and Joint Select Committees of the Maine Legislature. The summaries are arranged by LD number under each committee.

All Adopted Amendments are listed, by paper number (e.g., H-584 or S-222), together with the sponsor if it is a floor amendment or the designation "COMMITTEE" if it is a committee amendment.

Final action for each bill is listed to the right of the title. If final House action and Senate action differ, both are listed.

Please let us know if you would prefer a different format or additional information and if the summaries are helpful.

Key to Committee Reports and Floor Action:

OTP	Ought to Pass
OTP-ND	Ought to Pass in New Draft
OTP-ND-NT	Ought to Pass in New Draft, New Title
OTP-A	Ought to Pass as Amended
ONTP	Ought Not to Pass
LVWD	Leave to Withdraw
INDEF PP	Indefinitely Postponed

LD  
1376

AN ACT CONCERNING INSPECTION, REGISTRATION AND  
ABANDONMENT OF DAMS.

PL 1987  
c. 118

Sponsor: NUTTING, Tracy, Ruhlin, Kany  
Committee Report: New draft of LD 484

SUMMARY: The original bill proposed several changes in the Dam Inspection, Registration and Abandonment Act to clarify the law and facilitate administration. The bill amended the definition of dam to include dams originally built for logging operation purposes increased the compensation for dam inspectors from \$100 to \$250 per day and would have allowed hydrologists to conduct dam inspections. The bill increased the penalty for violation of an order by the BEP regarding dam or water level maintenance from \$20 - \$100 to \$250 - \$1000. The bill also provides that DEP staff (in addition to the dam inspector) may participate in dam inspections and that notice of failure to register a dam be sent by certified (rather than registered) mail. The bill also requires the BEP to issue an order establishing a water level regime for an impoundment within 90 days (increased from 60) of the hearing and requires that a copy of the order be sent to appropriate municipal officers. Finally, the bill makes several technical and grammatical changes in the Act.

The new draft incorporates most of the original bill with some changes and additions. It provides that adjacent property, easements, etc. which are necessary for access to the dam, be included within the definition of dam and deletes the new provision proposed in the original bill which would have permitted the Commissioner of Environmental Protection to appoint professional hydrologists as dam inspectors. The new draft permits a dam inspector to conduct an investigation about the safety of the dam as well as to inspect the dam, provides for notice to the dam owner of an inspection and clarifies that any hearing conducted on the safety of a dam is an adjudicatory hearing. It also makes penalties for violations of the dam inspection law consistent with the general penalty provisions of other Department of Environmental Protection laws (\$100 to \$10,000) and provides that department staff shall have access to the dam site for inspection or enforcing any inspection order. If a dam is found to be unsafe, it expressly gives the dam owners access over the land of abutting property owners if necessary in order to comply with an order to correct unsafe conditions. The dam owners shall restore the abutting land to its preexisting condition and the abutters shall not be liable to any person for damages arising from the crossing of the abutting land. Finally, it makes a number of technical, clerical and typographical corrections to existing laws.