

## §1114. Powers of the department

**1. Rules.** In accordance with Title 5, chapter 375, subchapter II, the department may adopt, modify or repeal rules for carrying out this chapter. Rules adopted under this section are routine technical rules pursuant to Title 5, chapter 375, subchapter II-A.

[PL 2001, c. 460, §3 (NEW).]

**2. Emergency situation.** When an emergency situation arises, the commissioner shall warn the public of the emergency and, notwithstanding any other provision of law, shall take all actions necessary to protect life and property, which may include, but are not limited to, the following:

A. Taking full charge and control of any dam or reservoir; [PL 2001, c. 460, §3 (NEW).]

B. Lowering the water level by releasing water from the reservoir; [PL 2001, c. 460, §3 (NEW).]

C. Completely emptying the reservoir; [PL 2001, c. 460, §3 (NEW).]

D. Breaching or removing the dam itself; and [PL 2001, c. 460, §3 (NEW).]

E. Taking other necessary steps to safeguard life and property. [PL 2001, c. 460, §3 (NEW).]

[PL 2001, c. 460, §3 (NEW).]

**3. Investigations.** For the purpose of enabling it to make decisions as compatible as possible with economy and protection of life and property and for the purpose of determining compliance with this chapter, the department may make necessary investigations and inspections. In making investigations and inspections required or authorized by this chapter, the department or its representatives may, as necessary in emergency situations, enter upon public or private property or in nonemergency situations secure administrative warrants from any District Court Judge or Superior Court Justice for the purpose of gaining entry onto private property.

[PL 2001, c. 460, §3 (NEW).]

**4. Injunction; civil or criminal proceedings.** In the event of violation of any of the provisions of this chapter or of any rule, order or decision of the department, the department may institute injunctive proceedings or other civil action as provided in this chapter.

[PL 2001, c. 460, §3 (NEW).]

### SECTION HISTORY

PL 2001, c. 460, §3 (NEW).

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