

§901. Petition for release; public notice

1. Petition. The owner of a dam that is not licensed or exempted from licensure by the Federal Energy Regulatory Commission may petition the department to initiate proceedings for release from dam ownership or water level maintenance under this article. The petition must include the following information:

- A. The name, address and phone number of the dam owner; [PL 1995, c. 630, §3 (NEW).]
- B. The location of the dam and related impoundment; [PL 2025, c. 226, §1 (AMD).]
- C. Plans of the dam and appurtenant features and descriptions of the condition of the dam and recent operation of the dam, including for all associated features used for operation, maintenance and water level management; [PL 2025, c. 226, §1 (AMD).]
- D. [PL 2025, c. 226, §1 (RP).]
- E. Documentation of the owner's title, right or interest in the dam; [PL 2025, c. 226, §1 (NEW).]
- F. The location of or information regarding easements or deeded or contractual rights to the dam and appurtenant features or to water levels; [PL 2025, c. 226, §1 (NEW).]
- G. A record of all state inspections of and all repairs and maintenance activities conducted on the dam over the 10-year period prior to the submission of the petition, including a record of any dam safety orders for the dam issued pursuant to Title 37-B, section 1119 and information regarding any necessary remedial measures undertaken pursuant to such orders; [PL 2025, c. 226, §1 (NEW).]
- H. Operations and maintenance plans for the dam; [PL 2025, c. 226, §1 (NEW).]
- I. An emergency action plan for the dam if the dam is assigned a high hazard potential or significant hazard potential pursuant to Title 37-B, section 1118; [PL 2025, c. 226, §1 (NEW).]
- J. Documentation of the scope of work and related costs incurred for the operation and maintenance of the dam over the 10-year period prior to the submission of the petition and of all estimates for necessary repairs to the dam that have not been completed; [PL 2025, c. 226, §1 (NEW).]
- K. A record of all federal, state and local permits and approvals issued for or relating to the dam; [PL 2025, c. 226, §1 (NEW).]
- L. Documentation of insurance policies for and information and associated costs for risk management of the dam; [PL 2025, c. 226, §1 (NEW).]
- M. Documentation of property tax obligations for the dam and appurtenant features; [PL 2025, c. 226, §1 (NEW).]
- N. If requested by the department, engineering reports relating to the dam and related impoundment, including, but not limited to, any geotechnical borings, soil test data, recommendation reports, topographic survey data, stream and lake cross sections and bathymetric surveys upstream and downstream of the dam and hydrologic and hydraulic studies and data; [PL 2025, c. 226, §1 (NEW).]
- O. If requested by the department, environmental reports relating to the dam and related impoundment, including, but not limited to, impact assessments relating to dam removal, dam configuration or dam abandonment, failure or breach; [PL 2025, c. 226, §1 (NEW).]
- P. Any other information necessary for the persons listed in section 902, subsection 3 to determine whether to assume ownership of the dam; and [PL 2025, c. 226, §1 (NEW).]
- Q. Any other information the department determines necessary for the purposes of this article. [PL 2025, c. 226, §1 (NEW).]

The department shall notify the owner within 15 days of receipt of the petition if the department determines that the petition does not comply with the requirements of this section. If notice is not sent within 15 days, the petition is deemed to comply.

[PL 2025, c. 226, §1 (AMD).]

2. Public notice. Not more than 30 days before filing a petition, the dam owner shall publish notice of intent to file a petition under this article at least once in a newspaper circulated in the area in which the dam and impoundment are located. The dam owner shall notify by certified mail the persons listed in section 902, subsection 3, paragraphs B, C and D. The dam owner shall notify abutting property owners as provided in subsection 3. The dam owner shall also make a good faith effort to notify local, regional and statewide private organizations interested in fisheries, wildlife, conservation, recreation and environmental issues whose interests may be affected by the dam.

[PL 1995, c. 630, §3 (NEW).]

3. Notice to property owners. The dam owner shall send notice of the intent to file a petition by first class mail to persons who own property abutting the dam site, water impounded by the dam or waterways immediately downstream from the dam. If the dam owner chooses to meet the obligation to consult with property owners by holding a public meeting, as described in section 902, subsection 1, the dam owner shall include notice of the public meeting in the notice provided pursuant to this subsection.

[PL 1995, c. 630, §3 (NEW).]

The dam owner may request that a municipality send the required notice, but the dam owner is responsible for providing the notice if the municipality fails to do so. At the request of a dam owner, a municipality shall send notice of a petition filed under this article by first class mail to persons who own property in that municipality and who must be notified as provided in this subsection. The dam owner shall provide a sufficient number of copies of the notice to the municipality and shall reimburse the municipality for all costs incurred in providing the notice. County commissioners and tribal governments have the same obligation as municipalities under this subsection to send notice to persons who own property within their respective jurisdictions. [PL 1995, c. 630, §3 (NEW).]

SECTION HISTORY

PL 1995, c. 630, §3 (NEW). PL 2025, c. 226, §1 (AMD).

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