

PLEASE NOTE: Legislative Information **cannot** perform research, provide legal advice, or interpret Maine law. For legal assistance, please contact a qualified attorney.

An Act To Facilitate the Removal of Dams That Pose a Hazard to Public Safety and the Installation and Repair of Fishways

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

Sec. 1. 38 MRSA §480-Q, sub-§25, as amended by PL 2005, c. 330, §15, is further amended to read:

25. Existing agricultural fields and pastures. Maintenance, but not enlargement, of agricultural fields and pastures in existence on September 1, 2002 that are adjacent to a river, stream or brook not regulated by a municipality under chapter 3, subchapter 1, article 2-B; and

Sec. 2. 38 MRSA §480-Q, sub-§26, as enacted by PL 2005, c. 330, §16, is amended to read:

26. Overboard wastewater system. Installation, maintenance or removal of a licensed overboard discharge treatment system, including the outfall pipe, if:

- A. Erosion control measures are taken to prevent sedimentation of the water;
- B. Effects of construction activity on the protected natural resource are minimized; and
- C. The activity is approved by the department as provided in the department's rules concerning overboard discharges adopted pursuant to section 414-A;

Sec. 3. 38 MRSA §480-Q, sub-§27 is enacted to read:

27. Fishways. Erection, maintenance, repair or alteration of a fishway in a dam or other artificial obstruction when required or performed by the Commissioner of Inland Fisheries and Wildlife pursuant to Title 12, section 12760 or by the Commissioner of Marine Resources pursuant to Title 12, section 6121;

Sec. 4. 38 MRSA §480-Q, sub-§28 is enacted to read:

28. Release of water from abandoned dam. Activity associated with the release of water from an abandoned dam pursuant to an order issued by the department pursuant to section 905; and

Sec. 5. 38 MRSA §480-Q, sub-§29 is enacted to read:

29. Dam safety order. Activity associated with the breach or removal of a dam pursuant to an order issued by the Commissioner of Defense, Veterans and Emergency Management under Title 37-B, chapter 24.

SUMMARY

This bill amends the Natural Resources Protection Act to specify that a permit is not required for:

1. The erection, maintenance, repair or alteration of a fishway in a dam or other artificial obstruction when required by the Commissioner of Inland Fisheries and Wildlife or the Commissioner of Marine Resources;
2. Activity associated with the release of water from an abandoned dam pursuant to an order issued by the Department of Environmental Protection under the Maine Revised Statutes, Title 38, section 905; and
3. Activity associated with the breach or removal of a dam pursuant to a dam safety order issued by the Commissioner of Defense, Veterans and Emergency Management under Title 37-B, chapter 24.