

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

Amend the bill by striking out everything after the enacting clause and before the summary and inserting the following:

Sec. 1. 38 MRSA §632, sub-§3, as enacted by PL 1983, c. 458, §18, is amended to read:

3. Hydropower project. "Hydropower project" means any development ~~which~~that utilizes the flow or other movement of water, including tidal or wave action, as a source of electrical or mechanical power or ~~which~~that regulates the flow of water for the purpose of generating electrical or mechanical power. A hydropower project development includes all powerhouses, dams, water conduits, turbines or other in-stream power devices, generators, transmission lines, water impoundments, roads and other appurtenant works and structures that are part of the development.

Sec. 2. 38 MRSA §633, sub-§1, as affected by PL 1989, c. 890, Pt. A, §40 and amended by Pt. B, §182, is further amended to read:

1. Permit required. ~~No~~A person may not initiate construction or reconstruction of a hydropower project, or structurally alter a hydropower project in ways that change water levels or flows ~~above or below the dam~~, without first obtaining a permit from the department. '

SUMMARY

This amendment replaces the bill. It amends the definition of "hydropower project" in the Maine Waterway Development and Conservation Act to clarify that the definition includes hydropower projects that use tidal energy or wave energy to produce electricity. It also clarifies that the requirement to obtain a permit for structural alteration of a hydropower project is not limited to those projects that include a dam.

FISCAL NOTE REQUIRED
(See attached)