



Testimony in Support of LD 62, An Act to Support Municipal and County Actions on Dam Ownership

Before the Committee on Environment and Natural Resources

Luke Frankel, Staff Scientist

March 31, 2025

Senator Tepler, Representative Doudera, and distinguished members of the Environment and Natural Resources Committee, my name is Luke Frankel, and I am the Staff Scientist at the Natural Resources Council of Maine (NRCM). NRCM is Maine's leading nonprofit, nonpartisan membership organization dedicated to protecting the environment on behalf of our nearly 24,000 supporters statewide and beyond. I am here today to testify in support of LD 62, An Act to Support Municipal and County Actions on Dam Ownership.

Today, there are more than 1,000 known dams in Maine, of which 672 are subject to state and federal regulations.¹ While some of these dams support present day uses including hydropower generation, recreation, and water supply for industrial applications, many were built to support historical mill operations across the state and have long since outlived their primary functions. The average regulated dam in Maine is 108 years old, and of the 316 dams that have been comprehensively evaluated, almost a quarter were characterized as being in poor or unsatisfactory condition.² Simply put, Maine has a lot of dams, most are old, and many of them have not received adequate maintenance.

As communities and dam owners across the state plan for how they should manage this aging infrastructure, it's critically important that stakeholders have the information necessary to make sound decisions. When privately owned dams outlive their primary functions and are no longer economically viable, it is often up to local governments to assume their ownership and operation. The process for transferring dam ownership to local municipalities is well established in statute; however, often these municipalities lack adequate information, which makes their decisions to assume ownership more difficult and riskier.

LD 62 would help solve this issue by making a modest addition to the statute that would require dam owners to include "information necessary for [relevant stakeholders] to determine whether to assume ownership of the dam" in their petition for release from dam ownership. The bill also extends the period that municipalities must consider and act on the option to assume dam ownership from 60 days to 180 days. We believe that these changes, which were brought forward by the Department of Environmental Protection, would enable municipalities to make more informed decisions around dam ownership.

¹ Maine Section of the American Society of Civil Engineers, 2024 Report Card for Maine's Infrastructure, Accessed March 27, 2025.

² US Army of Engineers (USACE), National Inventory of Dams, Accessed Mar 11, 2024.

Assuming ownership of critical infrastructure like dams is a big decision that should only be made after careful consideration of all future liabilities and costs associated with maintenance, repair, and operation. NRCM is intimately familiar with these decisions through our participation on the Penobscot River Restoration Trust board that oversaw the purchase of three dams on the Penobscot River in an effort to improve fish passage and restore the ecosystem. This process involved years of due diligence where we collected as much information as possible before making a final decision.

This bill would enhance the ability for municipalities to do this same due diligence, and for this reason, we strongly encourage the Committee to vote Ought to Pass. Thank you for your consideration.