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STATE OF MAINE  
DEPARTMENT OF ENVIRONMENTAL PROTECTION



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COMMISSIONER

TESTIMONY OF  
LAURA PAYE, HYDROPOWER COORDINATOR  
MAINE DEPARTMENT OF ENVIRONMENTAL PROTECTION

SPEAKING IN OPPOSITION TO L.D. 1083

RESOLVE, TO REQUIRE THE DEPARTMENT OF ENVIRONMENTAL PROTECTION  
TO ASSESS EXISTING WATER RETENTION STRUCTURES AND WATER LEVELS

PRESENTED BY REP. MASON

BEFORE THE JOINT STANDING COMMITTEE  
ON  
ENVIRONMENT AND NATURAL RESOURCES

DATE OF HEARING:

MARCH 31, 2025

Senator Tepler, Representative Doudera, and members of the Committee, I am Laura Paye, the Hydropower Coordinator for the Bureau of Land Resources in the Maine Department of Environmental Protection, speaking in opposition to L.D. 1083, which is a resolve to require the Department to assess all water retention structures and associated water levels in the State.

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L.D. 1083: Resolve, to Require the Department of Environmental Protection to Assess Existing Water Retention Structures and Water Levels

Testimony of: Laura Paye, Hydropower Coordinator, DEP

Public Hearing: March 31, 2025

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The Department opposes L.D. 1083 because the requirements of the report are vague and may be outside of the Department's jurisdiction, and the proposed deadline for the report is unreasonable given the extent of work potentially required.

The Department already has regulations surrounding the process for setting water levels at dams, which can be found at Title 38, Sections 840-841. Additionally, the Natural Resources Protection Act regulates activities in, on, over or adjacent to natural resources such as ponds, lakes, streams, and rivers.

The term "water level retention structure" is vague and is not grounded in any section of Title 38. For the purpose of setting water levels, under Title 38 Section 817, a dam must be a (1) man-made structure that impounds or diverts a river, stream or great pond that is (2) at least 2 feet high and that is (3) capable of impounding at least 15 acre-feet of water. It is unclear what a water retention structure is if it is not a dam. Regardless, the Department does not have jurisdiction to set a water level at a dam that does not meet these specifications.

The Department opposes the entirety of the resolve and, in particular, the deadline in Section 2 of L.D. 1083 due to the extensive process the report proposed by this resolve could entail. According to the Department's records, there are 106 active hydropower dams, 73 inactive hydropower dams, and over 700 non-hydropower dams in Maine. The report proposed in this bill potentially requires site visits to over 800 locations in the state of Maine; data collection and processing; and the synthesis of this data in a report to be provided by December 3 of this year. To accomplish such a feat would require at least one full-time staff member to work solely on this report. That is not currently available; the Hydropower & Dams section in the Department has two staff members at present, both of which already have a full workload.

Thank you for the opportunity to provide testimony on this bill. I would be happy to provide information in response to questions you've already raised today, or to answer any other questions you may have for the Department.