

§903. Assessment of public value of dam

1. Notification of agencies. If a new owner was not located during the consultation process and the department has not rejected the petition, the department shall immediately notify the Department of Inland Fisheries and Wildlife, the Department of Agriculture, Conservation and Forestry and the Maine Emergency Management Agency that an assessment of public value for the dam may be required.

[PL 1995, c. 630, §3 (NEW); PL 2011, c. 657, Pt. W, §5 (REV).]

2. Evaluation of fisheries and wildlife value. Within 60 days of receiving notice under subsection 1, the Department of Inland Fisheries and Wildlife shall review the following factors and determine whether the best interest of the public requires that department to assume ownership of the dam:

- A. The cost of maintaining the dam; [PL 1995, c. 630, §3 (NEW).]
- B. The value to fisheries and wildlife of maintaining the dam; and [PL 1995, c. 630, §3 (NEW).]
- C. The value to fisheries and wildlife of releasing water from the dam. [PL 1995, c. 630, §3 (NEW).]

The Department of Inland Fisheries and Wildlife shall notify the department of its determination. If the Department of Inland Fisheries and Wildlife determines, after considering these factors, that the best interest of the public requires it to assume ownership of the dam, the department shall issue an order directing the dam owner to transfer the dam to the Department of Inland Fisheries and Wildlife within a reasonable period of time. If the Department of Inland Fisheries and Wildlife determines that it will not assume ownership, the department shall notify the Department of Agriculture, Conservation and Forestry.

[PL 1995, c. 630, §3 (NEW); PL 2011, c. 657, Pt. W, §5 (REV).]

3. Evaluation of public recreational value. Within 60 days of receiving notice under subsection 2, the Department of Agriculture, Conservation and Forestry shall review the following factors and determine whether the best interest of the public requires that department to assume ownership of the dam:

- A. The cost of maintaining the dam; [PL 1995, c. 630, §3 (NEW).]
- B. The value to public recreation, conservation and public use of maintaining the dam; and [PL 1995, c. 630, §3 (NEW).]
- C. The value to public recreation, conservation and public use of releasing water from the dam. [PL 1995, c. 630, §3 (NEW).]

The Department of Agriculture, Conservation and Forestry shall notify the department of its determination. If the Department of Agriculture, Conservation and Forestry determines, after considering these factors, that the best interest of the public requires it to assume ownership of the dam, the department shall issue an order directing the dam owner to transfer the property to the Department of Agriculture, Conservation and Forestry within a reasonable period of time. If the Department of Agriculture, Conservation and Forestry determines that it will not assume ownership of the dam, the department shall notify the Maine Emergency Management Agency.

[PL 1995, c. 630, §3 (NEW); PL 2011, c. 657, Pt. W, §5 (REV).]

4. Evaluation of public safety value. Within 60 days of receipt of notice under subsection 3, the Maine Emergency Management Agency shall review the following factors and determine whether the best interest of the public requires that agency to assume ownership of the dam:

- A. The cost of maintaining the dam; [PL 1995, c. 630, §3 (NEW).]
- B. The value to public safety, particularly flood protection, of maintaining the dam; and [PL 1995, c. 630, §3 (NEW).]

C. The value to public safety, particularly flood protection, of releasing water from the dam. [PL 1995, c. 630, §3 (NEW).]

The Maine Emergency Management Agency shall notify the department of its determination. If that agency determines, after considering these factors, that the best interest of the public requires it to assume ownership of the dam, the department shall issue an order directing the dam owner to transfer ownership of the dam to the Maine Emergency Management Agency within a reasonable period of time.

[PL 1995, c. 630, §3 (NEW).]

SECTION HISTORY

PL 1995, c. 630, §3 (NEW). PL 2011, c. 657, Pt. W, §5 (REV).

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