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**Public Law**  
123rd Legislature  
First Regular Session

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**Chapter 160**  
**H.P. 789 - L.D. 1071**

**An Act Regarding Energy-generating Facilities**

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

**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.

Effective September 20, 2007