

H. 590  
Steven Bushman  
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#### Deletions to H.590 and rational

1. "§ 1104 (b)(3) If no person owns legal title to a dam, the person owning the property on which the dam is located shall submit the registration required under subdivisions (1) and (2) of this subsection."

This section can be deleted to resolve the issue of a property owner being responsible for registering a dam they do not have legal title to. The registration requirement applies to 446 dams, all of which have adequate information in our database and files to determine ownership. Deletion of this section should not decrease the effectiveness of the overall bill.

2. "§ 1104 (f) Designation of dam as abandoned. If an owner of a dam classified as an unknown hazard fails to submit to the Department the dam registration form required by this section, the dam may be designated an abandoned dam subject to the provisions of section 1104a of this title."

This section can be deleted since it is redundant will requirements found in §1104a. Abandoned Dams.

3. §1104a. (c) Lien on property on which dam is situated. When the Department takes action under this section to inspect an abandoned dam or when the Department takes any action under this chapter to alleviate or address a risk to life or property from an abandoned dam, the costs of the action shall be a lien in favor of the State on the property on which the dam is located and on the buildings and structures located on that property in order to secure repayment of the State of inspection or other action. The lien shall arise at the time demand is made by the Secretary and shall continue until the liability for such sum with interest and costs is satisfied or becomes unenforceable. A lien under this section shall be subordinate to a primary mortgage on the property. Notice of a lien under this section shall be recorded in the land records of the town in which the property is located.

This section can be deleted to remove the requirement to place liens on properties. Removal of this section does not eliminate enforcement capabilities and the ability to assume ownership of an abandoned dam remains intact. We also expect this to be a small population, if any, based on the 446 dams that would be subject to registration.

4. Sec 2, Disclosure

Recommend removal at this time pending a joint study. Remainder of bill is valid and registration fee stays intact. Disclosure can stand alone and does not need to be tied to registration.