

130th MAINE LEGISLATURE

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Legislative Document

No. 909

H.P. 665

House of Representatives, March 8, 2021

An Act Regarding the Depth of Phillips Lake in the Town of Dedham

(EMERGENCY)

Reference to the Committee on Environment and Natural Resources suggested and ordered printed.

ROBERT B. HUNT

R(+ B. Hunt

Clerk

Presented by Representative O'CONNELL of Brewer. Cosponsored by Senator BALDACCI of Penobscot.

Emergency preamble. Whereas, acts and resolves of the Legislature do not become effective until 90 days after adjournment unless enacted as emergencies; and

Whereas, this legislation is necessary to provide the Lucerne-in-Maine Village Corporation the authority to adopt at an annual meeting the height of the dam at the north end of Phillips Lake in the Town of Dedham; and

Whereas, it is necessary for this legislation to take effect prior to the expiration of the 90-day period in order to ensure sufficient time for any necessary research regarding seasonal changes in water flow associated with the dam; and

Whereas, in the judgment of the Legislature, these facts create an emergency within the meaning of the Constitution of Maine and require the following legislation as immediately necessary for the preservation of the public peace, health and safety; now, therefore,

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

Sec. 1. P&SL 2005, c. 17 is amended to read:

Sec. 1. Lucerne-in-Maine Village Corporation authorized to construct, operate and maintain dam. The Lucerne-in-Maine Village Corporation in the Town of Dedham, Hancock County is authorized to construct, operate and maintain a dam at the outlet at the north end of Phillips Lake in the Town of Dedham. The Notwithstanding the Maine Revised Statutes, Title 38, chapter 5, subchapter 1, article 3-A, subarticle 4, the dam, including any flashboards, must be constructed, operated and maintained at no higher than 227 feet above sea level as established by the National Geodetic Survey a height adopted by the Lucerne-in-Maine Village Corporation at an annual meeting and at a width that is no less than the current width of the dam.

Emergency clause. In view of the emergency cited in the preamble, this legislation takes effect when approved.

26 SUMMARY

Under current law, the Lucerne-in-Maine Village Corporation in the Town of Dedham is required to construct, operate and maintain a dam at the north end of Phillips Lake at no higher than 227 feet above sea level. The bill removes that height restriction and instead requires the dam to be constructed, operated and maintained at a height adopted by the Lucerne-in-Maine Village Corporation at an annual meeting.