

# MAINE STATE LEGISLATURE

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ONE HUNDRED AND SIXTH LEGISLATURE

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**Legislative Document**

**No. 485**

S. P. 177

Referred to Committee on Public Utilities and ordered printed.

In Senate, January 31, 1973

Sent down for concurrence

HARRY N. STARBRANCH, Secretary

Presented by Senator Cummings of Penobscot.

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STATE OF MAINE

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IN THE YEAR OF OUR LORD NINETEEN HUNDRED  
SEVENTY-THREE

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**AN ACT Relating to Safety of Dams.**

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

Whereas, the Congress of the United States passed and the President signed the National Program for Safety of Dams, P. L. 92-367, in August, 1972; and

Whereas, the Corps of Engineers, U. S. Army, has been assigned national responsibility for the conduct of the program; and

Whereas, the State Soil and Water Conservation Commission has been designated by the Governor to conduct the program in Maine; and

Whereas, it has become necessary for the State Soil and Water Conservation Commission to have the authority to enter upon privately-owned lands and structures for the purpose of safety inspections and this authority is not presently held by the commission; and

Whereas, a complete inventory of the dams of the State and their condition is to be prepared for presentation to Congress by June, 1974; 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:

**R. S., T. 12, § 54, sub-§ 12, additional.** Section 54 of Title 12 of the Revised Statutes, as amended, is further amended by adding a new subsection 12 to read as follows:

**12. Entry on lands and structures.** The commission or its authorized agents shall have the right to enter upon any private or public lands for the purpose of inspecting dams and appurtenant structures.

**Emergency clause.** In view of the emergency cited in the preamble, this Act shall take effect when approved.

#### STATEMENT OF FACT

The purpose of this bill is reflected in the emergency preamble.