

MAINE STATE LEGISLATURE

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(EMERGENCY)
New Draft of: S. P. 177, L. D. 485

ONE HUNDRED AND SIXTH LEGISLATURE

Legislative Document

No. 1176

S. P. 410

In Senate, March 5, 1973

Reported by Senator Cummings of Penobscot from Committee on Natural Resources and printed under Joint Rules No. 18.

HARRY N. STARBRANCH, Secretary

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
SEVENTY-THREE

AN ACT Relating to Safety of Dams.

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. The commission shall seek the permission of the landowner, prior to exercising this right and shall not exercise this right until a reasonable effort has been made to obtain said permission.

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