

MAINE STATE LEGISLATURE

The following document is provided by the
LAW AND LEGISLATIVE DIGITAL LIBRARY
at the Maine State Law and Legislative Reference Library
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied
(searchable text may contain some errors and/or omissions)

1
3
5
7
9
11
13
15
17
19
21
23
25
27
29
31
33
35
37
39
41
43
45
47
49

L.D. 1740

(Filing No. H- 647)

**STATE OF MAINE
HOUSE OF REPRESENTATIVES
114TH LEGISLATURE
FIRST REGULAR SESSION**

COMMITTEE AMENDMENT "A" to H.P. 1247, L.D. 1740, "Resolve, Concerning the Dam on Mattawamkeag Lake"

Amend the resolve by striking out everything after the enacting clause and before the statement of fact and inserting the following:

Sec. 1. Commissioner of Inland Fisheries and Wildlife authorized to take dam by eminent domain. Resolved: That pursuant to the Maine Revised Statutes, Title 12, section 7652, the Commissioner of Inland Fisheries and Wildlife may take by eminent domain the Mattawamkeag Lake Dam, flowage rights appurtenant thereto and additional land within the area described in section 2 of this resolve as necessary for an assignable right-of-way to the dam for dam maintenance. Ownership of the dam by the department shall be subject to the following conditions.

1. The department may lease its interest in the dam. Any lease agreement made shall compensate the department for any outstanding acquisition costs associated with the taking of this dam and land. The lease agreement shall also require any lessee to pay operating, maintenance and repair costs for the dam. Any funds collected as lease fees shall be credited to the department.

2. The department may acquire by gift, bequest or otherwise any land described in section 2 of this resolve or any funds required by the department for acquisition.

3. Notwithstanding the Maine Revised Statutes, Title 38, section 840, the department shall establish a water level regime for the dam.

4. The department may require the lessee to construct a fishway for the dam and shall provide technical assistance for the fishway's design, construction and operation; and be it further

1 **Sec. 2 Description of lands. Resolved:** That the department is
2 authorized to take only land as needed for ownership of the
3 Mattawamkeag Lake dam, flowage rights appurtenant thereto, access
4 to the dam through a right-of-way and any land as needed for
5 maintenance and repair.

7 This resolve includes the land in Township 4, Range 3,
8 County of Aroostook, and State of Maine, to wit:

9 Beginning at an iron rod situated at the intersection of the
11 Bible Point Road and the Silver Ridge Road near the
12 so-called Bible Point boat landing on the westerly shore of
13 the outlet of Mattawamkeag Lake in said Township 4, Range 3;
14 thence South 74 degrees, 3 minutes, 50 seconds West, 558.7
15 feet along the centerline of said Bible Point Road to an
16 iron rod; thence South 55 degrees, 2 minutes, 55 seconds
17 East, 728.0 feet to an iron rod located on the centerline of
18 a road located on the easterly side of said Mattawamkeag
19 River and Lake; thence North 33 degrees, 8 minutes, 55
20 seconds East, 329.8 feet along the centerline of said road
21 to an iron rod situated on the southerly boundary of land,
22 now or formerly, leased by the Maine Forest Service; thence
23 North 38 degrees, 44 minutes, 20 seconds West, 122 feet to
24 an iron rod situated on the east shore of said Mattawamkeag
25 Lake; thence North 39 degrees, 21 minutes, 25 seconds West,
26 257.6 feet to the point of beginning.

27 Also conveying all right, title, and interest of the Grantor
28 in and to the bed of Mattawamkeag Lake and the West Branch
29 of the Mattawamkeag River as lies between the lines of the
30 above described lot extending to the center of the bed of
31 said lake and river.

32 Also conveying all right, title, and interest of the Grantor
33 in and to the Mattawamkeag Lake Dam.

34
35
36
37 EASEMENT

38 And, together with and appurtenant to the above described
39 parcel of real estate, a right of way now established 33
40 feet in width, and known as the Silver Ridge Road and
41 extending from the Bible Point Road to United States Route
42 II in Sherman, Maine. Said right of way to be used in
43 common with all those who have acquired a similar right of
44 way and all of those who may acquire said right of way in
45 the future.

46 Said parcel of land contains 5 acres, more or less.

1

3

FISCAL NOTE

5

7

9

11

It is anticipated that this legislation would result in no net fiscal impact to the Department of Inland Fisheries and Wildlife for the biennium. Although the department expects to incur initial costs in carrying out the intent of the bill through the utilization of its Bond Account (#7665.1001), these costs are expected to be reimbursed and credited to the Department of Inland Fisheries and Wildlife.'

13

STATEMENT OF FACT

15

17

19

21

23

This amendment allows the Department of Inland Fisheries and Wildlife to acquire the Mattawamkeag Lake Dam by eminent domain to clear any title problems, provided that there is a legal entity willing to compensate the department for the cost of acquiring the dam. It also allows the dam to be leased by another party to take over responsibility for repairing, maintaining and operating the dam.

25

27

The Department of Inland Fisheries and Wildlife will establish the water level and may require the lessee to construct a fishway as part of the dam.

This amendment also adds a fiscal note.

Reported by the Committee on Energy and Natural Resources
Reproduced and distributed under the direction of the Clerk of the House
6/20/89 (Filing No. H-647)