

MAINE STATE LEGISLATURE

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S.S.

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Date: 3-8-06
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Reported by: Majority

(Filing No. S-484)

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Natural Resources

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5 STATE OF MAINE
6 SENATE
7 122ND LEGISLATURE
8 SECOND REGULAR SESSION

9 COMMITTEE AMENDMENT "A" to S.P. 691, L.D. 1774, Bill, "An Act To
10 Improve the Water Quality and Safety of Phillips Lake"

11 Amend the bill by striking out everything after the title and before the summary and
12 inserting in its place the following:

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

15 Whereas, the following legislation is necessary to provide landowners the
16 opportunity to request an adjudicatory hearing to establish a water level regime; and

17 Whereas, in order to provide for water level regime proceedings in a timely manner,
18 taking into account the seasonal changes in water flow, it is necessary to begin the water
19 level regime process before the usual date for nonemergency legislation; and

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

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

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

26 Sec. 1. Lucerne-in-Maine Village Corporation authorized to construct,
27 operate and maintain dam. The Lucerne-in-Maine Village Corporation in the Town
28 of Dedham, Hancock County is authorized to construct, operate and maintain a dam at the
29 outlet at the north end of Phillips Lake in the Town of Dedham. The Unless a water level
30 regime is established by the Commissioner of Environmental Protection pursuant to the
31 Maine Revised Statutes, Title 38, chapter 5, subchapter 1, article 3-A, subarticle 4, the
32 dam, including any flashboards, must be constructed, operated and maintained at no
33 higher than 227 feet above sea level as established by the National Geodetic Survey and
34 at a width that is no less than the current width of the dam.

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

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SUMMARY

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This amendment is the majority report. The amendment provides that a water level regime can be established by the Department of Environmental Protection pursuant to the Maine Revised Statutes, Title 38, chapter 5, subchapter 1, article 3-A, subarticle 4.

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FISCAL NOTE REQUIRED
(See attached)



Approved: 02/27/06 *MAC*

122nd MAINE LEGISLATURE

LD 1774

LR2583(02)

An Act To Improve the Water Quality and Safety of Phillips Lake

Fiscal Note for Bill as Amended by Committee Amendment "A"

Committee: Natural Resources

Fiscal Note Required: Yes

Majority Report

Fiscal Note

Minor cost increase - General Fund