

MAINE STATE LEGISLATURE

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ENVIRONMENT AND NATURAL RESOURCES

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STATE OF MAINE
HOUSE OF REPRESENTATIVES
130TH LEGISLATURE
FIRST SPECIAL SESSION

COMMITTEE AMENDMENT "A" to H.P. 665, L.D. 909, "An Act Regarding the Depth of Phillips Lake in the Town of Dedham"

Amend the bill by striking out all of the emergency preamble and inserting the following:

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 a water level ordinance to regulate water level regimes and minimum flow requirements for 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 at the north end of Phillips Lake; 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,

Amend the bill by striking out everything after the enacting clause and before the emergency clause and inserting the following:

Sec. 1. P&SL 2005, c. 17, §1, as amended by P&SL 2005, c. 44, §1, is further 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. Unless a water level regime is established by the Commissioner of Environmental Protection pursuant to the Maine Revised Statutes, Title 38, chapter 5, subchapter 1, article 3 A, subarticle 4 ordinance

COMMITTEE AMENDMENT

1 adopted pursuant to section 2, the dam, including any flashboards, must be constructed,
2 operated and maintained at no higher than 227 feet above sea level as established by the
3 National Geodetic Survey and at a width that is no less than the current width of the dam.

4 **Sec. 2. P&SL 2005, c. 17, §2** is enacted to read:

5 **Sec. 2. Lucerne-in-Maine Village Corporation authorized to adopt water**
6 **level ordinance; interlocal agreement with Town of Dedham authorized.** The
7 Lucerne-in-Maine Village Corporation in the Town of Dedham, Hancock County may
8 adopt a water level ordinance pursuant to the Maine Revised Statutes, Title 30-A, chapter
9 187, subchapter 6 to regulate water level regimes and minimum flow requirements for
10 Phillips Lake in the Town of Dedham, subject to the same guidelines and standards that
11 apply to municipalities under Title 30-A, chapter 187, and may enter into an interlocal
12 agreement under Title 30-A, section 4456 with the Town of Dedham to regulate water level
13 regimes and minimum flow requirements for Phillips Lake. The Town of Dedham is not
14 required to separately adopt a water level ordinance pursuant to Title 30-A, chapter 187,
15 subchapter 6 to enter into an interlocal agreement under Title 30-A, section 4456 with the
16 Lucerne-in-Maine Village Corporation pursuant to this section.'

17 Amend the bill by relettering or renumbering any nonconsecutive Part letter or section
18 number to read consecutively.

19 **SUMMARY**

20 This amendment replaces the bill and authorizes the Lucerne-in-Maine Village
21 Corporation to adopt a water level ordinance pursuant to the Maine Revised Statutes, Title
22 30-A, chapter 187, subchapter 6 to regulate water level regimes and minimum flow
23 requirements for Phillips Lake in the Town of Dedham. It also authorizes the Lucerne-in-
24 Maine Village Corporation to enter into an interlocal agreement with the Town of Dedham
25 to regulate water level regimes and minimum flow requirements for Phillips Lake.