

# MAINE STATE LEGISLATURE

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**LAWS**  
**OF THE**  
**STATE OF MAINE**

**AS PASSED BY THE**

**ONE HUNDRED AND THIRTIETH LEGISLATURE**

**FIRST REGULAR SESSION**  
**December 2, 2020 to March 30, 2021**

**FIRST SPECIAL SESSION**  
**April 28, 2021 to July 19, 2021**

**THE GENERAL EFFECTIVE DATE FOR**  
**FIRST REGULAR SESSION**  
**NON-EMERGENCY LAWS IS**  
**JUNE 29, 2021**

**THE GENERAL EFFECTIVE DATE FOR**  
**FIRST SPECIAL SESSION**  
**NON-EMERGENCY LAWS IS**  
**OCTOBER 18, 2021**

**PUBLISHED BY THE REVISOR OF STATUTES**  
**IN ACCORDANCE WITH THE MAINE REVISED STATUTES ANNOTATED,**  
**TITLE 3, SECTION 163-A, SUBSECTION 4.**

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**Augusta, Maine**  
**2021**

**CHAPTER 7  
H.P. 665 - L.D. 909**

**An Act Regarding the Depth of  
Phillips Lake in the Town of  
Dedham**

**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,

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

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

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

**Sec. 2. Lucerne-in-Maine Village Corporation authorized to adopt water level ordinance; interlocal agreement with Town of Dedham authorized.** The Lucerne-in-Maine Village Corporation in the Town of Dedham, Hancock County may adopt a water level ordinance pursuant to the Maine Revised Statutes, Title 30-A, chapter 187, subchapter 6 to regulate water level regimes and minimum flow requirements for Phillips Lake in the Town of Dedham, subject

to the same guidelines and standards that apply to municipalities under Title 30-A, chapter 187, and may enter into an interlocal agreement under Title 30-A, section 4456 with the Town of Dedham to regulate water level regimes and minimum flow requirements for Phillips Lake. The Town of Dedham is not required to separately adopt a water level ordinance pursuant to Title 30-A, chapter 187, subchapter 6 to enter into an interlocal agreement under Title 30-A, section 4456 with the Lucerne-in-Maine Village Corporation pursuant to this section.

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

Effective June 14, 2021.

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**CHAPTER 8  
H.P. 457 - L.D. 621**

**An Act To Increase the  
Number of Franklin County  
Commissioners**

**Mandate preamble.** This measure requires one or more local units of government to expand or modify activities so as to necessitate additional expenditures from local revenues but does not provide funding for at least 90% of those expenditures. Pursuant to the Constitution of Maine, Article IX, Section 21, 2/3 of all of the members elected to each House have determined it necessary to enact this measure.

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

**Sec. 1. Apportionment plans for Franklin County.** The legislative apportionment commission established in 2021 pursuant to the Constitution of Maine, Article IV, Part Third, Section 1-A, hereinafter referred to as "the apportionment commission," shall create 2 apportionment plans for Franklin County, both established in accordance with the Constitution of Maine, Article IV, Part First, Section 2; Article IV, Part Second, Section 2; and Article IV, Part Third, Section 1-A; and the Maine Revised Statutes, Title 21-A, section 1206-A. One plan must apportion Franklin County into 3 districts and one plan must apportion Franklin County into 5 districts as follows.

**1. Plan for 3 districts.** The apportionment plan dividing Franklin County into 3 districts must align as closely as practicable with the following.

A. Commissioner District Number 1, in the County of Franklin, consists of the minor civil divisions and unorganized territories of Carthage, Jay, South Franklin, Temple and Wilton.

B. Commissioner District Number 2, in the County of Franklin, consists of the minor civil divisions of Chesterville, Farmington and New Sharon.

C. Commissioner District Number 3, in the County of Franklin, consists of the minor civil divisions and unorganized territories of Avon, Carrabassett Valley, Coplin, Dallas, East Central Franklin, Eustis, Industry, Kingfield, New Vineyard, North Franklin, Phillips, Rangeley, Rangeley Plantation, Sandy River, Strong, Weld, West Central Franklin and Wyman Township.

**2. Plan for 5 districts.** The apportionment plan dividing Franklin County into 5 districts must align as closely as practicable with the following.

A. Commissioner District Number 1, in the County of Franklin, consists of the minor civil divisions of Temple and Wilton. The term of office of the commissioner from this district expires in 2028 and every 4 years thereafter.

B. Commissioner District Number 2, in the County of Franklin, consists of Farmington. The term of office of the commissioner from this district expires in 2028 and every 4 years thereafter.

C. Commissioner District Number 3, in the County of Franklin, consists of the minor civil divisions and unorganized territories of Avon, Carthage, Coplin, Eustis, North Franklin, Phillips, Rangeley, Rangeley Plantation, Sandy River, South Franklin, Strong, Weld and West Central Franklin. The term of office of the commissioner from this district expires in 2028 and every 4 years thereafter.

D. Commissioner District Number 4, in the County of Franklin, consists of the minor civil divisions and unorganized territories of Carrabassett Valley, Dallas, East Central Franklin, Industry, Kingfield, New Sharon, New Vineyard and Wyman Township. The term of office of the commissioner from this district expires in 2026 and every 4 years thereafter.

E. Commissioner District Number 5, in the County of Franklin, consists of the minor civil divisions of Chesterville and Jay. The term of office of the commissioner from this district expires in 2026 and every 4 years thereafter.

**Sec. 2. Apportionment of Franklin County if referendum question passes; term of office.** If the referendum question submitted to the legal voters of Franklin County in accordance with section 4 passes by majority vote, the apportionment commission shall submit a plan dividing Franklin County into 3 commissioner districts until the election in November 2024 and thereafter dividing Franklin County into 5 districts aligned as closely as practicable to the apportionment described in section 1. The plan must ensure that the terms of office for the 3 commissioners expire in 2024.

**Sec. 3. Apportionment of Franklin County if referendum question fails.** If the referendum question submitted to the legal voters of Franklin County in accordance with section 4 fails to pass by majority vote, the apportionment commission shall submit a plan dividing Franklin County into 3 commissioner districts with terms of office for the commissioners following the terms established in the Maine Revised Statutes, Title 30-A, section 66-B, subsection 4.

**Sec. 4. Referendum.** The county commissioners of Franklin County shall submit the following question to the legal voters of the county by ballot at the referendum election to be held in November 2021. The method of voting and the conduct of the referendum are governed by the Maine Revised Statutes, Title 21-A, and the county commissioners or county administrators shall perform the duties of the Secretary of State prescribed by Title 21-A in the same manner as the county commissioners are required to do in the case of a county bond referendum election held pursuant to Title 30-A, section 938. The subject matter of this Act must be reduced to the following question:

"Do you favor increasing the number of Franklin County commissioner districts from 3 to 5 and staggering the terms of the 5 county commissioners beginning in 2024 following redistricting conducted pursuant to the Constitution of Maine in 2021?"

The voters shall indicate their opinion on this question by a cross or check mark placed against the word "Yes" or "No." The question must be approved by a majority of the legal voters casting ballots at the referendum election.

The results of the referendum must be declared by the county commissioners or county administrator and due certificate filed with the Secretary of State within 10 days after the date of the election.

Effective pending referendum.

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**CHAPTER 9**

**H.P. 1209 - L.D. 1625**

**An Act To Increase the Number of Lincolnville Sewer District Trustees from 3 to 5**

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

**Sec. 1. P&SL 2009, c. 32, §5** is amended to read:

**Sec. 5. Number of trustees; quorum.** The board of trustees of the district is composed of ~~3~~ 5 trustees; notwithstanding any law to the contrary, 2 of the trustees are alternates, and an alternate may vote only if