

# MAINE STATE LEGISLATURE

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# ACTS AND RESOLVES

AS PASSED BY THE

One Hundredth Legislature

OF THE

STATE OF MAINE

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Private and Special Laws

OF THE

STATE OF MAINE

As Passed by the One Hundredth Legislature

1961

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## Chapter 188

### AN ACT Authorizing Lucerne-in-Maine Village Corporation to Construct Dams and Fishway on Phillips Lake.

**Emergency preamble.** Whereas, acts and resolves do not become effective until 90 days after the Legislature adjourns unless passed as emergencies; and

Whereas, the following legislation is vitally necessary as a conservation measure to preserve fishing in Phillips Lake in the Town of Dedham, Hancock County, for both the inhabitants of Maine and its summer visitors; and

Whereas, in order to provide for such conservation, it is imperative that a dam and fishway be constructed immediately at the outlet of said 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:*

**Lucerne-in-Maine Village Corporation authorized to construct dams and fishway.** Notwithstanding the provisions of the Revised Statutes of 1954, chapter 90-A, section 12, subsection V, paragraph E, as enacted by the public laws of 1957, chapter 405, section 1, the Lucerne-in-Maine Village Corporation, in the Town of Dedham, Hancock County, is authorized and empowered to use out of the general fund of said village corporation such sums as may be necessary, not exceeding the sum of \$10,000, to acquire property and rights for, and to construct, operate and maintain, a dam and a fishway at the outlet at the north end of Phillips Lake in the Town of Dedham. The dam shall be so constructed and so operated and maintained as to hold the water level of Phillips Lake no higher than elevation 227 feet above sea level as indicated by the bench mark of 236 feet on top of the rail of the Maine Central Railroad crossing at the outlet of the lake as established by the United States Geodetic Survey. Moreover the outlet at Mann Brook shall be built up to an elevation of 229 feet with an earth and gravel retaining dam so that the Phillips Lake drainage area shall at all times flow into the Orland River.

Except as otherwise provided in this act, the construction, operation and maintenance of said dam and fishway shall in every respect comply with the general laws of this State. The said village corporation, in constructing, operating and maintaining the dam and fishway authorized under this act, shall be liable to any injured person in an action for the recovery of damages for the overflowing of lands.

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