



# HOUSE OF REPRESENTATIVES

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*Testimony of Rep. Kevin O'Connell introducing*  
**LD 909, An Act Regarding the Depth of Phillips Lake in the Town of Dedham**  
*Before the Joint Standing Committee on Environment and Natural Resources*

Senator Brenner, Representative Tucker and esteemed members of the Joint Standing Committee on Environment and Natural Resources, my name is Kevin O'Connell. I represent House District 128, which is most of the city of Brewer. Thank you for the opportunity to present **LD 909, An Act Regarding the Depth of Phillips Lake in the Town of Dedham**.

I bring this bill before you today to correct an action taken by the 122<sup>nd</sup> Maine Legislature back in 2005. Through LD 790, our predecessors supported a bill to create a private and special law regarding the water levels of Phillips Lake, which is located in Dedham. That bill came at the request of a Bangor resident with property on the lake who wanted to build on their property but was unable to do so. The bill was introduced to set a specific water-level, and, after it was amended and passed into law, it established that the State, rather than the Lucerne-in-Maine Village Corporation, would have control over the water level. From my understanding, this is the only lake in Maine that has their water levels dictated by the state.

At the time this bill was being worked in the Natural Resources Committee, a number of year-round residents of the lake and others, including the chair of the Board of Overseers for the Village of Lucerne, wrote to the committee in opposition to this bill. I have included with my testimony a few examples of such communications. I think Mr. Robert H. Fraser, a member of the Board of Overseers, made a very good point in his written testimony:

“One resident only has proposed this legislation. This truly does not reflect the feelings of the residents of Phillips Lake. Legislation should pass when it best affects the residents of an area. Legislation should be passed which reflects local residents need for changes. Legislation should be passed allowing state control when local control is not working. In this case, none of these is true and we urge your support in opposition of this bill.”

Despite their efforts, LD 790 passed through committee and the Legislature and became law.

The residents and property owners of Phillips Lake today continue to feel the effects of this bill. During the summer months, when there is less water feeding into the lake, the water level gets fairly low. It's also becoming more common for the water level to get low sooner and to remain low for longer than it has in the past. There are real concerns with low water levels during summer months, which can lead to algae blooms and choke out the fish, not to mention the toxic effect they could have on the people and dogs who frequent the water.

LD 909 seeks to return oversight of the water levels of Phillips Lake to the Lucerne-in-Maine Village Corporation, which they previously had from 1961 to 2005.

Thank you for your consideration of this proposal and for your attention. I am happy to answer any questions you may have for me.