

Lucerne - in - Maine Village Corporation



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Chair, Environment and Natural Resources Committee

Dear Committee Members:

The language in the attached draft of LD909 was worked out in conjunction with the bill's sponsor, Representative O'Connell. The Lucerne-in-Maine Village Corporation Overseers agree with the language in this draft.

The Board believes the language in section three describes a scope of protections from liability that municipalities in Maine enjoy under the Maine Tort Claims Act. Previous suits have challenged the authority of the Village to carry out normal municipal functions. While the Lucerne-in-Maine Village Corporation's rights as a quasi-municipality have been upheld in the past, we believe an explicit description of those liabilities is warranted due to the Village's unique status under the laws of the state.

Sincerely,


Lindell Rutherford
Overseer

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

Sec. 1. P&SL 2006 c. 44 is amended to read:

Sec. 1. 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. The Lucerne-in-Maine Village Corporation shall work closely with the Maine Department of Environmental Protection to maintain a dam height and water level that promotes the overall protection of lake habitat and water quality.

Sec. 2. The Corporation shall work in consultation with the town of Dedham to adopt process and procedures for managing the dam by ordinance including provisions for a committee to provide advice and recommendations for the management of the dam. Membership of the committee shall represent residents who own or control property in the Lucerne-in-Maine Village Corporation and the Town of Dedham.

Sec. 3. Nothing in this law should be construed as removing the immunity from suit on any and all tort claims seeking recovery of damages enjoyed by Lucerne-in-Maine Village Corporation. Lucerne-in-Maine Village Corporation shall be immune from liability in constructing, operating and maintaining the dam, including liability for damages from the change in the level of the lake or the overflow of the lake.