

MAINE STATE LEGISLATURE

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1 (After Deadline)
2 SECOND REGULAR SESSION
3

4 ONE HUNDRED AND TENTH LEGISLATURE
5

6 **Legislative Document**

No. 2048

7
8 S. P. 906

In Senate, March 3, 1982

Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 27.

Referred to the Committee on Energy and Natural Resources and ordered printed. Sent down for concurrence. Ordered Sent forthwith.

9 Presented by Senator J. Sewall of Penobscot.
MAY M. ROSS, Secretary of the Senate

Cosponsors: Representative J. Martin of Eagle Lake, Senator Conley of Cumberland and Representative Kelleher of Bangor.

10
11 STATE OF MAINE
12

13 IN THE YEAR OF OUR LORD
14 NINETEEN HUNDRED AND EIGHTY-TWO
15

16 AN ACT to Protect the Atlantic Salmon
17 Fishery in the Lower Penobscot River
18 from Veazie to the Southernmost
19 Point of Verona Island.
20

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

22 38 MRSA §418-A is enacted to read:

23 §418-A. Protection of the lower Penobscot River

24 The Legislature finds that the lower Penobscot River is
25 a unique and valuable natural resource. The lower Penobscot
26 River serves as an example to the Nation that good public
27 policy carefully implemented can restore and preserve our
28 natural resources. The river has supported and may again
29 support the greatest run of Atlantic salmon in North Amer-

1 ica. The Legislature declares that the preservation and
2 restoration of the lower Penobscot River is of the highest
3 priority and, in order to protect water quality and aquatic
4 resources and as an exercise of the public trust of the
5 State, no person, firm, corporation or other legal entity
6 may erect, operate or maintain any dam which obstructs or
7 restricts the flow of water in the section of the Penobscot
8 River from the Bangor Hydroelectric Company Dam located at
9 Veazie to the southernmost point of Verona Island.

10 For the purposes of this section, a dam is a structure
11 constructed into or across a river for the purpose of re-
12 stricting or obstructing the flow of water in that river and
13 excludes structures such as docks, wharves, piers, weirs,
14 causeways, buoys, water intake pipes and waste outflow
15 pipes.

16 STATEMENT OF FACT

17 The restoration of the Atlantic salmon to the lower
18 Penobscot River is nothing short of a miracle. It is esti-
19 mated that in 1650 there were 70,000 Atlantic salmon in the
20 river. By 1948, that number had dropped to 40. From 1955
21 to 1967, only 3 salmon were caught in the river. In 1970,
22 one fish was taken. In 1975, the number rose to 100. In
23 1981, there were about 4,000 in the river and approximately
24 1,000 were caught.

25 Without obstructions to the migratory passage, the
26 number of Atlantic salmon in the lower Penobscot River is
27 expected to rise to over 12,000 with an annual catch of
28 4,000.

29 Millions of public dollars have been spent to upgrade
30 water quality on the lower Penobscot River. A dam across
31 the river will negatively impact water quality by raising
32 the temperature and increasing sedimentation and turbidity
33 and will negatively impact upon the unique and valuable
34 anadromous fishery resource, especially the Atlantic salmon
35 by impeding migration for spawning purposes. Water quality
36 improvements have made the lower Penobscot River a premier
37 Atlantic salmon river on the North American continent. The
38 Penobscot River provides additional significant benefits to
39 the State, including increased boating opportunities, sight-
40 seeing and tourism.

41 The renewal of the waters in the lower Penobscot River
42 and the return of the Atlantic salmon generated approxi-

1 mately \$750,000 in new revenues to the Bangor area economy
2 in 1981. Projected increases in fishing should result in
3 revenues in excess of \$2,000,000. The emerging and expand-
4 ing commercial fishery in alewives, smelts and eels will
5 generate even greater revenues.

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