

# MAINE STATE LEGISLATURE

The following document is provided by the  
**LAW AND LEGISLATIVE DIGITAL LIBRARY**  
at the Maine State Law and Legislative Reference Library  
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied  
(searchable text may contain some errors and/or omissions)



# 114th MAINE LEGISLATURE

FIRST REGULAR SESSION - 1989

---

Legislative Document

No. 1363

H.P. 985

House of Representatives, April 26, 1989

Reference to the Committee on Energy and Natural Resources suggested and ordered printed.

*Ed Pert*

EDWIN H. PERT, Clerk

Presented by Representative DUFFY of Bangor.

Cosponsored by Representative JACQUES of Waterville, Representative RUHLIN of Brewer and Senator ERWIN of Oxford.

---

STATE OF MAINE

---

IN THE YEAR OF OUR LORD  
NINETEEN HUNDRED AND EIGHTY-NINE

---

An Act to Protect the Sunapee Charr.

---



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

3 **Sec. 1. 38 MRSA §480-T is enacted to read:**

5 **§480-T. Protection of Sunapee charr habitat**

7 1. Scope. The Sunapee charr, Salvelinus alpinus oquassa,  
9 is a rare species found in large numbers only in Floods Pond in  
11 the Town of Otis in Hancock County. In order to preserve and  
13 protect the habitat of the Sunapee charr, this section applies to  
Floods Pond and its watershed. Notwithstanding any other  
provision of this Title or Title 12, this section shall govern  
certain uses of Floods Pond and its watershed.

15 2. Introduction of water. No person may cause any water  
17 taken from any source outside of the Floods Pond watershed to be  
introduced into Floods Pond or its watershed.

19 3. Diversion of water. No person may take any action,  
21 including, but not limited to, taking or draining of water, which  
23 will cause the water level of Floods Pond to be lowered to a  
point below the average low-water level as determined by the  
Department of Inland Fisheries and Wildlife.

25 4. Introduction of aquatic organisms. No person may  
27 introduce, or cause to be introduced, any live aquatic organism  
into Floods Pond or its watershed.

29 5. Limitations on public use. No person may operate any  
31 watercraft powered by an engine producing more than 6 horsepower  
upon the waters of Floods Pond.

33 No person may operate a watercraft upon or may take fish from the  
35 portion of Floods Pond south and east of an imaginary line  
37 running from a post to be placed by the Department of Inland  
39 Fisheries and Wildlife at a spot on the north end of the pond, to  
41 a red marker to be placed by the department on or near a large  
43 boulder located approximately 1,650 feet south of a pumping  
station on the west shore. This subsection does not apply to  
officials and employees of the Department of Inland Fisheries and  
Wildlife, the Department of Environmental Protection and the  
Bangor Water District acting within the scope of their employment.

45 6. Violations and remedies. A person who violates this  
47 section is guilty of a prohibited act under Title 12, chapter  
49 707, subchapter XI and is subject to the penalties and procedures  
established under Title 12, chapter 721, subchapter I and Title  
12, section 7758.

51 **Sec. 2. P&SL 1957, c. 39, §2 is amended to read:**

53 **Sec. 2. Source of supply. The said district, for the**  
**purposes of its incorporation, is hereby authorized and empowered**

1 to purchase, take, hold, divert, use and distribute water from  
2 Floods-pond, Burnt pond, Little Burnt pond, Spectacle pond, Beech  
3 Hill pond, Snowshoe pond, and Fitts pond as they are now known in  
4 the counties of Penobscot and Hancock, as the case may be, or any  
5 of them. The district is empowered to purchase, take, hold,  
6 divert, use and distribute water from Floods Pond in the Town of  
7 Otis and Hancock County, subject to the restrictions of the Maine  
8 Revised Statutes, Title 38, section 480-T. Until such time as a  
9 water supply may be available from one or more of the ponds  
10 heretofore named, the District is authorized to take, hold,  
11 divert, use and distribute water from the Penobscot River for  
12 commercial or residential use.

13

15

### STATEMENT OF FACT

17

18 The Sunapee charr, *Salvelinus alpinus oquassa*, is a rare  
19 type of trout which is found in large numbers only in Floods Pond  
20 in Otis, and nowhere else in the world. This bill restricts  
21 activities at Floods Pond and within its watershed which would  
22 endanger the survival of the Sunapee charr.

23