

MAINE STATE LEGISLATURE

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ONE HUNDRED AND FOURTH LEGISLATURE

Legislative Document

No. 1099

H. P. 857

House of Representatives, February 27, 1969

Referred to the Committee on Inland Fisheries and Game. Sent up for concurrence and ordered printed.

BERTHA W. JOHNSON, Clerk

Presented by Mr. Carter of Winslow.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
SIXTY-NINE

AN ACT Providing for Adequate Fishways in Dams and Other Obstructions.

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

R. S., T. 12, § 2201, repealed and replaced. Section 2201 of Title 12 of the Revised Statutes, as amended, is repealed and the following enacted in place thereof:

§ 2201. Fishways

All rivers and streams and their tributaries are reserved as anadromous fish sanctuaries against undue industrial encroachment and it is declared to be the policy of the State that a flow of water sufficient to support gamefish and feedfish population be maintained at all times in said rivers, streams and their tributaries; and every dam or other obstruction across any of such rivers, streams or tributaries, above or below tidewaters, shall be provided with a durable and efficient fishway in accordance with specifications promulgated by the Commissioner of Inland Fisheries and Game. If such fishways are not constructed within one year of the receipt of said specifications and if thereafter it is not maintained so as to permit the passage of anadromous fish from April 1st to July 15th of each year, then such dam or obstruction is declared a public nuisance.

Ten citizens may bring an action in a Superior Court in the county in which such nuisance exists, against the owners and users of the dam or other obstruction, ex rel the Attorney General of the State and request a judicial declaration and judgment that said obstruction is a nuisance within the terms of this section and if the court finds that a nuisance within the terms of the section does exist, it shall issue an order to the Commissioner of Inland Fisheries and Game, directing him to destroy such dam or obstruction and no liability shall attach against anyone involved in such destruction.