

MAINE STATE LEGISLATURE

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(EMERGENCY)

ONE HUNDRED AND FIFTH LEGISLATURE

Legislative Document

No. 1191

H. P. 870

House of Representatives, February 26, 1971

Referred to Committee on Appropriations and Financial Affairs. Sent up for concurrence and ordered printed.

BERTHA W. JOHNSON, Clerk

Presented by Mr. Mills of Eastport.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
SEVENTY-ONE

**AN ACT Appropriating Funds for a Fishway on Boyden Lake Stream
in Perry.**

Emergency preamble. Whereas, Acts of the Legislature do not become effective until 90 days after adjournment unless enacted as emergencies; and

Whereas, the project must be authorized prior to May 1, 1971 in order to qualify for federal matching funds; and

Whereas, it is vitally necessary that the following legislation be enacted to obtain such funds so necessary for completion of the project; and

Whereas, in the judgment of the Legislature, these facts create an emergency within the meaning of the Constitution of Maine, and require the following legislation as immediately necessary for the preservation of the public peace, health and safety; now, therefore,

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

Sec. 1. Fishway. A durable engineered fishway shall be erected under the supervision of the State of Maine at the Eastport Water Company dam on Boyden Lake Stream in the Town of Perry for the passage of alewives and other migratory fish.

Sec. 2. Appropriation. There is appropriated from the Unappropriated Surplus of the General Fund the sum of \$19,000 to carry out the purposes of this Act, which shall not lapse but shall be a continuing carrying account until the completion of said fishway.

Emergency clause. In view of the emergency cited in the preamble, this Act shall take effect when approved.

STATEMENT OF FACT

This dam was built in 1911 and called for a fishway. Work on dam stopped in late November and fishway was to be built in the spring, never done. The run of alewives in this stream are stopped by the dam, gathered from the stream below the dam by the youth of the area, and put into the stream above the dam. Now the youth are nearly all gone. To provide forage fish in Boyden Lake for the landlocked Salmon, Brook Trout, Small Mouth Bass, etc. Also, provide bait for lobstermen, and in future alewife increase be a partial source of supply for fishmeal and other byproducts.

The cost of this fishway is estimated at \$38,000, of which \$19,000 is available from federal funds under the Anadromous Fisheries Act.