

MAINE STATE LEGISLATURE

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1

L.D. 2048

(Filing No. S-436)

2

STATE OF MAINE

3

SENATE

4

110TH LEGISLATURE

5

SECOND REGULAR SESSION

6

COMMITTEE AMENDMENT "A" to S.P. 906, L.D. 2048, Bill,
7 "AN ACT to Protect the Atlantic Salmon Fishery in the Lower
8 Penobscot River from Veazie to the Southernmost Point of
9 Verona Island."

10

Amend the bill by striking out everything after the
11 enacting clause and inserting in its place the following:

12

'38 MRSA §418-A is enacted to read:

13

§418-A. Protection of the lower Penobscot River

14

1. Findings. The Legislature finds that the lower
15 Penobscot River is a unique and valuable natural resource.
16 The lower Penobscot River serves as an example to the Nation
17 that good public policy carefully implemented can restore
18 and preserve our natural resources. The river has supported
19 and is again beginning to support the greatest run of Atlan-
20 tic salmon in North America and provide a unique fishing
21 opportunity for Maine residents. The Legislature declares
22 that the preservation and restoration of the lower Penobscot
23 River is of the highest priority.

24

2. Prohibition. To protect water quality and aquatic
25 resources, fisheries and fishing opportunities, and as an
26 exercise of the public trust of the State, no person, firm,
27 corporation, municipality or other legal entity may erect,
28 operate, maintain or use any dam on that portion of the
29 Penobscot River downstream from the Bangor Hydroelectric
30 Company Dam located at Veazie to the southernmost point of
31 Verona Island for any purpose not previously legislatively
32 authorized or otherwise acquired by operation of law given
33 the State's and the public's constitutional, statutory and
34 common law title, rights, interests and sovereign presump-
35 tions in that portion of the Penobscot River.

36

3. Study authorized. Any person, firm, corporation,
37 municipality or other legal entity may study the feasibility
38 of erecting, operating, maintaining or using a dam for

1 COMMITTEE AMENDMENT "A" to S.P. 906, L.D. 2048

2 hydroelectric generation on the portion of the Penobscot
3 River described in subsection 2, provided that the study
4 must consider findings in subsection 1 and provided that any
5 dam to be erected, operated, maintained or used on the
6 section of the river described in subsection 2 must receive
7 explicit legislative authorization prior to the erection,
8 operation, maintenance or use of a dam or application for
9 licenses or permits for the erection, operation, maintenance
10 or use of a dam from any state or federal agency.

11 STATEMENT OF FACT

12 There is some ambiguity on whether the Legislature has
13 granted the City of Bangor the right to maintain a dam on
14 the lower Penobscot River for the purposes of generating
15 hydroelectric power. This amendment is intended not to
16 infringe on any existing legal rights, but requires specific
17 legislative approval for expansion of any rights for hydro-
18 electric generation.

19 The amendment authorizes a study of the feasibility of
20 hydroelectric generation on this portion of the Penobscot
21 River, and requires any such study to consider the existing
22 rights of that person, firm or municipality to generate
23 hydroelectric power.

24

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Reported by the Committee on Energy and Natural Resources.

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