

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)

1
3
5
7
9
11
13
15
17
19
21
23
25
27
29
31
33
35
37
39
41
43
45
47
49
51

L.D. 1161
(Filing No. H- 272)

STATE OF MAINE
HOUSE OF REPRESENTATIVES
114TH LEGISLATURE
FIRST REGULAR SESSION

COMMITTEE AMENDMENT "A" to H.P. 829, L.D. 1161, Bill, "An Act to Make Hydropower Project Operators Financially Responsible for Fish Kills"

Amend the bill by striking out all of the title and inserting in its place the following:

'An Act to Make Dam Owners Responsible for the Proper Functioning of Fishways'

Further amend the bill by striking out everything after the enacting clause and before the statement of fact and inserting in its place the following:

'Sec. 1. 12 MRSA §§6124 and 6125 are enacted to read:

§6124. Violations; penalty

It shall be considered a violation of this subchapter if a fish kill results from the improper operation of a fishway required pursuant to this subchapter. The department may assess a fine equivalent to the value of the fish killed but not more than \$10,000 for each day of that violation.

§6125. Rules

The Department of Marine Resources and the Department of Inland Fisheries and Wildlife shall jointly make rules defining "fish kill."

Sec. 2. 12 MRSA §§7701-C and 7701-D are enacted to read:

§7701-C. Violations; penalty

It shall be considered a violation of this subchapter if a fish kill results from the improper operation of a fishway required pursuant to this subchapter. The department may assess a fine equivalent to the value of the fish killed but not more than \$10,000 for each day of that violation.

1
3
5
7
9
11
13
15
17
19
21
23
25
27
29

§7701-D. Rules

The Department of Marine Resources and the Department of Inland Fisheries and Wildlife shall jointly make rules defining "fish kill."

FISCAL NOTE

It is anticipated that the Department of Marine Resources and the Department of Inland Fisheries and Wildlife would absorb all cost associated with the establishment of rules defining "fish kill." Also, this bill could result in additional cases filed in the state court system. However, the Judicial Department would absorb any additional costs utilizing existing resources.'

STATEMENT OF FACT

This amendment broadens the scope of the original bill to make it a violation for improper operation of a fishway which results in a fish kill. The Department of Marine Resources and the Department of Inland Fisheries and Wildlife shall jointly make rules to define "fish kill." The penalty shall equal the value of the fish killed but not exceed \$10,000 each day the violation continues.

The amendment also adds a fiscal note.

Reported by the Committee on Utilities
Reproduced and distributed under the direction of the Clerk of the House
5/23/89 (Filing No. H-272)