

MAINE STATE LEGISLATURE

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120th MAINE LEGISLATURE

FIRST REGULAR SESSION-2001

Legislative Document

No. 151

H.P. 140

House of Representatives, January 16, 2001

An Act to Ensure that Fishways on Inland Waters are Working.

Reference to the Committee on Inland Fisheries and Wildlife suggested and ordered printed.

Millicent M. MacFarland

MILLICENT M. MacFARLAND, Clerk

Presented by Representative HONEY of Boothbay.
Cosponsored by Representatives: DUGAY of Cherryfield, DUNLAP of Old Town,
LaVERDIERE of Wilton, MAYO of Bath, TRAHAN of Waldoboro.

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

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4 **Sec. 1. 12 MRSA §7701-A, sub-§7**, as enacted by PL 1983, c. 374, §2, is amended to read:

6 **7. Privileged entry.** The commissioner, ~~his~~ the
7 ~~commissioner's~~ agents or subcontractors ~~shall-be-privileged-to~~
8 may enter upon any private land in order to ~~periodically~~ examine,
9 at least annually, fishways in dams or other artificial
10 obstructions and the examination of dams provided in subsection
11 2. The commissioner shall notify the landowner, lessee or other
12 person in control of the dam when the examination will take place
13 and the time required to complete the examination. The
14 commissioner shall make every effort to preserve private land and
15 shall restore surrounding lands to the grade and condition
16 existing prior to entry, if economically feasible.

18 **Sec. 2. 12 MRSA §7701-C**, as enacted by PL 1989, c. 275, §2,
19 is amended to read:

20 **§7701-C. Violations; fines**

21 It ~~shall-be~~ is considered a violation of this subchapter if
22 a fish kill results from the improper operation of a fishway
23 required pursuant to this subchapter. The department may assess
24 a fine equivalent to the value of the fish killed but not more
25 than \$10,000 for each day of that violation. The department
26 shall adopt rules to establish a schedule of fines for each
27 violation involving the improper operation of a fishway. Rules
28 adopted pursuant to this section are routine technical rules as
29 defined in Title 5, chapter 375, subchapter II-A.

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33 **SUMMARY**

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35 This bill requires that the Department of Inland Fisheries
36 and Wildlife check fishways at least annually. It also requires
37 the department to adopt rules to establish a schedule of fines
38 for violations involving the improper operation of a fishway.