

# MAINE STATE LEGISLATURE

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R 43

L.D. 365

DATE: 5-14-01

(Filing No. H-433)

**REPORT B**  
**INLAND FISHERIES AND WILDLIFE AND MARINE RESOURCES**

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**STATE OF MAINE**  
**HOUSE OF REPRESENTATIVES**  
**120TH LEGISLATURE**  
**FIRST REGULAR SESSION**

COMMITTEE AMENDMENT "A" to H.P. 287, L.D. 365, Bill, "An Act to Restore the Passage of Alewives on the St. Croix River"

Amend the bill by striking out everything after the title and before the summary and inserting in its place the following:

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

**Sec. 1. 12 MRSA §6134**, as enacted by PL 1995, c. 48, §1, is repealed and the following enacted in its place:

**§6134. Alewives passage; fishways on St. Croix River**

**1. Fishways must allow passage of alewives.** By May 1, 2002, the commissioner and the Commissioner of Inland Fisheries and Wildlife shall ensure that fishways on the Woodland Dam and the Grand Falls Dam, both located on the St. Croix River, are configured or operated in a manner that allows the passage of no more than 90,000 alewives per year.

**2. Reporting requirement.** The department in conjunction with the Department of Inland Fisheries and Wildlife shall report to the joint standing committee of the Legislature having jurisdiction over inland fisheries and wildlife matters and the joint standing committee of the Legislature having jurisdiction over marine resources matters on December 31, 2003 and every 2 years thereafter regarding the impact the run of alewives

**COMMITTEE AMENDMENT**

permitted under this section has on upstream ecosystems and fisheries.

**3. Closure of the fishways on the St. Croix River.** The commissioner and the Commissioner of Inland Fisheries and Wildlife, or their successor agencies, have rule-making authority to temporarily or permanently close fishways on the St. Croix River if the commissioners concur in their assessment that the fisheries in the St. Croix River are suffering an adverse impact from the presence of anadromous fish utilizing the fishways on the St. Croix River. The commissioners shall issue a report to the joint standing committee of the Legislature having jurisdiction over inland fisheries and wildlife matters and the joint standing committee of the Legislature having jurisdiction over marine resources matters within 90 days of closure of the fishways. Rules adopted pursuant to this section are routine technical rules as defined in Title 5, chapter 375, subchapter II-A.'

Further amend the bill by inserting at the end before the summary the following:

#### FISCAL NOTE

The Department of Marine Resources and the Department of Inland Fisheries and Wildlife will incur some minor additional costs to submit required reports to the Legislature, to adopt certain rules and to close certain fishways under certain circumstances. These costs can be absorbed within the departments' existing budgeted resources.'

#### SUMMARY

This amendment removes the emergency provisions and requires the Department of Marine Resources and the Department of Inland Fisheries and Wildlife to allow the passage of no more than 90,000 alewives annually at the Woodland Dam and Grand Falls Dam located on the St. Croix River by May 1, 2002. The amendment also requires both departments to report back to the joint standing committee of the Legislature having jurisdiction over inland fisheries and wildlife matters and the joint standing committee of the Legislature having jurisdiction over marine resources matters on December 31, 2003 and every 2 years thereafter regarding the impact the additional alewives have on the upstream ecosystem and fisheries. The amendment grants the Commissioner of Marine Resources and the Commissioner of Inland Fisheries and Wildlife the authority to close the fishway by routine technical rulemaking if the commissioners determine that

COMMITTEE AMENDMENT "A" to H.P. 287, L.D. 365

2 the fisheries in the St. Croix River are being adversely impacted  
by anadromous fish utilizing the fishways on the river. The  
4 amendment requires the commissioners to report back to the joint  
standing committee of the Legislature having jurisdiction over  
inland fisheries and wildlife matters and the joint standing  
6 committee of the Legislature having jurisdiction over marine  
resources matters within 90 days of the closure of a fishway on  
8 the St. Croix River. It also adds a fiscal note to the bill.