

MAINE STATE LEGISLATURE

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MARINE RESOURCES

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

COMMITTEE AMENDMENT "A" to H.P. 464, L.D. 592, Bill, "An Act to Ensure that Fishways on Tidal Waters are Working"

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

'Sec. 1. 12 MRSA §6121, sub-§2, as repealed and replaced by PL 1983, c. 388, §1, is amended to read:

2. Examination of dams. The commissioner shall periodically annually examine all dams and other artificial obstructions to fish passage within the coastal waters in order to determine whether fishways are necessary, sufficient or suitable for the passage of anadromous fish.

Sec. 2. 12 MRSA §6121, sub-§7, as repealed and replaced by PL 1983, c. 388, §1, is amended to read:

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

COMMITTEE AMENDMENT

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

FISCAL NOTE

The Department of Marine Resources will incur some minor additional costs to conduct certain inspections. These costs can be absorbed within the department's existing budgeted resources.'

SUMMARY

This amendment requires the Commissioner of Marine Resources to annually examine all dams and other artificial obstructions to fish passage within the coastal waters. The amendment also removes the requirement to adopt rules to establish a schedule of fines for violations involving the improper operation of a fishway. The amendment also adds a fiscal note to the bill.