

MAINE STATE LEGISLATURE

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120th MAINE LEGISLATURE

FIRST REGULAR SESSION-2001

Legislative Document

No. 592

H.P. 464

House of Representatives, February 8, 2001

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

Reference to the Committee on Marine Resources suggested and ordered printed.

Millicent M. MacFarland

MILLICENT M. MacFARLAND, Clerk

Presented by Representative HONEY of Boothbay.
Cosponsored by Senator KILKELLY of Lincoln and
Representatives: McNEIL of Rockland, PERKINS of Penobscot, PINKHAM of Lamoine,
USHER of Westbrook.

2
3 **Be it enacted by the People of the State of Maine as follows:**

4 **Sec. 1. 12 MRSA §6121, sub-§7**, as repealed and replaced by PL
5 1983, c. 388, §1, is amended to read:

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

17 **Sec. 2. 12 MRSA §6124**, as amended by PL 1999, c. 771, Pt. B,
18 §2 and affected by Pt. D, §§1 and 2, is further amended to read:

19 **§6124. Violations; penalty**

20
21 A person who improperly operates a fishway required pursuant
22 to this subchapter commits a civil violation for which a
23 forfeiture equivalent to the value of the fish killed but not
24 more than \$10,000 for each day of that violation may be
25 adjudged. The department shall adopt rules to establish a
26 schedule of fines for each violation involving the improper
27 operation of a fishway. Rules adopted pursuant to this section
28 are routine technical rules as defined in Title 5, chapter 375,
29 subchapter II-A.
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31

32
33 **SUMMARY**

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