

MAINE STATE LEGISLATURE

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Date: 06-08-07

(Filing No. S- 254)

MARINE RESOURCES

Reproduced and distributed under the direction of the Secretary of the Senate.

STATE OF MAINE

SENATE

123RD LEGISLATURE

FIRST REGULAR SESSION

Majority

COMMITTEE AMENDMENT "A" to S.P. 551, L.D. 1528, Bill, "An Act To Protect Native Diadromous Fish during Their Migration"

Amend the bill by striking out the title and substituting the following:

'Resolve, To Require State Agencies with Jurisdiction over Dams To Review and Update Plans for the Passage of Native Diadromous Fish'

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

'Sec. 1. Diadromous fish passage over dams on the Kennebec River and Sebasticook River. Resolved: That the Department of Inland Fisheries and Wildlife, the Department of Marine Resources and the Department of Environmental Protection, referred to in this resolve as "the departments," shall conduct a detailed review of their efforts to provide eel and other native diadromous fish species both upstream and downstream passage over dams on the Kennebec River and the Sebasticook River. The review must include but not be limited to current, past and planned activities, an evaluation of the effectiveness of those activities with regard to all diadromous fish, measures needed to ensure diadromous fish passage on those rivers and the feasibility of options to provide that passage; and be it further

Sec. 2. Reports on impediments to carrying out current plans to provide diadromous fish passage on all rivers. Resolved: That the departments shall review current plans to provide eel and other diadromous fish passage on all rivers of the State, identify impediments to carrying out those plans and develop options to remove those impediments; and be it further

Sec. 3. Fish kills. Resolved: That the departments shall develop a proposed amendment to the water quality classifications and standards in the Maine Revised Statutes, Title 38 that includes fish kills within those standards and classifications and provides a definition for "fish kill" that identifies the levels or percentages of fish kill that

COMMITTEE AMENDMENT

2008

COMMITTEE AMENDMENT "A" to S.P. 551, L.D. 1528

1 are acceptable based on the size and kind of dam and the biological requirements of a
2 particular species of diadromous fish involved. The departments shall consult with the
3 appropriate experts on the proposed amendment and review current state and federal law
4 to ensure the amendment, to the maximum extent possible, enhances the State's ability to
5 require fish passage at licensed and unlicensed dams; and be it further

6 **Sec. 4. Board of Environmental Protection timelines. Resolved:** That the
7 Department of Environmental Protection shall determine the need and feasibility of
8 establishing or modifying timelines within which the Board of Environmental Protection
9 must respond to a citizen petition brought under the Maine Revised Statutes, Title 38
10 related to water quality issues and, if the Board of Environmental Protection accepts a
11 petition, a timeline within which it must issue a decision on the merits of that petition;
12 and be it further

13 **Sec. 5. Report. Resolved:** That the departments shall report their findings and
14 recommendations along with implementing legislation jointly to the Joint Standing
15 Committee on Marine Resources and the Joint Standing Committee on Natural Resources
16 no later than January 30, 2008. The Joint Standing Committee on Marine Resources and
17 the Joint Standing Committee on Natural Resources may jointly submit legislation to the
18 Second Regular Session of the 123rd Legislature related to the report.'

19 **SUMMARY**

20 This amendment replaces the bill with a resolve and directs the Department of Inland
21 Fisheries and Wildlife, the Department of Marine Resources and the Department of
22 Environmental Protection to do the following:

23 1. Conduct a detailed review of current efforts to provide eel and other native
24 diadromous fish species both upstream and downstream passage over dams on the
25 Kennebec River and the Sebasticook River;

26 2. Review current plans and identify impediments to providing eel and other
27 diadromous fish upstream and downstream passage on all rivers of the State;

28 3. Develop an amendment to the water quality classifications and standards in the
29 Maine Revised Statutes, Title 38 that includes fish kills within those standards and
30 classifications and provides a definition for "fish kill" and consult with the appropriate
31 experts on the proposed amendment and definition to determine if it will allow the State
32 to require fish passage at licensed and unlicensed dams;

33 4. Determine the need and feasibility of establishing or modifying timelines within
34 which the Board of Environmental Protection must respond to a citizen petition and, if
35 the Board of Environmental Protection accepts a petition, a timeline within which it must
36 issue a decision on the merits of that petition; and



Approved: 06/04/07 *MAC*

123rd MAINE LEGISLATURE

LD 1528

LR 1911(02)

An Act To Protect Native Diadromous Fish during Their Migration

Fiscal Note for Bill as Amended by Committee Amendment "A"

Committee: Marine Resources

Fiscal Note Required: Yes

Fiscal Note

Minor cost increase - General Fund

Fiscal Detail and Notes

The additional costs to the Department of Inland Fisheries and Wildlife, the Department of Marine Resources and the Department of Environmental Protection can be absorbed utilizing existing budgeted resources.