

MAINE STATE LEGISLATURE

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125th MAINE LEGISLATURE

FIRST REGULAR SESSION-2011

Legislative Document

No. 134

H.P. 116

House of Representatives, January 20, 2011

An Act To Protect Native Landlocked Salmon Fisheries from Invasive Fish Species

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

A handwritten signature in cursive script that reads "Heather J.R. Priest".

HEATHER J.R. PRIEST
Clerk

Presented by Representative DAVIS of Sangerville.
Cosponsored by Senator THOMAS of Somerset and
Representatives: BLACK of Wilton, CLARK of Millinocket, CRAFTS of Lisbon, CRAY of
Palmyra, FREDETTE of Newport, GIFFORD of Lincoln, Senators: ROSEN of Hancock,
SAVIELLO of Franklin.

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

2 **Sec. 1. 12 MRSA §12760, sub-§1**, as enacted by PL 2003, c. 414, Pt. A, §2 and
3 affected by c. 614, §9, is amended to read:

4 **1. Commissioner's authority.** In order to conserve, develop or restore anadromous
5 or migratory fish resources, the commissioner may require a fishway to be erected,
6 maintained, repaired or altered by the owners, lessors or other persons in control of any
7 dam or other artificial obstruction within inland waters frequented by alewives, shad,
8 salmon, sturgeon or other anadromous or migratory fish species.

9 The commissioner may not require or authorize a fishway or fish bypass structure at a
10 dam on the outlet of Sebec Lake in the Town of Sebec or at a dam on the Sebec River in
11 the Town of Milo that would allow the upstream passage of an invasive fish species
12 known to be present downstream in the Piscataquis River or Penobscot River drainage.
13 For the purposes of this section, “invasive fish species” means those invasive fish species
14 identified in the action plan for managing invasive aquatic species developed pursuant to
15 Title 38, section 1872.

16 **Sec. 2. 12 MRSA §12760, sub-§9** is enacted to read:

17 **9. Sebec Lake and Sebec River dams; fishways prohibited.** The owners, lessors
18 or other persons in control of a dam on the outlet of Sebec Lake in the Town of Sebec or
19 a dam on the Sebec River in the Town of Milo may not construct or authorize the
20 construction of a fishway or fish bypass structure that would allow the upstream passage
21 of an invasive fish species known to be present downstream in the Piscataquis River or
22 Penobscot River drainage.

23 A. A person who violates this subsection commits a civil violation for which a fine
24 of not less than \$500 or more than \$1,000 may be adjudged.

25 B. A person who violates this subsection after having been adjudicated as having
26 committed 3 or more civil violations under this Part within the previous 5-year period
27 commits a Class E crime.

28 **SUMMARY**

29 This bill prohibits the construction of a fishway or fish bypass structure at the dam on
30 the outlet of Sebec Lake in the Town of Sebec and at the dam on the Sebec River in the
31 Town of Milo that would allow the upstream passage of an invasive fish species known
32 to be present downstream in the Piscataquis River or Penobscot River drainage.