

# MAINE STATE LEGISLATURE

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# 125th MAINE LEGISLATURE

## SECOND REGULAR SESSION-2012

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Legislative Document

No. 1849

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S.P. 643

In Senate, March 8, 2012

**An Act To Protect Native Landlocked Salmon Fisheries in Schoodic  
and Seboeis Lakes from Invasive Fish Species**

(AFTER DEADLINE)

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Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 205.

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

*Joseph G. Carleton Jr.*

JOSEPH G. CARLETON, JR.  
Secretary of the Senate

Presented by Senator THOMAS of Somerset.  
Cosponsored by Representative DAVIS of Sangerville.

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

2 **Sec. 1. 12 MRSA §12760, sub-§1**, as amended by PL 2011, c. 24, §1, is further  
3 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, at a dam on the outlet of Schoodic Lake in Lake View Plantation or at  
12 a dam on Schoodic Stream in the Town of Medford or at a dam on the outlet of Seboeis  
13 Lake or at a dam on the west branch of Seboeis Stream in the Town of Howland that  
14 would allow the upstream passage of an invasive fish species known to be present  
15 downstream in the Piscataquis River or Penobscot River drainage. For the purposes of  
16 this section, “invasive fish species” means those invasive fish species identified in the  
17 action plan for managing invasive aquatic species developed pursuant to Title 38, section  
18 1872.

19 **Sec. 2. 12 MRSA §12760, sub-§9**, as enacted by PL 2011, c. 24, §2, is amended  
20 to read:

21 **9. Certain lake, river and stream dams; fishways prohibited.** Notwithstanding  
22 any other provision of law to the contrary, the owners, lessors or other persons in control  
23 of a dam on the outlet of Sebec Lake in the Town of Sebec, of Schoodic Lake in Lake  
24 View Plantation or of Seboeis Lake or a dam on the Sebec River in the Town of Milo, on  
25 the Schoodic Stream in the Town of Medford or on the west branch of the Seboeis Stream  
26 in the Town of Howland may not construct or authorize the construction of a fishway or  
27 fish bypass structure that would allow the upstream passage of an invasive fish species  
28 known to be present downstream in the Piscataquis River or Penobscot River drainage.

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

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

34 **SUMMARY**

35 This bill prohibits the construction of a fishway or fish bypass structure at the dams at  
36 the outlets of Schoodic Lake and Seboeis Lake that would allow the upstream passage of  
37 an invasive fish species known to be present downstream in the Piscataquis River or  
38 Penobscot River drainage.