

# MAINE STATE LEGISLATURE

The following document is provided by the  
**LAW AND LEGISLATIVE DIGITAL LIBRARY**  
at the Maine State Law and Legislative Reference Library  
<http://legislature.maine.gov/lawlib>



Reproduced from electronic originals  
(may include minor formatting differences from printed original)



# 126th MAINE LEGISLATURE

## FIRST REGULAR SESSION-2013

---

Legislative Document

No. 72

H.P. 65

House of Representatives, January 22, 2013

### **An Act To Open the St. Croix River to River Herring**

(EMERGENCY)

---

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

*Millicent M. MacFarland*  
MILLICENT M. MacFARLAND  
Clerk

Presented by Representative SOCTOMAH of the Passamaquoddy Tribe.  
Cosponsored by Senator DUTREMBLE of York and  
Representatives: AYOTTE of Caswell, BEAR of the Houlton Band of Maliseet Indians,  
BEAUDOIN of Biddeford, BERRY of Bowdoinham, DOAK of Columbia Falls, MITCHELL  
of the Penobscot Nation, PARRY of Arundel, Senator: JACKSON of Aroostook.

1 **Emergency preamble. Whereas,** acts and resolves of the Legislature do not  
2 become effective until 90 days after adjournment unless enacted as emergencies; and

3 **Whereas,** river herring were once abundant in the St. Croix watershed and play a  
4 vital ecological role in that watershed and the near-shore marine ecosystem; and

5 **Whereas,** the decline in the river herring population in the St. Croix watershed  
6 affects the ecological and economic health of that watershed and the near-shore marine  
7 ecosystem; and

8 **Whereas,** the prohibition on allowing river herring to pass upstream from the Grand  
9 Falls Dam on the St. Croix River is a significant impediment to the restoration of river  
10 herring to historic levels in the St. Croix watershed; and

11 **Whereas,** legislation allowing unimpeded passage of river herring upstream from  
12 the Grand Falls Dam on the St. Croix River needs to take effect prior to the river herring's  
13 spring spawning run; and

14 **Whereas,** in the judgment of the Legislature, these facts create an emergency within  
15 the meaning of the Constitution of Maine and require the following legislation as  
16 immediately necessary for the preservation of the public peace, health and safety; now,  
17 therefore,

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

19 **Sec. 1. 12 MRSA §6134,** as amended by PL 2011, c. 598, §12, is repealed and the  
20 following enacted in its place:

21 **§6134. River herring passage; fishways on the St. Croix River**

22 By May 1, 2013, the commissioner and the Commissioner of Inland Fisheries and  
23 Wildlife shall ensure that the fishways on the Woodland Dam and the Grand Falls Dam  
24 located on the St. Croix River are configured or operated in a manner that allows the  
25 unconstrained passage of river herring.

26 **Emergency clause.** In view of the emergency cited in the preamble, this  
27 legislation takes effect when approved.

## 28 SUMMARY

29 This bill provides that, by May 1, 2013, the Commissioner of Marine Resources and  
30 the Commissioner of Inland Fisheries and Wildlife must ensure the fishways on the  
31 Woodland Dam and the Grand Falls Dam located on the St. Croix River are configured or  
32 operated in a manner that allows the unconstrained passage of river herring.