

# MAINE STATE LEGISLATURE

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# 126th MAINE LEGISLATURE

## FIRST REGULAR SESSION-2013

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Legislative Document

No. 931

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H.P. 655

House of Representatives, March 7, 2013

### **An Act To Prevent Fish Kills and To Allow for Recreational Use of Sebago Lake**

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

*Millicent M. MacFarland*  
MILLICENT M. MacFARLAND  
Clerk

Presented by Representative SHAW of Standish.  
Cosponsored by Senator PLUMMER of Cumberland and  
Representatives: KINNEY of Limington, MAREAN of Hollis, McCLELLAN of Raymond,  
POWERS of Naples, TYLER of Windham, VOLK of Scarborough, Senators: HAMPER of  
Oxford, KATZ of Kennebec.

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

2 **Sec. 1. 12 MRSA §12760, sub-§10** is enacted to read:

3 **10. Certain lakes, rivers and streams; flow prescribed.** Notwithstanding any  
4 other provision of law to the contrary, the owners, lessors, operators or other persons in  
5 control of a dam on an outlet of Sebago Lake that controls the level of Sebago Lake and  
6 the flows entering the Presumpscot River shall maintain an instantaneous minimum water  
7 flow of 250 cubic feet per second through the passageway whenever the water levels of  
8 Sebago Lake fall to or below 265 feet mean sea level on or between May 15th and  
9 August 1st annually, or 264 feet mean sea level on or between August 2nd and November  
10 1st annually, in order to prevent fish kills and allow for recreational use of public access  
11 to Sebago Lake. When the 250 cubic feet per second instantaneous minimum water flow  
12 rate is implemented under this section, the owners, lessors, operators or other persons in  
13 control of a dam on the outlet of Sebago Lake shall divert an instantaneous minimum  
14 water flow of 100 cubic feet per second into any existing bypass to allow the upstream  
15 passage of salmon and other resident species from the Presumpscot River.

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

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

21 **SUMMARY**

22 This bill establishes water flow requirements for a dam and bypass area that controls  
23 the water level of Sebago Lake and the flows entering the Presumpscot River to prevent  
24 fish kills and to allow for recreational use of public access to Sebago Lake.