

# MAINE STATE LEGISLATURE

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# 131st MAINE LEGISLATURE

## FIRST REGULAR SESSION-2023

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Legislative Document

No. 1049

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S.P. 418

In Senate, March 7, 2023

### An Act to Protect Maine's Inland Fisheries from Invasive Fish

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

A handwritten signature in black ink, appearing to read "D M Grant".

DAREK M. GRANT  
Secretary of the Senate

Presented by Senator BLACK of Franklin.  
Cosponsored by Representative HEPLER of Woolwich and  
Representatives: LANDRY of Farmington, MASON of Lisbon.

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 2017, c. 150, §9, is further  
3 amended to read:

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

10 The commissioners may not require or authorize a fishway or fish bypass structure at a dam  
11 on the outlet of Sebec Lake in the Town of Sebec or at a dam on the Sebec River in the  
12 Town of Milo or at a dam on the outlet of Schoodic Lake in Lake View Plantation or at a  
13 dam on the outlet of Seboeis Lake in Township 4, Range 9 NWP or at a dam located on the  
14 Penobscot River in the Town of Medway that would allow the upstream passage of an  
15 invasive fish species known to be present downstream in the Piscataquis River or Penobscot  
16 River drainage. The commissioners shall require a vertical barrier at least 4 feet tall in the  
17 fishway located at the dam on the Piscataquis River at Brown's Mill in the Town of Dover-  
18 Foxcroft to prevent the upstream passage of invasive fish species. For the purposes of this  
19 section, “invasive fish species” means those invasive fish species identified in the action  
20 plan for managing invasive aquatic species developed pursuant to Title 38, section 1872.

21 **Sec. 2. 12 MRSA §12760, sub-§9**, as amended by PL 2011, c. 612, §1, is further  
22 amended to read:

23 **9. Certain lakes, rivers and streams; fishways prohibited.** Notwithstanding any  
24 ~~other~~ provision of law to the contrary, the owners, lessors or other persons in control of a  
25 dam on the outlet of Sebec Lake in the Town of Sebec, of Schoodic Lake in Lake View  
26 Plantation or of Seboeis Lake or a dam on the Sebec River in the Town of Milo or a dam  
27 on the Penobscot River in the Town of Medway or a dam on the Piscataquis River at  
28 Brown's Mill in the Town of Dover-Foxcroft may not construct or authorize the  
29 construction of a fishway or fish bypass structure that would allow or remove or modify a  
30 current fish barrier so as to allow the upstream passage of an invasive fish species known  
31 to be present downstream in the Piscataquis River or Penobscot River drainage.

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

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

37 **SUMMARY**

38 This bill prohibits the Commissioner of Inland Fisheries and Wildlife and the  
39 Commissioner of Marine Resources from authorizing the construction of a fishway or fish  
40 bypass structure at a dam on the Penobscot River in the Town of Medway and directs the  
41 commissioners to require a vertical barrier at least 4 feet tall in the fishway located at the  
42 dam on the Piscataquis River at Brown's Mill in the Town of Dover-Foxcroft to prevent  
43 the upstream passage of invasive fish species. It also prohibits the owners, lessors or other

1 persons in control of a dam on the Penobscot River in the Town of Medway and a dam on  
2 the Piscataquis River at Brown's Mill in the Town of Dover-Foxcroft from constructing or  
3 authorizing the construction of a fishway or fish bypass structure or removing or modifying  
4 current fish barriers so as to allow the upstream passage of invasive fish species.