



# 125th MAINE LEGISLATURE

## FIRST REGULAR SESSION-2011

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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**

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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.