



129th MAINE LEGISLATURE

FIRST REGULAR SESSION-2019

Legislative Document

No. 817

S.P. 253

In Senate, February 14, 2019

An Act To Advance the Restoration of the Penobscot River

Reference to the Committee on Environment and Natural Resources 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 DILL of Penobscot.
Cosponsored by Representative DUNPHY of Old Town and
Senators: GRATWICK of Penobscot, ROSEN of Hancock, Representative: DRINKWATER of
Milford.

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

2 **Sec. 1. 38 MRSA §418-A**, as enacted by PL 1981, c. 674, is amended to read:

3 **§418-A. Protection of the lower Penobscot River**

4 **1. Findings.** The Legislature finds that the lower Penobscot River is a unique and
5 valuable natural resource. The lower Penobscot River serves as an example to the Nation
6 that good public policy carefully implemented can restore and preserve our natural
7 resources. The river has supported, and is again beginning to support, the greatest run of
8 Atlantic salmon and 11 other species of anadromous fish in North America, providing a
9 unique fishing opportunity for Maine residents and members of the Penobscot Indian
10 Nation. The Legislature declares that the preservation and restoration of the lower
11 Penobscot River is of the highest priority.

12 **2. Prohibition.** To protect water quality and aquatic resources, fisheries and fishing
13 opportunities, and as an exercise of the public trust of the State, no person, firm,
14 corporation, municipality or other legal entity may erect, operate, maintain or use any
15 dam on that portion of the Penobscot River downstream from the ~~Bangor Hydroelectric~~
16 ~~Company Dam located at Veazie~~ Milford Dam located between Milford and Old Town,
17 except that portion of the river known as the Stillwater Branch, to the southernmost point
18 of Verona Island for any purpose not previously authorized by act, resolve or operation of
19 law, unless specifically authorized by the Legislature.

20 ~~**3. Study authorized.** Any person, firm, corporation, municipality or other legal~~
21 ~~entity may study the feasibility of erecting, operating, maintaining or using a dam for~~
22 ~~hydroelectric generation on the portion of the Penobscot River described in subsection 2.~~

23 **Sec. 2. Study.** The Department of Marine Resources, the Department of Inland
24 Fisheries and Wildlife and the Department of Environmental Protection, referred to in
25 this section as "the departments," in consultation with the Penobscot Indian Nation and
26 interested federal agencies, shall conduct a comprehensive assessment of fish passage
27 barriers, water quality and habitat conditions affecting the full restoration of fisheries
28 within the Penobscot River watershed and the feasibility and costs of mitigating
29 problems. The departments shall report to the Joint Standing Committee on Marine
30 Resources, the Joint Standing Committee on Inland Fisheries and Wildlife and the Joint
31 Standing Committee on Environment and Natural Resources on the subject matter of their
32 assessment by January 15, 2020. The joint standing committees may report out
33 legislation relating to the departments' reports to the Second Regular Session of the 129th
34 Legislature.

35 **SUMMARY**

36 This bill extends north to Milford Dam between Milford and Old Town on the
37 Penobscot River, with the exception of the Stillwater Branch, the protections under the
38 Maine Revised Statutes, Title 38, section 418-A currently provided to the lower
39 Penobscot River. It requires the Department of Marine Resources, the Department of
40 Inland Fisheries and Wildlife and the Department of Environmental Protection, in

1 consultation with the Penobscot Indian Nation and interested federal agencies, to conduct
2 a comprehensive assessment of fish passage barriers, water quality and habitat conditions
3 affecting the full restoration of fisheries within the Penobscot River watershed and the
4 feasibility and costs of mitigating problems and report to the Joint Standing Committee
5 on Marine Resources, the Joint Standing Committee on Inland Fisheries and Wildlife and
6 the Joint Standing Committee on Environment and Natural Resources. It authorizes the
7 joint standing committees to report out legislation to the Second Regular Session of the
8 129th Legislature.