

PLEASE NOTE: Legislative Information **cannot** perform research, provide legal advice, or interpret Maine law. For legal assistance, please contact a qualified attorney.

An Act To Advance the Restoration of the Penobscot River

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

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

§ 418-A. Protection of the lower Penobscot River

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

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

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

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

SUMMARY

This bill extends north to Milford Dam between Milford and Old Town on the Penobscot River, with the exception of the Stillwater Branch, the protections under the Maine Revised Statutes, Title 38, section 418-A currently provided to the lower Penobscot River. It requires the Department of Marine Resources, the Department of Inland Fisheries and Wildlife and the Department of Environmental Protection, in consultation with the Penobscot Indian Nation and interested federal agencies, to conduct a comprehensive assessment of fish passage barriers, water quality and habitat conditions affecting the full restoration of fisheries within the Penobscot River watershed and the feasibility and costs of mitigating problems and report to the Joint Standing Committee on Marine Resources, the Joint Standing Committee on Inland Fisheries and Wildlife and the Joint Standing Committee on Environment and Natural Resources. It authorizes the joint standing committees to report out legislation to the Second Regular Session of the 129th Legislature.