

# MAINE STATE LEGISLATURE

The following document is provided by the  
**LAW AND LEGISLATIVE DIGITAL LIBRARY**  
at the Maine State Law and Legislative Reference Library  
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied  
(searchable text may contain some errors and/or omissions)

---

---

N I N E T Y - S I X T H    L E G I S L A T U R E

---

---

Legislative Document

No. 1539

---

---

S. P. 594

In Senate, April 29, 1953

Reported by Senator Wight of Penobscot from the Committee on Inland Fisheries and Game and printed under Joint Rules No. 10.

CHESTER T. WINSLOW, Secretary

---

---

STATE OF MAINE

---

IN THE YEAR OF OUR LORD NINETEEN HUNDRED  
FIFTY-THREE

---

**AN ACT Relating to Rules and Regulations of the Department of Inland  
Fisheries and Game.**

---

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

**R. S., c. 33, § 5, amended.** Section 5 of chapter 33 of the revised statutes, as revised, is hereby amended to read as follows :

**‘Sec. 5. Rules and regulations; how issued.** ~~Whenever~~ **It is the intent of the legislature that whenever** any existing conditions adversely affect the fish in waters in any part of the state, the commissioner, with the advice and approval of the advisory council, shall make such regulations as may be deemed remedial of any such adverse conditions, in the manner hereinafter provided :

Petitions stating the conditions affecting the fish and the regulations which are desired as a remedy may be addressed to the commissioner, by a majority of the municipal officers or 25 citizens of the municipality in which the waters exist ; or if the waters are in an unorganized territory, by a majority of the county commissioners of the county in which said waters exist ; or the commissioner may investigate the conditions adversely affecting the fish in any waters in any part of the state. ~~This petition shall be filed in the office of the commissioner the 1st day of September of each year.~~

Hearing shall be held in the several counties ~~during the period from Sep-  
tember 15th to December 14th, inclusive, of the year in which~~ within 3

**weeks after** said petition has been filed, before the commissioner or such subordinate officer of the department as the commissioner may designate, at a date and place to be designated by the commissioner.

Notice of the hearings to be held and the time and place thereof shall be by publication once a week for 2 successive weeks prior to the hearing in a newspaper published in the county where said hearing is to be held, and if no paper is published there, in a newspaper having statewide circulation.

After hearing pursuant to the petitions filed, the commissioners, with the advice and approval of the advisory council, shall make such regulations as may be deemed remedial of any adverse conditions proven to exist at the time of said hearing ~~such regulations to become effective on January 1st of the year next following the date of the petition.~~ The commissioner shall cause the regulations to be reduced to writing, and published the same once a week for 2 successive weeks in a newspaper published in the county where the waters are situated and which are affected thereby, or if no paper is published there, in a newspaper having statewide circulation ~~the last publication being prior to January 1st, following the date of the petition.~~ The commissioner shall file a certified copy of said regulations with the secretary of state and with the clerk of the superior court of the county in which the waters affected thereby are situated.

If an unusually large concentration of fishermen should occur on any one of the waters in this state, so that the supply of fish in those waters might be depleted, the commissioner may declare an emergency and order a hearing held at a time and place to be designated by him, and shall cause notice thereof to be published at least 5 days prior to the hearing in a newspaper published in the county where the water is situated, and if no newspaper is published in that county, then the notice shall appear in a newspaper having statewide circulation. After the hearing, the commissioner may promulgate regulations providing for the times, number, weight and manner in which fish may be taken from such waters. He shall reduce the regulation to writing and provide for the expiration date thereof, and shall cause notice of the same to be published, the regulations to take effect upon the day following the publication thereof. A certified copy of the regulations shall be filed with the secretary of state and with the clerk of the superior court in the county in which the water is situated.

Whenever any river, brook or stream or part thereof is stocked with game fish by the department of inland fisheries and game, the commissioner may close said waters by rule and regulation for not more than 3 weeks for a reasonable distance above and below the stocking point. These waters shall be so posted by the department.

Whoever violates any provisions of this section or any rule or regulation issued under the provisions of this chapter shall be penalized under the provisions of section 119.'