

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE

ONE HUNDRED AND EIGHTH LEGISLATURE

FIRST REGULAR SESSION

January 5, 1977 to July 25, 1977

PUBLISHED BY THE DIRECTOR OF LEGISLATIVE RESEARCH IN
ACCORDANCE WITH MAINE REVISED STATUTES ANNOTATED,
TITLE 3, SECTION 164, SUBSECTION 6.

PORTLAND LITHOGRAPH COMPANY
PORTLAND, MAINE
1977

RESOLVES
OF THE
STATE OF MAINE

AS PASSED AT THE
FIRST REGULAR SESSION

of the
ONE HUNDRED AND EIGHTH LEGISLATURE

1977

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Treasurer of State shall release and pay funds. Resolved: That the Treasurer of State shall release such sums, not to exceed \$15,000, as have been and shall be received from the Cumberland County Public Administrator as proceeds from the sale of certain property on Osborne Avenue in South Portland from the estate of Mable H. Strout. Such sums shall be paid to Elizabeth S. Comito of Ridgefield, Connecticut, within 2 weeks of their receipt by the Treasurer of State.

Effective October 24, 1977

CHAPTER 38

RESOLVE, to Convey Land from the State of Maine to Clarence E. Nichols.

State of Maine, Department of Mental Health and Corrections, authorized to sell and convey land. Resolved: That the State of Maine, Department of Mental Health and Corrections, in consideration of \$500 paid by Clarence E. Nichols, shall sell and convey unto the said Clarence E. Nichols, his heirs and assigns, forever, a certain lot or parcel of land situated in Hallowell on the southerly line of Pleasant Street Place bounded and described as follows: Beginning at the southwest corner of the street laid out as Pleasant Street Place, thence easterly along the southerly right-of-way line of Pleasant Street Place 71.5 feet to the northwesterly corner of land now owned by the grantee, thence southerly along the westerly line of said grantee 75 feet, plus or minus, to the grantees' southwest corner. Thence westerly 71.5 feet, north $60\frac{3}{4}$ degrees west and parallel to the right-of-way of Pleasant Street Place, thence northerly 75 feet, plus or minus, and parallel to the westerly line of said grantee to the point of beginning. Said lot contains .12 tenths, plus or minus, of an acre.

Effective October 24, 1977

CHAPTER 39

RESOLVE, Authorizing and Directing the Commissioner of Marine Resources and the Commissioner of Inland Fisheries and Wildlife to Undertake, to Preserve and to Enhance the Anadromous Fish Runs of the State of Maine.

Emergency preamble. Whereas, Acts and resolves of the Legislature do not become effective until 90 days after adjournment unless enacted as emergencies; and

Whereas, Maine is the only state of these United States to have maintained an indigenous run of natural spawning Atlantic salmon; and

Whereas, the State of Maine, through the mutual efforts of the state environmental protection agencies, industry and the people of the State at large, has an outstanding record of achieving water quality improvements leading to the rehabilitation of many waters of the State as suitable habitat of indigenous anadromous fish, including, but not limited to, Atlantic salmon, shad and alewives; and

Whereas, many of the dams now impeding the reestablishment of these anadromous fish runs in some of these waters may be obsolete and of no value or readily adaptable to relatively inexpensive fishways; and

Whereas, the state agencies involved have entered into productive cooperative ventures with the United States Department of the Interior to aid in the reestablishment and expansion of the Atlantic salmon fishery; and

Whereas, the life cycle of our valuable indigenous anadromous fish encompass both marine and inland waters, making it imperative that the involved state agencies have cooperative agreements with federal agencies having jurisdiction over both marine and inland fisheries; and

Whereas, the Federal Government, through its appropriate agencies has undertaken to investigate the possibility of salmon programs for the New England region, with the possibility that the National Marine Fisheries Service will initiate a program to introduce massive numbers of fish of exotic salmon species into our waters that may unduly compete with native anadromous fish or possibly introduce diseases to such fish, particularly the Atlantic salmon; and

Whereas, our native anadromous fish offer the potential of rich and varied fisheries of both recreational and commercial value to the State and to the region; and

Whereas, in the judgment of the Legislature, these facts create an emergency within the meaning of the Constitution of Maine and require the following legislation as immediately necessary for the preservation of the public peace, health and safety; now, therefore, be it

Commissioners of Marine Resources and Inland Fisheries and Wildlife are authorized and directed to exercise their respective powers to preserve and enhance Maine's anadromous fish runs. Resolved: That the Commissioners of Marine Resources and Inland Fisheries and Wildlife, in cooperation with the Atlantic Sea Run Salmon Commission, are authorized and directed to use their statutory powers to:

1. **Investigate federal programs.** Diligently investigate pending federal programs regarding the introduction of any exotic salmon species into Maine waters;

2. **Cooperative agreements.** Enter into new cooperative agreements with the National Marine Fisheries Service as well as the United States Fish and Wildlife Service;

3. **Negotiate with federal agencies.** Negotiate with the relevant federal agencies with a view to encouraging the development of federal programs that expand and perpetuate the runs of Maine's indigenous anadromous fish, including Atlantic salmon;

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4. **Cooperate in analyzing benefit and cost.** Cooperate in an effort to analyze the benefits and costs of providing for fishways on dams or removing dams impeding the reestablishment or expansion of anadromous fish runs and seek funding for such a program; and

5. **Propose legislation.** Propose any legislation needed to aid them in carrying out the objectives of this resolve.

Emergency clause. In view of the emergency cited in the preamble, this resolve shall take effect when approved.

Effective June 20, 1977

CHAPTER 40

RESOLVE, Authorizing and Directing the Commissioner of Inland Fisheries and Wildlife to Promulgate Rules and Regulations Pertaining to Ice Fishing.

Commissioner of Inland Fisheries and Wildlife is authorized and directed to promulgate ice fishing regulations. Resolved: That the Commissioner of Inland Fisheries and Wildlife is authorized and directed to exercise his statutory power to promulgate rules and regulations governing ice fishing in the various counties according to the following guidelines.

1. All inland waters of the State shall be classified into categories for the regulation of ice fishing. These 4 categories shall be as follows.

A. Class A. Except as otherwise indicated by special limitations, these waters are open to ice fishing from the time ice forms in the fall until January 1st for all fish except bass, salmon, trout and togue, and open to ice fishing for all fish from January 1st through March 31st.

B. Class B. Except as otherwise indicated by special limitations, these waters are closed to all ice fishing from the time ice forms in the fall until January 1st and are open to ice fishing for all kinds of fish from January 1st through March 31st.

C. Class C. These waters are closed to ice fishing. Class C includes all brooks, streams and rivers except those specifically opened by rule and regulation.

D. Class S. This classification indicates that special limitations exist for this particular body of water. The numbers following the S identify the various special limitations in each county. Special limitations may restrict the general limitations set forth in Class A or B.

2. **Classification for Androscoggin County.**

A. All waters not listed are closed until January 1st. They are open per Class B from January 1st through March 31st.