

MAINE STATE LEGISLATURE

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aminer shall immediately cause an investigation to be made as to the habits and qualifications of the person so complained of; and if such person is found to be incompetent to remain in charge of said steam plant, said examiner shall cause the certificate granted under the provisions of sections 60 to 69, inclusive, to be revoked, and notice of such revocation shall be filed with the city clerk; if the examiner shall after hearing revoke said license he shall then give the person or corporation having control of such plant notice of his findings. If after the receipt of such notice the person or corporation having control of such steam plant shall neglect or refuse to cause said steam plant to be placed in charge of some person qualified under the provisions of sections 60 to 69, inclusive, within a reasonable time thereafter, such person or corporation shall be subject to the penalty provided in section 69. The person or corporation in control of a steam plant, in case of sickness, emergency, or other good and sufficient reason, may temporarily employ some competent person, not holding a license as herein provided, to operate said plant for a period not exceeding 2 weeks.

Sec. 68. Persons operating steam plant for 1 year exempt from examination. R. S. c. 5, § 152. Any engineer or fireman, who has operated a steam plant for 1 year and who shall produce satisfactory evidence of the same, shall be entitled to a license to operate a steam plant of the same or lower grade without examination, upon payment of the fees prescribed for the granting of licenses by examination, and any engineer or fireman who now holds a license shall be entitled to receive a renewal of the same without examination.

Sec. 69. Penalty for violation. R. S. c. 5, § 153. Whoever violates any provision of sections 60 to 69, inclusive, shall be punished by a fine of not more than \$50.

CHAPTER 86.

HARBOR MASTERS. WHARVES AND FISH WEIRS.

Sections 1- 6 Harbor Masters.

Sections 7-11 Wharves and Fish Weirs.

Harbor Masters

Sec. 1. Appointment of harbor masters; compensation. R. S. c. 5, § 181. Selectmen of towns, on request by any person desiring mooring privileges or regulation of mooring privileges for boats or vessels, shall annually appoint a harbor master who shall be subject to all the duties and liabilities of said office as prescribed by law, and in case of the failure or refusal of said harbor master to perform said duties, he shall be subject to a fine of \$25, for the benefit of the town, for each wilful neglect or refusal to attend the same. The selectmen may establish his compensation and may for cause by them declared in writing, after due notice to such officer and hearing thereon, if requested, remove him and appoint another in his stead.

See c. 87, § 7, re appointment of port wardens; P. & S. L. 1915, c. 184, re appointment of harbor masters and pilots for the harbor of Portland.

Sec. 2. Rules for channel lines; enforcement. R. S. c. 5, §§ 182, 183. The municipal authorities of all maritime towns and plantations shall make rules and regulations for the keeping open of convenient channels for the passage of vessels in the harbors and waterways of the towns for which they act, and shall establish the boundary lines of such channels, and assign suitable portions of their harbors for anchorages.

Such rules and regulations as may be made by such municipal authorities shall be enforced and carried out by the harbor master of said town, who may appoint a deputy to act in case of his absence or disability.

Sec. 3. Harbor masters to indicate location in which vessels shall be moored. R. S. c. 5, § 184. In all harbors wherein channel lines have been established by the municipal authorities, as provided in section 2, and in all other harbors where mooring rights of individuals are claimed to be invaded and protection is sought of the harbor master, he shall assign and indicate to the master or owner of boats and vessels the location which they may occupy with or for mooring purposes, the kind of mooring to be used, and shall change the location of said moorings from time to time when the crowded condition of such harbor or other conditions render such change desirable; he shall assign mooring privileges in such waters in all cases where individuals who own the shore rights or have an interest in the same are complainants, and shall locate suitable mooring privileges therefor for boats and vessels, temporarily or permanently as the case may be, fronting their land, if so requested, but not thereby to encroach upon the natural channel, or channels established by municipal authorities. The municipal officers shall fix the compensation of the harbor master for such services rendered.

Sec. 4. Penalty for neglecting to remove or replace moorings. R. S. c. 5, § 185. In case of the neglect or refusal of the master or owner of any boat or vessel to remove his mooring or to replace it by one of different character, when so directed by the harbor master, said harbor master shall cause said mooring to be removed, or shall make such change in the character thereof as required, and shall collect from the master or owner of such boat or vessel the sum of \$2 for either of such services rendered, and also the necessary expenses.

Sec. 5. Vessels obstructing anchorage to be removed by harbor master; penalty; may put crew on board to move vessel to suitable berth. R. S. c. 5, §§ 186, 187. 1941, c. 63. A harbor master shall, upon complaint to him by the master, owner, or agent of any vessel, cause any other vessel or vessels obstructing the free movement or safe anchorage of such vessel to remove to a position to be designated by him, and to cause, without any complaint being made to him, any vessels anchoring within the channel lines as established by the municipal authorities as provided in section 2 to remove to such anchorage as he may designate. Whoever neglects or refuses to obey the orders of such harbor master shall be deemed guilty of a misdemeanor and, upon conviction, shall be punished by imprisonment for not more than 60 days, or by a fine of not more than \$50, or by both such fine and imprisonment.

If such vessel has no crew on board, or if the master or other person in charge neglects or refuses to move such vessel as directed by the harbor master, then and in that case such harbor master may put a suitable crew on board and move such vessel to a suitable berth at a wharf or anchorage at the cost and risk of the owners thereof, and shall charge \$2, to be paid by the master or owner of such vessel, which charge together with the cost of the crew for removing such vessel the harbor master may collect by suit.

Sec. 6. Harbor master may arrest for assault. R. S. c. 5, § 188. Harbor masters may arrest and deliver to the police authorities on shore any person committing an assault upon them or another person acting under their authority.

Wharves and Fish Weirs

Sec. 7. Application for license to build or extend wharves and fish weirs; proceedings. R. S. c. 5, § 176. 1931, c. 139. 1935, c. 88. 1943, c. 105. Any person intending to build or extend any wharf, fish weir, or trap in tide-waters, within the limits of any city or town, may apply in writing to the municipal officers thereof, stating the location, limits, and boundaries, as nearly as may be, of such intended erection or extension, and asking license therefor. Upon receiving such application, said officers shall give at least 3 days' public notice thereof in a newspaper, published in the town, or, if there be no newspaper published in the town, in a newspaper published within the county, and shall therein designate a day and time on which they will meet on or near the premises described, to examine the same and hear all parties interested. If, upon such examination and hearing of all parties interested, said officers decide that such erection or extension would not be an obstruction to navigation, or injury to the rights of others, and determine to allow the same, they shall issue a license under their hands to the applicant, authorizing him to make such an erection or extension, and to maintain the same within the limits mentioned in such license; the applicant for license to build or extend a fish weir or trap as aforesaid shall first give bond to the town, without sureties, in the sum of \$100, conditioned that upon the termination of such license he shall remove all stakes and brush from the location therein described. Said municipal officers shall, within 10 days after the date of hearing, give written notice by registered mail of their decision to all parties interested. Any person aggrieved by the decision of the municipal officers, in either granting or refusing to grant a license as hereinbefore provided, may appeal to any justice of the superior court within 10 days after the mailing of such written notice. On receiving such an appeal, said justice, in term time or in vacation, shall set a time and place for hearing and give notice thereof in the same manner as hereinbefore provided for a hearing, before the municipal officers. The decision of said justice shall be communicated within 10 days after the date of hearing to the appellant and to the municipal officers of the town in which the proposed wharf, weir, or trap is to be located; and this decision shall be binding on said municipal officers, who shall issue a license, if so directed by the decision of said justice, within 3 days after said decision has been communicated to them. If said appeal is sustained by said justice in whole or in part, the appellant shall have his costs against the appellee. If the appeal is not so sustained, the appellee shall have his costs against the appellant. If any owner to whom a license has been issued, or his heirs or assigns, fails to remove all stakes and brush within a period of 1 year after the termination of the license, as provided in the following section, any person can remove the same without charge against said owner, his heirs or assigns.

In the case of islands not within the jurisdiction of any town all powers of municipal officers to issue licenses to build weirs are conferred upon the owner or owners of such islands. If said owner or owners are unable to agree as to the issuance of a license they shall submit the question of such issuance to the commissioner of sea and shore fisheries, who shall, after a hearing at which all parties may be represented, decide as to the issuance of such license.

Sec. 8. License void. R. S. c. 5, § 177. The license for the building or extension of a fish weir or trap issued under the provisions of the preceding section or any right or privilege granted by the legislature for the building or extension of any such fish weir or trap shall terminate and become void unless such weir or trap shall be built within 1 year from the date of the license, or the granting of such right or privilege, and maintained and operated in good faith for some part of each year thereafter.

Sec. 9. Waters lying between 2 towns. R. S. c. 5, § 178. In any river or tide-water lying between 2 towns or cities, no such wharf or fish weir described in sections 7 and 8 shall be erected without the consent of the municipal officers of both; and in no case shall any wharf be extended beyond any wharf lines heretofore legally established.

85 Me. 120; *102 Me. 55.

Sec. 10. Record; compensation to officers. R. S. c. 5, § 179. The application provided for in section 7, with the notice and proceedings thereon, and the license granted, shall be recorded in said town. Reasonable compensation shall be paid by said applicant to the municipal officers for their services and expenses, and to the clerk for recording, and if license is granted, \$5 additional shall be paid therefor by said applicant to said town.

85 Me. 120; 102 Me. 55.

Sec. 11. Extension of weirs and wharves; application to herring weirs and traps. R. S. c. 5, § 180. No fish weir, trap, or wharf shall be extended, erected, or maintained except in accordance with the provisions of sections 7 to 11; and no fish weir, trap, or wharf shall be erected or maintained in tide-waters below low-water mark in front of the shore or flats of another without the owner's consent, under a penalty of \$50 for each offense, to be recovered in an action of debt by the owner of said shore or flats. This section and the 4 preceding sections apply to all herring weirs and traps; but do not apply to other weirs or traps, the materials of which are chiefly removed annually, provided that such weirs or traps do not obstruct navigation nor interfere with the rights of others. This section shall not affect any wharves so erected or maintained on the 21st day of April, 1901.

85 Me. 118; 91 Me. 352; *97 Me. 357, 464; *102 Me. 55; 123 Me. 230; 124 Me. 367;
126 Me. 57.