

MAINE STATE LEGISLATURE

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REVISED STATUTES

OF THE

STATE OF MAINE

1954

1961 CUMULATIVE SUPPLEMENT

ANNOTATED

IN FIVE VOLUMES

VOLUME 2

Discard Previous Pocket Part Supplement

THE MICHIE COMPANY
CHARLOTTESVILLE, VIRGINIA
1961

Biennial Pamphlet of Laws.

Sec. 97. Commissioner to publish biennial pamphlet of sea and shore fisheries laws.—As soon as possible after adjournment of each legislature, the commissioner shall publish in pamphlet form all the laws of this chapter as amended.

I. May include related laws. The commissioner may include in the pamphlet regulations adopted pursuant to the Revised Statutes, chapter 38, regulations adopted pursuant to this chapter, regulations adopted pursuant to legislative directive, private and special laws concerning sea and shore fisheries, and any other related laws, regulations or ordinances which the commissioner feels necessary or helpful to inform the public.

II. Size, printing and distribution of pamphlet. The commissioner shall determine the size of the pamphlet, the manner of printing it, and the distribution of it, as he feels necessary or helpful to carry out the intent of this section. (1959, c. 331, § 1.)

General Savings Clause.

Sec. 98. General savings clause.—The commissioner, the members of the advisory council, the members of the civil service commission, the members of the Atlantic sea run salmon commission, the members of the coastal warden service, and all personnel and employees of the department who were appointed or hired under the Revised Statutes of 1954, chapter 38, and who up to the effective date of this revision still retained their respective positions, are still in office or employed until the end of their normal terms as set forth in the law under which they were appointed or hired, but in all other respects they are subject to this chapter as though appointed or hired under it.

I. Licenses and permits. All licenses and permits issued under the Revised Statutes of 1954, chapter 38, which were still in force up to the effective date of this revision, continue in force until their normal expiration date as set forth in the law under which they were issued, but in all other respects they are considered subject to this chapter as though they were issued under it. (1959, c. 331, § 1.)

Chapter 37-B.

Atlantic States Marine Fisheries Compact.

Sec. 1. Governor to execute compact with other states.—The governor of this state is authorized and directed to execute a compact on behalf of the state of Maine with any one or more of the states of New Hampshire, Massachusetts, Connecticut, Rhode Island, New York, New Jersey, Delaware, Maryland, Virginia, North Carolina, South Carolina, Georgia and Florida and with such other states as may enter into the compact, legally joining therein in the form substantially as follows:

Atlantic States Marine Fisheries Compact

The contracting states solemnly agree:

Article I.

The purpose of this compact is to promote the better utilization of the fisheries, marine, shell and anadromous, of the Atlantic seaboard by the development of a joint program for the promotion and protection of such fisheries, and by the prevention of the physical waste of the fisheries from any cause. It is not the

purpose of this compact to authorize the states joining herein to limit the production of fish or fish products for the purpose of establishing or fixing the price thereof, or creating and perpetuating monopoly.

Article II.

This agreement shall become operative immediately as to those states executing it whenever any 2 or more of the states of Maine, New Hampshire, Massachusetts, Rhode Island, Connecticut, New York, New Jersey, Delaware, Maryland, Virginia, North Carolina, South Carolina, Georgia and Florida have executed it in the form that is in accordance with the laws of the executing state and the congress has given its consent. Any state contiguous with any of the aforementioned states and riparian upon waters frequented by anadromous fish, flowing into waters under the jurisdiction of any of the aforementioned states, may become a party hereto as hereinafter provided.

Article III.

Each state joining herein shall appoint 3 representatives to a commission constituted and designated as the Atlantic states marine fisheries commission. One shall be the executive officer of the administrative agency of such state charged with the conservation of the fisheries resources to which this compact pertains or, if there be more than one officer or agency, the official of that state named by the governor thereof. The second shall be a member of the legislature of such state designated by the commission or committee on interstate cooperation of such state, or if there be none, or if said commission on interstate cooperation cannot constitutionally designate the said member, such legislator shall be designated by the governor thereof; provided, that if it is constitutionally impossible to appoint a legislator as a commissioner from such state, the second member shall be appointed by the governor of said state in his discretion. The third shall be a citizen who shall have a knowledge of and interest in the marine fisheries problem to be appointed by the governor. This commission shall be a body corporate with the powers and duties set forth herein.

Article IV.

The duty of the said commission shall be to make inquiry and ascertain from time to time such methods, practices, circumstances and conditions as may be disclosed for bringing about the conservation and the prevention of the depletion and physical waste of the fisheries, marine, shell and anadromous, of the Atlantic seaboard. The commission shall have power to recommend the coordination of the exercise of the police powers of the several states within their respective jurisdictions to promote the preservation of those fisheries and their protection against overfishing, waste, depletion or any abuse whatsoever and to assure a continuing yield from the fisheries resources of the aforementioned states.

To that end the commission shall draft and, after consultation with the advisory committee hereinafter authorized, recommend to the governors and legislatures of the various signatory states legislation dealing with the conservation of the marine, shell and anadromous fisheries of the Atlantic seaboard. The commission shall, more than one month prior to any regular meeting of the legislature in any signatory state, present to the governor of the state its recommendations relating to enactments to be made by the legislature of that state in furthering the intents and purposes of this compact.

The commission shall consult with and advise the pertinent administrative agencies in the states party hereto with regard to problems connected with the fisheries and recommend the adoption of such regulations as it deems advisable.

The commission shall have power to recommend to the states party hereto the stocking of the waters of such states with fish and fish eggs or joint stocking by some or all of the states party hereto and when 2 or more of the states shall

jointly stock waters the commission shall act as the coordinating agency for such stocking.

Article V.

The commission shall elect from its number a chairman and a vice chairman and shall appoint and at its pleasure remove or discharge such officers and employees as may be required to carry the provisions of this compact into effect and shall fix and determine their duties, qualifications and compensation. Said commission shall adopt rules and regulations for the conduct of its business. It may establish and maintain one or more offices for the transaction of its business and may meet at any time or place but must meet at least once a year.

Article VI.

No action shall be taken by the commission in regard to its general affairs except by the affirmative vote of a majority of the whole number of compacting states present at any meeting. No recommendation shall be made by the commission in regard to any species of fish except by the affirmative vote of a majority of the compacting states which have an interest in such species. The commission shall defined what shall be an interest.

Article VII.

The fish and wildlife service of the department of the interior of the government of the United States shall act as the primary research agency of the Atlantic states marine fisheries commission cooperating with the research agencies in each state for that purpose. Representatives of the said fish and wildlife service shall attend the meetings of the commission.

An advisory committee to be representative of the commercial fishermen and the salt water anglers and such other interests of each state as the commission deems advisable shall be established by the commission as soon as practicable for the purpose of advising the commission upon such recommendations as it may desire to make.

Article VIII.

When any state other than those named specifically in article II of this compact shall become a party thereto for the purpose of conserving its anadromous fish in accordance with the provisions of article II the participation of such state in the action of the commission shall be limited to such species of anadromous fish.

Article IX.

Nothing in this compact shall be construed to limit the powers of any signatory state or to repeal or prevent the enactment of any legislation or the enforcement of any requirement by any signatory state imposing additional conditions and restrictions to conserve its fisheries.

Article X.

Continued absence of representation or of any representative on the commission from any state party hereto shall be brought to the attention of the governor thereof.

Article XI.

The states party hereto agree to make annual appropriations to the support of the commission in proportion to the primary market value of the products of their fisheries, exclusive of cod and haddock, as recorded in the most recent published reports of the fish and wildlife service of the United States department of the interior, provided no state shall contribute less than \$200 per year and the

annual contribution of each state above the minimum shall be figured to the nearest \$100.

Budgets shall be recommended by a majority of the commission and the cost thereof allocated equitably among the states in accordance with their respective interests and submitted to the compacting states.

Article XII.

This compact shall continue in force and remain binding upon each compacting state until renounced by it. Renunciation of this compact must be preceded by sending 6 months' notice in writing of intention to withdraw from the compact to the other states party hereto.

Article XIII.

The state of Maine enters into an amendment of the Atlantic States Marine Fisheries Compact with any one or more of the states of New Hampshire, Massachusetts, Rhode Island, Connecticut, New York, New Jersey, Pennsylvania, Delaware, Maryland, Virginia, South Carolina, Georgia and Florida and such other states as may become party to that compact for the purpose of permitting the states that ratify this amendment to establish joint regulations of specific fisheries common to those states through the Atlantic states marine fisheries commission and their representatives on that body. Notice of intention to withdraw from this amendment shall be executed and transmitted by the governor and shall be in accordance with article XII, which shall be effective as to this state with those states which similarly ratify this amendment. The states consenting to this amendment agree that any 2 or more of them may designate the Atlantic states marine fisheries commission as a joint regulatory agency with such powers as they may jointly confer from time to time for the regulation of the fishing operations of the citizens and vessels of such designating state with respect to specific fisheries in which such states have a common interest. The representatives of such states on the Atlantic states marine fisheries commission shall constitute a separate section of such commission for the exercise of the additional powers so granted provided that the states so acting shall appropriate additional funds for this purpose. The creation of such section as a joint regulatory agency shall not deprive the states participating therein of any of their privileges or powers or responsibilities in the Atlantic states marine fisheries commission under the general compact. (1959, c. 363, § 22.)

Sec. 2. Commissioners; vacancies; terms of office; removal. — In pursuance of article III of said compact there shall be 3 members, hereinafter called commissioners, of the Atlantic states marine fisheries commission, hereinafter called commission, from the state of Maine. The first commissioner from the state of Maine shall be the commissioner of sea and shore fisheries of the state of Maine ex officio, and the term of any such ex officio commissioner shall terminate at the time he ceases to hold said office of commissioner of sea and shore fisheries and his successor as commissioner shall be his successor as commissioner of sea and shore fisheries. The second commissioner from the state of Maine shall be a legislator and member of the Maine commission on interstate cooperation ex officio, designated by said Maine commission on interstate cooperation, and the term of any such ex officio commissioner shall terminate at the time he ceases to hold said legislative office or said office as commissioner on interstate cooperation, and his successor as commissioner shall be named in like manner. The governor, by and with the advice and consent of the council, shall appoint a citizen as a 3rd commissioner who shall have a knowledge of and interest in the marine fisheries problem. The term of said commissioner shall be 3 years and he shall hold office until his successor shall be appointed and qualified. Vacancies occurring in the office of such commissioner from any reason or

cause shall be filled by appointment by the governor, by and with the advice and consent of the council, for the unexpired term. The commissioner of sea and shore fisheries as ex officio commissioner may delegate, from time to time, to any deputy or other subordinate in his department or office, the power to be present and participate, including voting as his representative or substitute at any meeting of or hearing by or other proceeding of the commission. The terms of each of the initial 3 members shall begin at the date of the appointment of the appointive commissioner, provided the said compact shall then have gone into effect in accordance with article II of the compact; otherwise they shall begin upon the date upon which said compact shall become effective in accordance with said article II.

Any commissioner may be removed from office by the governor upon charges and after a hearing. (1959, c. 363, § 22.)

Sec. 3. Powers.—There is granted to the commission and the commissioners thereof all the powers provided for in the said compact and all the powers necessary or incidental to the carrying out of said compact in every particular. All officers of the state of Maine are authorized and directed to do all things falling within their respective provinces and jurisdiction necessary or incidental to the carrying out of said compact in every particular; it being declared to be the policy of the state of Maine to perform and carry out the said compact and to accomplish the purposes thereof. All officers, bureaus, departments and persons of and in the state government or administration of the state of Maine are authorized and directed at convenient times and upon request of the said commission to furnish the said commission with information and data possessed by them or any of them and to aid said commission by loan of personnel or other means lying within their legal rights respectively. (1959, c. 363, § 22.)

Sec. 4. Powers supplemental to other powers. — Any powers herein granted to the commission shall be regarded as in aid of and supplemental to and in no case a limitation upon any of the powers vested in said commission by other laws of the state of Maine or by the laws of the states of New Hampshire, Massachusetts, Connecticut, Rhode Island, New York, New Jersey, Delaware, Maryland, Virginia, North Carolina, South Carolina, Georgia and Florida or by the congress or the terms of said compact. (1959, c. 363, § 22.)

Sec. 5. Accounts.—The commission shall keep accurate accounts of all receipts and disbursements and shall report to the governor and the legislature of the state of Maine on or before the 10th day of December in each year, setting forth in detail the transactions conducted by it during the 12 months preceding December 1st of that year and shall make recommendations for any legislative action deemed by it advisable, including amendments to the statutes of the state of Maine which may be necessary to carry out the intent and purposes of the compact between the signatory states.

The state auditor of the state of Maine is authorized and empowered from time to time to examine the accounts and books of the commission, including its receipts, disbursements and such other items referring to its financial standing as such auditor may deem proper and to report the results of such examination to the governor. (1959, c. 363, § 22.)

Sec. 6. Appropriation.—Any moneys appropriated by the legislature for the expenses of the commission shall be paid out of the state treasury on the audit and warrant of the state controller, upon vouchers certified by the chairman of the commission in the manner prescribed by law. (1959, c. 363, § 22.)