

MAINE STATE LEGISLATURE

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CHAPTER 303
COMMISSIONER

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§ 1951. Appointment; deputy

A Commissioner of Inland Fisheries and Game, as heretofore appointed by the Governor with the advice and consent of the Council and in chapters 301 to 335 called the "commissioner," shall hold office for 3 years and shall serve until his successor is appointed and qualified. The commissioner shall appoint, subject to the Personnel Law, a Deputy Commissioner of Inland Fisheries and Game. The commissioner shall make a report to the Governor on or before the 31st day of December of each year for the year ending June 30th prior thereto.

The commissioner shall receive an annual salary of \$10,000 and he shall receive all necessary traveling expenses.

R.S.1954, c. 37, § 1; 1955, c. 473, § 13; 1957, c. 52; c. 418, § 14; 1959, c. 333, § 1; c. 361, § 11.

§ 1952. Duties and office; sale of confiscated arms and ammunition

The commissioner shall have general supervision of the administration and enforcement of the inland fish and game laws. Under his direction his deputy shall assist him in the performance of his duties, particularly in field work and including the inspection of hatcheries and similar property, and in supervision of wardens and inspection of warden service. The commissioner

shall have an office at the State Capitol and adequate facilities for the transaction of the business of his department which shall be known as the Department of Inland Fisheries and Game, in chapters 301 to 335 designated as the "department."

The commissioner is authorized to sell all arms and ammunition held or confiscated by the State for violation of laws relating to the protection of inland fish and game. He shall transmit all moneys received by such sales forthwith to the Treasurer of State to be credited to the department.

Whenever the entire State is closed to hunting by proclamation of the Governor during the open season on deer, the commissioner with the consent of the Governor and Council is authorized to extend the open season for deer hunting for a period not to exceed the number of days lost.

R.S.1954, c. 37, § 2; 1955, c. 290, § 1.

§ 1953. Code of operating procedure of warden service

The commissioner shall prepare a written code covering the operating procedure of the warden service which shall be effective when approved by the Personnel Board.

R.S.1954, c. 37, § 28; 1961, c. 397, § 4.

§ 1954. Boundary waters with New Hampshire and Canada

The commissioner, with the consent of the advisory council, shall have the authority to prescribe bag limits, size limits, open or closed seasons and methods of taking game and other fish from the inland boundary waters between the States of Maine and New Hampshire and Provinces of Canada. These rules and regulations shall be those that are mutually agreed upon by the Commissioners of Maine and New Hampshire and the Canadian Fishery Authorities.

R.S.1954, c. 37, § 3; 1955, c. 290, § 2.

§ 1955. Advisory council; appointment; expenses; meetings

An advisory council, as heretofore appointed by the Governor with the advice and consent of the Council, shall consist of 7 members, chosen one from each of the councilor districts. Appointment shall be for the terms of 6 years and until successors are appointed and qualified. Upon the death, resignation or removal from office of any person so appointed, the governor, with the

advice and consent of his Council, shall appoint a member to serve for the unexpired term. The members of the advisory council shall receive no compensation for their services, but said council shall be allowed actual expenses not to exceed \$2,000 for each fiscal year. The council shall render to the commissioner information and advice concerning the administration of the department. The council shall hold regular meetings with the commissioner or his deputy in December and May of each year, and special meetings at such other times and places within the State as would seem advisable. At the meeting held in May of each year, the council may elect one of its members as chairman and one as vice-chairman.

R.S.1954, c. 37, § 4; 1955, c. 290, § 3; 1963, c. 288.

§ 1956. Declaration of emergency

When the Legislature is not in session, the commissioner with the consent of the advisory council, if in their opinion immediate emergency action is necessary to remedy conditions adversely affecting fish and wildlife of the State, may declare any or all of the streams, rivers, lakes and areas of the State closed to hunting or fishing, for a period of time not more than 30 days. If the time of the emergency suspension of any part of chapters 301 to 335 extends for a longer period than 30 days, the consent of the Governor and Council must be obtained before such declaration of emergency becomes effective.

R.S.1954, c. 37, § 5.

§ 1957. —Advertising

Such declaration shall be published in such newspapers of the State and posted in such places as the commissioner deems necessary and a copy of such declaration shall be filed with the Secretary of State. All expenses thereof shall be paid by the commissioner, after allowance by the State Controller, from the funds of the department.

R.S.1954, c. 37, § 6.

§ 1958. —Annulment

If after issuing the declaration provided for in section 1956, the commissioner is satisfied that the emergency no longer exists, he may annul it by another declaration, affecting the sections covered by the original declaration, which declaration shall be

published and posted in the same manner as provided for the issuance of the original declaration.

R.S.1954, c. 37, § 7.

§ 1959. Sale of unneeded property

The Governor and Council on recommendation of the commissioner may sell and convey on behalf of the State the interests of the State in property taken or acquired by purchase under chapters 301 to 335 and deemed no longer necessary for the purposes hereof. The proceeds from such sales shall be credited to the funds of the department.

R.S.1954, c. 37, § 8; 1959, c. 333, § 2.

§ 1960. Rules and regulations

Whenever any existing conditions adversely affect the fish in waters in any part of the State, or whenever changes in existing rules and regulations may be desirable for any reason, the commissioner, with the advice and approval of the advisory council, shall make such regulations as may be deemed advisable, in the manner provided in this section.

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 unorganized territory, by a majority of the county commissioners in the counties in which said waters exist, or the commissioner may investigate conditions affecting the fish in any waters in any part of the State, and may make such regulations as may be deemed advisable in the manner provided in this section.

All petitions shall be filed in the office of the commissioner not later than the first day of August of each year, together with the list of such changes in regulations as may be recommended by the commissioner. Hearing shall be held on all prospective changes in regulations before September 30th of each year, before the commissioner, or such other officer of the department as the commissioner may designate in his stead, at a date and place to be designated by the commissioner but in the county affected.

Notice of the hearing to be held, the time and place thereof, together with the listing of all proposed changes, shall be by publication once a week, for 2 successive weeks prior to the hear-

ing, in a newspaper having state-wide circulation, and notice of such hearing shall be sent to the clerks of the towns in which the waters are situated and to the county commissioners if such waters are located in whole or in part in the unorganized territory.

After hearing, pursuant to the petitions filed, or the changes in laws recommended by the commissioner, with the advice and approval of the advisory council, the commissioner shall make such regulations as may be deemed necessary. Such regulations shall become effective on January 1st of the year next following the date of the hearing.

The commissioner shall cause the regulations to be reduced to writing and publish 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 state-wide circulation, the last publication being prior to January 1st following the date of the hearing. 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 are situated.

If unusual conditions should adversely affect any one of the waters in this State, so that the supply of fish in those waters might be depleted by angling, 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 state-wide 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 regulations 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.

Whoever violates any provision of this section or any rule or regulation issued under chapters 301 to 335 shall be penalized under section 3060.

R.S.1954, c. 37, § 9; 1957, c. 392, § 1; c. 438; 1959, c. 333, § 3; 1963, c. 37; c. 414, § 12-A.

§ 1961. —Continuation of

All rules and regulations of the commissioner now in effect or hereafter promulgated shall remain in force until changed by further rules and regulations of said commissioner or by the Legislature. Whoever violates any provision of any rule or regulation of the commissioner promulgated by virtue of chapters 301 to 335 shall be subject to the penalties provided in section 3060.

R.S.1954, c. 37, § 10.

§ 1962. Defacement of notices

Whoever willfully mutilates, defaces or destroys any notice, rule or regulation of the commissioner, posted in conformity with chapters 301 to 335, shall be punished by a fine of not more than \$50.

R.S.1954, c. 37, § 11.

§ 1963. Biennial revision of fish and game laws

As soon as practicable after the adjournment of the Legislature, the Director of Legislative Research, with the assistance of the commissioner, shall issue a revision of all the public laws relating to inland fisheries and game. This revision shall take the place of the Revised Statutes of 1964, Title 12, chapters 301 to 335, and all acts or parts of acts amending said chapters. It may be cited as "chapters 301 to 335 of Title 12 of the Revised Statutes," and each revision shall replace the previous revision. The revision shall be printed in a pamphlet of the same sized pages as the laws of the State, and the printing and distribution thereof shall be the same as in the case of the biennial laws; except that the commissioner may issue as many extra copies of the said chapters 301 to 335 in whatever size pamphlet seems best to him as he deems necessary or helpful to inform the people as to the fish and game laws.

R.S.1954, c. 37, § 143.

§ 1964. Copies of laws to town clerks and agents

The commissioner is authorized to keep on hand at all times sufficient copies of abstracts of the inland fish and game laws to furnish to all town clerks or agents authorized to issue licenses so that they shall have copies available to issue with every license.

R.S.1954, c. 37, § 12.