

MAINE STATE LEGISLATURE

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CHAPTER 409

SALMON COMMISSION

Sec.

3601. Appointment; qualifications; compensation; officers.
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 3603. Regulations when conservation endangered.
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§ 3601. Appointment; qualifications; compensation; officers

The following provisions apply to the Atlantic Sea Run Salmon Commission, as heretofore established:

1. Composition; appointment; qualifications; term; vacancy; compensation. It has 3 members:

A. The Commissioner of Sea and Shore Fisheries and the Commissioner of Inland Fisheries and Game are members ex officio.

B. The Governor, with the advice and consent of the Council, shall appoint a 3rd member for a 4-year term.

(1) The 3rd member must be a citizen of Maine.

(2) The 3rd member shall serve until his successor is appointed and qualified.

(3) The Governor, with the advice and consent of the Council, shall fill any vacancy by an appointment for a full 4-year term.

(4) The 3rd member is entitled to receive \$10 per day and expenses when engaged in the discharge of his official duties.

2. Commission to elect officers; duties of officers; terms. The commission shall elect one of its members chairman and one secretary.

A. The commission shall determine the terms of those offices.

B. The chairman shall call and preside at all meetings of the salmon commission.

C. The secretary shall cause a record to be taken and to be preserved of all meetings.

R.S.1954, c. 38, § 38; 1959, c. 331, § 1.

§ 3602. Purchase of lands and rights; dams and other structures

The salmon commission is authorized to purchase or lease, within this State, lands, dams and other structures, to acquire flowage rights, mill privileges and rights-of-way, and to build dams and other structures, for the purpose of conservation of Atlantic sea run salmon, provided prior rights of towns are not affected thereby.

1963, c. 315.

§ 3603. Regulations when conservation endangered

The salmon commission has sole authority to adopt regulations regarding Atlantic sea run salmon, but its authority is limited to the following provisions:

1. Duty to make; procedure; limitation of methods; emergency; not to infringe on water improvement jurisdiction. It shall make regulations to remedy the danger when any existing condition endangers the conservation of Atlantic salmon within the territorial limits of the State, subject to the following provisions:

A. The salmon commission shall follow the procedure provided in section 3604.

B. A regulation may only limit the taking of Atlantic salmon in one or more of the following methods:

- (1) The time when taken;
- (2) The method by which taken;
- (3) The number taken;
- (4) The weight taken.

C. If the danger appears to the commission to require immediate action, it may declare an emergency and proceed under the declaration of emergency provisions of section 3604.

D. The salmon commission has no authority to pass a regulation based on a condition which is within the jurisdiction of the Water Improvement Commission under Title 38. (1961, c. 238, § 2.)

R.S.1954, c. 38, § 38; 1959, c. 331, § 1; 1961, c. 238, § 2.

§ 3604. —Procedure for adoption

The procedure for the adoption of regulations authorized by section 3603 is as follows:

1. Commencement of proceedings; declaration of emergency; petition. The proceedings must commence with one of the following methods:

A. If the salmon commission declares that an emergency exists, it shall prepare a written declaration of emergency containing the following information:

- (1) A statement that an emergency exists;
- (2) The existing condition which endangers the conservation of Atlantic salmon and its general location.

B. A majority of the municipal officers of a municipality where an existing condition endangers the conservation of Atlantic salmon, or 25 citizens of that municipality, or a majority of the county commissioners where such a condition exists may petition the salmon commission, subject to the following provisions:

(1) They shall address the petition to the salmon commission.

(2) They shall insert the following information in the petition:

- (a) The existing condition which endangers the conservation of Atlantic salmon;
- (b) The general location of such condition.

2. Notice of hearing; contents; publication. The salmon commission shall give notice of the hearing as provided in this subsection.

A. The salmon commission shall cause the notice to contain a statement of the time and place of the hearing.

B. The salmon commission shall cause the notice to contain all the information required to be in the declaration of emergency, or the petition, whichever is applicable.

C. The salmon commission shall cause the notice to be published in a newspaper published in the county where the petition or declaration of emergency alleges the condition exists, or

(1) If no newspaper is published there or if the area where the condition is alleged to exist is in more than one county, then the notice may be published in a newspaper or combination of newspapers having general circulation in each such county.

D. If the hearing is to be held under a petition, they shall cause the notice to be published once a week for 2 successive weeks prior to the hearing.

E. If the hearing is to be held under a declaration of emergency, they shall cause the notice to be published once at least 5 days before the hearing.

3. Hearing; time of; who may be heard; record of; place of. The salmon commission shall cause a public hearing to be held at the time and place designated in the notice, and shall appoint one of its members to preside at the hearing.

A. Any interested person may give relevant evidence at the hearing.

B. The salmon commission shall cause a permanent record to be taken of all evidence given at the hearing.

C. The salmon commission shall cause the hearing to be held within a radius of 25 miles of where the alleged condition exists, unless the proceeding is under a declaration of emergency.

D. If the proceeding is under a declaration of emergency, the salmon commission may cause the hearing to be held in the Capitol.

4. Duty to adopt regulation after hearing. After the hearing the salmon commission shall adopt a regulation to remedy the danger caused by the condition proven at the hearing to exist.

5. Publication of regulation before it becomes effective. The salmon commission shall cause the regulation to be published in accordance with this subsection before the regulation becomes effective.

A. The salmon commission shall cause a copy of the regulation, certified by the commission, to be filed in all the following places:

(1) With the Secretary of State;

(2) With the clerk of Superior Court of each county where the regulation is to be in force.

B. After the salmon commission has complied with paragraph A, it shall publish the regulation in some newspaper published in the county where the regulation is to be in force, or

(1) If no newspaper is published there or if the regulation is to be in force in more than one county, it may be published in a newspaper or combination of newspapers having general circulation in each county where it is to be in force.

6. When regulations become effective. A regulation becomes effective at the time indicated in the regulation by the salmon commission, subject to the following provisions:

A. The effective date must be at least 10 days after the time of hearing.

B. The effective date must be at least one day after the newspaper publication provided in subsection 5.

C. If no date is specified in the regulation for it to become effective, it becomes effective immediately after the provisions of paragraphs A and B are met.

R.S.1954, c. 38, § 38; 1957, c. 397, § 29; 1959, c. 331, § 1.