

MAINE STATE LEGISLATURE

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April 28, 1947

To David H. Stevens, State Assessor

I have copy of your letter of April 25th, addressed to L. B. McFadden, R. F. D. 2, Lubec, Maine, and the original letter which you received from Mr. McFadden, dated April 14th and received in this office on April 25th.

The statute provides that any person intending to build any fish weir in tide waters within the limits of any city or town must apply in writing to the municipal officers, stating the location, limits, etc., as nearly as may be. This will be found in Section 7 of Chapter 86, R. S.

Now the definition of municipal officers includes assessors of plantations, and the statute provides that when municipalities are deorganized by act of the legislature, the State Tax Assessor assumes certain powers, duties and obligations relating to the affairs of the town or plantation deorganized, for a period of not more than five years. Under this provision, which is Section 13 of Chapter 91, R. S., I believe you have power and duty to act in place of the municipal officers of Trescott; but I would delegate my authority to the Commissioner of Sea and Shore Fisheries and have one of his men inspect the locality and lay out the boundary where the fish weir is going to be installed by Mr. McFadden, as I understand that he is building over an old weir in the waters adjacent to the town of Trescott.

Of course there are certain formalities of hearing and advertising, which could well be left to one of the wardens of the Commissioner of Sea and Shore Fisheries. You could delegate one of them as your agent for the purposes of holding the hearing in the town of Trescott on granting the license, which would save you from making the trip down there.

Ralph W. Farris
Attorney General

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