

MAINE STATE LEGISLATURE

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#179-25

*Maine weirs - applicability of fishing
restrictions to certain fish weirs*

When

*When - applicability of certain fishing
restrictions*

12 M.R.S.A. §6525

L. DIAMOND
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. STOLT
BY ATTORNEYS GENERAL

STATE OF MAINE
DEPARTMENT OF THE ATTORNEY GENERAL
AUGUSTA, MAINE 04333

February 21, 1979

Representative Harry L. Vose
State House
Augusta, Maine 04333

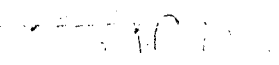
Re: The applicability of certain fishing restrictions to
fish weirs outside the jurisdiction of towns and cities.

Dear Representative Vose:

You have asked this office for an opinion relating to the
above subject matter. I understand your specific question
to be whether the prohibition (as set forth in 12 M.R.S.A.
§6525) on setting nets or seines within 2000 ft. of a fish
weir applies to such weirs which are outside of the jurisdiction
of organized municipalities and, accordingly, subject to licensing
by the Land Use Regulation Commission. The 2000 ft. prohibition
applies, by the express terms of the above cited statute, to
"a weir whose operator is validly licensed under §6501 and
when the weir is licensed under Title 38, Chapter 9" Title 38,
Chapter 9 relates, in pertinent part, to licensing of fish
weirs "within the limits of any city or town". 38 M.R.S.A. §1022.
Therefore, it appears that fish weirs outside of municipal limits
would not be subject to licensing under Title 38, Chapter 9 and,
accordingly, would not be subject to the 2000 foot prohibition
on setting nets or seines as set forth in 12 M.R.S.A. §6525.

I hope that this information is helpful and that, if further
explanation would be useful, you will give me a call.

Sincerely,



Jeffrey R. Pidot
Assistant Attorney General