

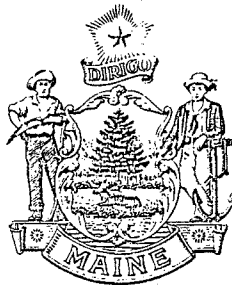
# MAINE STATE LEGISLATURE

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79-65

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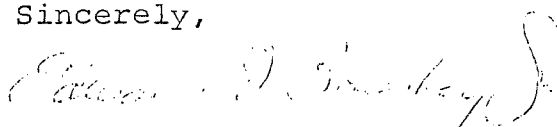
April 5, 1979

Representative Harry Vose  
State House  
Augusta, Maine 04333

Dear Representative Vose:

You have asked whether a seine set within 2,000 feet of a weir authorized by the Land Use Regulatory Commission can be prohibited. Setting seines within 2,000 feet of weirs is prohibited by 12 M.R.S.A. § 6525 if the weir is licensed pursuant to 38 M.R.S.A. § 1022. Section 1022 of Title 38 establishes procedures and authorizes towns to license weir construction within their boundaries. Since the weir you are concerned about is located adjacent to an unorganized township, the permission to construct it was granted by LURC pursuant to 12 M.R.S.A. § 685B. Since the statute prohibiting the setting of seines limits its application to weirs licensed under Title 38, I must conclude that there is no law which specifically prohibits the setting of a seine within 2,000 feet of Mr. Turner's weir.

Sincerely,

  
Edward F. Bradley, Jr.  
Assistant Attorney General

EFB:BA