

MAINE STATE LEGISLATURE

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ONE-HUNDREDTH LEGISLATURE

Legislative Document

No. 120

S. P. 43

Filed January 3, 1961 under Joint Rule 19A by Senator Mayo of Sagadahoc.
To be printed and delivered to the Senate of the 100th Legislature.

HARVEY R. PEASE, Clerk

Presented by Senator Mayo of Sagadahoc.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
SIXTY-ONE

AN ACT Relating to Rules and Regulations in Fishing.

Emergency preamble. Whereas, acts of the Legislature do not become effective until 90 days after adjournment unless enacted as emergencies; and

Whereas, fishing is one of Maine's greatest natural resources and a tremendous asset in developing Maine's recreational industry; and

Whereas, the following legislation is vitally necessary to aid in the conservation of such a natural resource; and

Whereas, in the judgment of the Legislature, these facts create an emergency within the meaning of the Constitution of Maine, and require the following legislation as immediately necessary for the preservation of the public peace, health and safety; now, therefore,

Be it enacted by the People of the State of Maine, as follows:

R. S., c. 37, § 9, repealed and replaced. Section 9 of chapter 37 of the Revised Statutes, as revised, is repealed and the following enacted in place thereof:

'Sec. 9. 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.

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 hearing, in a newspaper having state-wide circulation.

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 this chapter shall be penalized under section 139.'

Emergency clause. In view of the emergency cited in the preamble, this act shall take effect when approved.