

MAINE STATE LEGISLATURE

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ONE HUNDRED AND THIRD LEGISLATURE

Legislative Document

No. 670

H. P. 456

House of Representatives, February 8, 1967

Referred to Committee on Natural Resources. Sent up for concurrence and ordered printed.

BERTHA W. JOHNSON, Clerk

Presented by Mr. Ross of Bath.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
SIXTY-SEVEN

AN ACT Relating to Regulations Regarding Atlantic Sea Run Salmon.

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

Sec. 1. R. S., T. 12, § 3603, repealed and replaced. Section 3603 of Title 12 of the Revised Statutes is repealed and the following enacted in place thereof:

§ 3603. Regulations; procedure

Whenever any existing conditions adversely affect Atlantic sea run salmon in inland or tidal waters, or both, in any part of the State, or whenever changes in existing rules and regulations may be desirable for any reason, the Atlantic Sea Run Salmon Commission shall have sole authority to make such regulations for the management of Atlantic sea run salmon as may be deemed advisable, in the manner provided in this section.

Petitions stating the conditions affecting the salmon, and the regulations which are desired as a remedy, may be addressed to the commission 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 commission may investigate conditions affecting the salmon in inland or tidal waters, or both, in any part of the State, and may make such regulations as may be deemed advisable in the manner provided in this section.

Hearings shall be held on all prospective changes in regulations before the commission, or its designated representative, at a date and place to be designated by the commission but in the county affected. Hearings concerning prospective changes in regulations affecting waters in more than one county may be held in Augusta. Petitions shall be filed in the office of the commission or of any salmon 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 and in a newspaper published in the county where the waters are situated and which are affected thereby, and notice of such hearing shall be sent to the clerks of the towns in which the waters are situated and to the county commissioners if such waters are located in whole or in part in the unorganized territory.

After hearing, pursuant to the petitions filed, or the changes in laws recommended by the commission, the commission shall make such regulations as may be deemed necessary.

The commission shall cause the regulations to be reduced to writing, establish the effective date and publish the same once a week for 2 successive weeks in a newspaper having statewide circulation and in a newspaper published in the county where the waters are situated and which are affected thereby, the last publication being prior to the effective date of the rule or regulation. The commission 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 or adverse conditions should affect any of the inland or tidal waters, or both, in this State, so that the supply of Atlantic sea run salmon in those waters might be depleted by angling or excessive commercial fishing, the commission may declare an emergency and order a hearing held, at a time and place to be designated 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 commission may promulgate regulations providing for the times, number, weight, length and manner in which Atlantic sea run salmon may be taken from such waters. The commission 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.

All rules and regulations promulgated under authority of this section shall be enforced by coastal wardens of the Department of Sea and Shore Fisheries and by inland fish and game wardens of the Department of Inland Fisheries and Game, each of whom shall have jurisdiction in either the tidal or inland waters of the State.

Sec. 2.R. S., T. 12, § 3604, repealed. Section 3604 of Title 12 of the Revised Statutes is repealed.