

MAINE STATE LEGISLATURE

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ONE HUNDRED AND THIRD LEGISLATURE

Legislative Document

No. 1619

H. P. 1137

House of Representatives, May 2, 1967

Reported by Mr. Prince and Mr. Cookson from Committees on Sea and Shore Fisheries and Inland Fisheries and Game jointly. Printed under Joint Rules No. 18.

BERTHA W. JOHNSON, Clerk

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, sub-§ 1, ¶ B, sub-¶ (5), additional. Paragraph B of subsection 1 of section 3603 of Title 12 of the Revised Statutes is amended by adding a new subparagraph (5), to read as follows:

(5) **The length of salmon which may be taken.**

Sec. 2. R. S., T. 12, § 3604, sub-§ 1, ¶ C, additional. Subsection 1 of section 3604 of Title 12 of the Revised Statutes is amended by adding a new paragraph C, to read as follows:

C. The salmon commission may investigate or cause to be investigated conditions affecting the salmon in any waters of the State, and may on its own initiative make or amend such regulations as it deems necessary to conserve Atlantic salmon or promote their propagation to the extent provided in section 3603 and in accordance with the procedure provided in this section. To adopt or amend a regulation under this paragraph, the salmon commission shall prepare a written declaration containing the following information:

(1) **The regulation, or the amendment which it proposes to adopt;**

(2) **The general location or locations to be governed by the regulation or amendment.**

Sec. 3. R. S., T. 12, § 3604, sub-§ 2, amended. Subsection 2 of section 3604 of Title 12 of the Revised Statutes is amended to read as follows:

2. Notice of hearing; contents; publication. The salmon commission shall give notice of the hearing as provided in this subsection.

A. The salmon commission shall cause the notice to contain a statement of the time and place of the hearing.

B. The salmon commission shall cause the notice to contain all the information required to be in the declaration of emergency, **the declaration on its own initiative**, or the petition, whichever is applicable.

C. The salmon commission shall cause the notice to be published in a newspaper published in the county where the petition or declaration of emergency alleges the condition exists, or **in case of a declaration on its own initiative the county where the area to be regulated is located, or**

(1) If no newspaper is published there or if the area where the condition is alleged to exist **or the area to be regulated if under a declaration on its own initiative** is in more than one county, then the notice may be published in a newspaper or combination of newspapers having general circulation in each such county.

D. If the hearing is to be held under a petition **or a nonemergency declaration**, they shall cause the notice to be published once a week for 2 successive weeks prior to the hearing.

E. If the hearing is to be held under a declaration of emergency, they shall cause the notice to be published once at least 5 days before the hearing.

Sec. 4. R. S., T. 12, § 3604, sub-§ 3, ¶ C, amended. Paragraph C of subsection 3 of section 3604 of Title 12 of the Revised Statutes is amended to read as follows:

C. The salmon commission shall cause the hearing to be held within a radius of 25 miles of where the alleged condition exists **or where the area to be regulated is located if proceeding is under a nonemergency declaration authorized in subsection 1, paragraph C**, unless the proceeding is under a declaration of emergency.

Sec. 5. R. S., T. 12, § 3604, sub-§ 4, amended. Subsection 4 of section 3604 of Title 12 of the Revised Statutes is amended to read as follows:

4. Duty to adopt regulation after hearing. After the hearing the salmon commission shall adopt a regulation to remedy the danger caused by the condition proven at the hearing to exist; **and may adopt any regulation proposed by it under subsection 1, paragraph C, provided it is still satisfied that Atlantic salmon will be conserved, or their propagation promoted that the regulation is in the best interest of the State.**