

MAINE STATE LEGISLATURE

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(EMERGENCY)
(New Draft of H.P. 23, L.D. 21)
FIRST REGULAR SESSION

ONE HUNDRED AND TWELFTH LEGISLATURE

Legislative Document No. 939

H.P. 677 House of Representatives, March 8, 1985
Reported by Representative Mitchell from the Committee on Marine
Resources and printed under Joint Rule 2. Original bill sponsored by
Representative Vose of Eastport.

EDWIN H. PERT, Clerk

STATE OF MAINE

IN THE YEAR OF OUR LORD
NINETEEN HUNDRED AND EIGHTY-FIVE

AN ACT to Amend the Weir Licensing Law.

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

Whereas, the existing weir laws do not adequately provide for the protection of fishing rights and privileges nor do they clearly establish the responsibilities and duties of weir licensees; and

Whereas, the necessary changes will not be effective prior to the 1985 sardine season unless enacted under emergency provisions; 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 preser-

1 vation of the public peace, health and safety; now,
2 therefore,

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

5 Sec. 1. 38 MRSA §1023, as amended by PL 1983, c.
6 731, §5, is repealed and the following enacted in its
7 place:

8 §1023. Expiration of license

9 The license for the building or extension of a
10 fish weir or trap issued under section 1022 or any
11 right or privilege granted by the Legislature for the
12 building or extension of any such fish weir or trap
13 shall terminate and become void unless the weir or
14 trap is built within one year from the date of the
15 license or the granting of that right or privilege
16 and maintained and operated in good faith for the du-
17 ration of the license.

18 The weir shall be considered to be maintained and
19 operated in good faith if the following conditions
20 are met:

21 1. Annual license fee; bond coverage. The li-
22 icensee shall pay his annual license fee and submit
23 proof of the required bond coverage extending at
24 least one year beyond the current license year;

25 2. Inspection and repair. The licensee shall in-
26 spect and repair all stakes and brush of the weir
27 structure so as to maintain it in condition to re-
28 ceive netting when fishing conditions warrant; and

29 3. Report. The licensee shall complete these ac-
30 tions by July 15th of each year and shall report that
31 completion to the commissioner and to the municipali-
32 ty within 7 days of that date on forms provided by
33 the commissioner.

34 The commissioner shall, by December 31st each
35 year, report to the municipality the name of the li-
36 icensed owner and location of each weir and whether
37 the weir was maintained and operated in good faith in
38 that year.

