

MAINE STATE LEGISLATURE

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STATE AND LOCAL GOVERNMENT

MAJORITY

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STATE OF MAINE
HOUSE OF REPRESENTATIVES
119TH LEGISLATURE
FIRST REGULAR SESSION

COMMITTEE AMENDMENT "A" to H.P. 969, L.D. 1367, Bill, "An Act Regarding Notification to Parties Affected by Marine Construction"

Amend the bill by striking out everything after the enacting clause and before the summary and inserting in its place the following:

'Sec. 1. 38 MRSA §1022, first ¶, as affected by PL 1989, c. 890, Pt. A, §40 and amended by Pt. B, §206, is further amended to read:

Any person intending to build or extend any wharf, fish weir or trap in tidewaters, within the limits of any city or town, may shall apply in writing to the municipal officers thereof of the city or town, stating the location of the weir, the boundaries of the cove in which the weir will be constructed as identified on a map prepared by the Commissioner of Marine Resources, limits and boundaries, as nearly as may be, of the intended erection or extension, and asking license ~~therefor~~ for the intended erection or extension. The applicant must notify all parties that may be directly affected by the proposed construction. Upon receiving an application, the officers shall give at least 3 days' public notice ~~thereof~~ of the application in a newspaper, published in the town, or, if there is no newspaper published in the town, in a newspaper published within the county, and shall ~~therein~~ designate in the notice a day and time on which they or their designee will meet on or near the premises described, to examine the same and hear all parties interested. If, upon following such examination and hearing of all parties interested, the officers decide that such erection or extension would not be an

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2 obstruction to navigation or injury to the rights of others, and
determine to allow the same, they shall issue a license under
4 their hands to the applicant, authorizing the applicant to make
such an erection or extension, and to maintain the same within
6 the limits mentioned in such license. The applicant for license
to build or extend a fish weir or trap shall first give bond to
8 the town, with sureties, in the sum of \$5,000, conditioned that
upon the termination of such license the applicant shall remove
10 all stakes and brush from the location therein described. The
municipal officers shall, within 10 days after the date of
12 hearing, give written notice by registered mail of their decision
to all parties interested. Any person aggrieved by the decision
14 of the municipal officers, in either granting or refusing to
grant a license as provided, may appeal to the Superior Court
16 within 10 days after the mailing of such written notice. The
court shall set a time and place for hearing and give notice
18 thereof in the same manner as provided for a hearing before the
municipal officers. The decision of the court must be
20 communicated within 10 days after the date of hearing to the
appellant and to the municipal officers of the town in which the
22 proposed wharf, weir or trap is to be located. This decision is
binding on the municipal officers, who shall issue a license, if
24 so directed by the decision of the court, within 3 days after the
decision has been communicated to them. If the appeal is
26 sustained by the court in whole or in part, the appellant will
have costs against the appellee. If the appeal is not so
28 sustained, the appellee will have costs against the appellant. If
any owner to whom a license has been issued, or the owner's heirs
30 or assigns, fail to remove all stakes and brush within a period
of one year after the termination of the license, as provided in
32 section 1023, any person can remove the same without charge
against the owner or the owner's heirs or assigns.'

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SUMMARY

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This amendment amends the original bill by requiring any
38 person intending to build or extend any wharf, fish weir or trap
in tidewaters of any municipality to apply in writing to the
40 municipal officers. The amendment also requires that the
applicant notify all parties directly affected by the proposed
42 construction. It eliminates the original bill's requirement that
the applicant provide proof to municipal officers that parties
44 have been notified.